N22.3:6

Proceedings of the Second Session of the Legislative Council of the Governor of Madras assembled for the purpose of making Laws and Regulations under the provisions of the Government of India Act (5 & 6 Geo. V, Ch. 61 & 7 Geo. V, Ch. 37, and 9 & 10 Geo. V, Ch. 101).

The Council assembled at the Council Chamber, Fort St. George, at 11 a.m. on Wednesday, the 12th day of October 1921, with the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E., President, in the chair.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions, and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Bathing conveniences at the falls, Courtallam.

602 Q.—Mr. AHMAD MIRAN SAHIB: To ask the Hon'ble the Home Member to state whether it is a fact that the waterfall at Courtallam (Tenkasi taluk of the Tinnevelly district) is reserved for the exclusive use of European ladies from 7 to 8 a.m. and of European gentlemen from 8 to 9 a.m. and that this creates much inconvenience to other classes who resort in innumerable numbers to the fall, especially at that time; and if so, whether the Government will be pleased to take necessary action to remove such reservation.

A.—The Government have no information as to the facts, but will communicate the question to the Collector of the district who is understood to exercise control over the regulation of bathing at the falls, as stated in the answer to question No. 165 on the same subject put at the meeting of the Legislative Council held on the 6th February 1917.

Gun licence.

603 Q.—Mr. AHMAD MIRAN SAHIB: To ask the Hon'ble the Home Member to state—

(*a*) whether attention of the Government has been drawn to an article headed "Gun licence" in the *Hindu*, dated 25th March 1921;

(*b*) whether it is a fact that licence-holders and those who want to get licence are experiencing a good deal of suffering and delay in renewing and getting licences; and

(*c*) if the answer is in the affirmative, what action has been taken to avoid such sufferings and delays, and, if no action has been taken, whether the Government propose to take necessary steps for the prompt issue of licences in future.

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Madras Salt Act of 1889.

610 *Q.*—Diwan Bahadur C. ARUNACHALA MUDALIYAR: To ask the Hon'ble the Member for Finance—

(*a*) whether it is a fact that, when the Madras Salt Act of 1889 was passed, the duty on salt was Rs. 2-8-0 per maund;

(*b*) whether it is a fact that, in calculating the cess to be levied on the salt sold in excise factories, the establishment charges in excess of 5 per cent on the duty levied on the salt sold in the previous official years is taken into account;

(*c*) to furnish a statement showing the establishment charges in the following factories, i.e., Cheyur and Merkanam, during the last ten years, including the current official year, the quantity of salt sold in these years, and the duty received therefrom and the rate of duty in each of the years;

(*d*) whether it is a fact that, owing to the opening of several new extensions, especially at Tuticorin, the sales in the above factories have fallen off and thereby the 5 per cent of the duty recovered from the sale of salt is inadequate to meet the establishment charges;

(*e*) whether it is a fact that the cess has been unduly raised in these factories on account of the recovery of the increased establishment charges;

(*f*) whether it is a fact that on account of the increased cess, several factories in the Presidency are unable to sell their salts in competition with the adjacent factories and that they will have to be closed at no distant date;

(*g*) whether it is a fact that the prospects of a factory depend upon the low rate of cess levied on the salt therein sold, and whether owing to the increased establishment charges and the reduced rate of duty on salt and the fall of sales in so many factories on account of new extensions, the centage of duty taken into calculation in the determination of cess can be altogether eliminated as permitted in section 43 of the Salt Act;

(*h*) whether it is a fact that in the Merkanam factory in the calculation of assessment of income-tax, even the stock in hand which is not sold is valued at Rs. 60 per garce, while the market rate is about Rs. 16 to Rs. 20 per garce;

(*i*) whether it is a fact that the assessees are put to unnecessary expenditure and worry in appealing to higher authorities.

A.—(*a*) & (*b*) Yes.

(*c*) The information called for is furnished in the form of a statement below:—

Year.	Establishment charges.	Quantity of exoise salt sold.	Rate of duty per maund.	Amount of duty received.
Cheyur Factory.				
	Rs.	MDS.	Rs. A. P.	Rs.
1911-12	7,171	108,398	1 0 0	1,08,398
1912-13	7,703	113,146	1 0 0	1,13,146
1913-14	6,632	122,932	1 0 0	1,22,932
1914-15	7,476	136,922	1 0 0	1,36,922
1915-16	6,580	138,024	1 0 0	1,38,024
1916-17	7,607	176,045	1 4 0	2,20,056
1917-18	7,177	232,738	1 4 0	2,90,922
1918-19	9,003	228,278	1 4 0	2,85,347
1919-20	10,290	175,398	1 4 0	2,19,247
1920-21	11,138	140,070	1 4 0	1,75,087
1921-22 up to end of July ..	5,104	34,154	1 4 0	42,692

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Year.	Establishment charges.	Quantity of excise salt sold.	Rate of duty per maund.	Amount of duty received.
Merkanam Factory.				
	Rs.	MDS.	Rs. A. P.	Rs.
1911-12	10,941	308,675	1 0 0	3,08,675
1912-13	10,682	292,506	1 0 0	2,92,506
1913-14	11,007	265,466	1 0 0	2,65,466
1914-15	11,184	324,656	1 0 0	3,24,656
1915-16	10,302	264,436	1 0 0	2,64,436
1916-17	9,130	304,346	1 4 0	3,80,432
1917-18	8,977	244,762	1 4 0	3,05,977
1918-19	11,176	185,376	1 4 0	2,31,720
1919-20	11,660	163,012	1 4 0	2,03,765
1920-21	15,689	204,172	1 4 0	2,55,215
1921-22 up to the end of July ..	6,457	61,280	1 4 0	76,600

(*d*) Yes. In the Cheyur factory the establishment charges exceeded 5 per cent of the duty in 1920–21. In the case of Merkanam the charges have been in excess of 5 per cent of the duty since 1919–20.

(*e*) The cess in Cheyur and Merkanam has been raised from 2 pies in 1917–18 to 6 pies in 1921–22.

(*f*) Certain factories are handicapped through their high cess. This is always taken into consideration by the Board and a lower rate of cess than that legally due is often levied. There is no indication that any factory will have to be closed solely through its having a high rate of cess.

(*g*) The rate of cess is not the only or the principal factor which determines the prospects of a factory. The Board has in the past considered and will, in the future, duly consider the circumstances, alluded to in the latter portion of the question, in deciding from year to year what rate of cess, or whether any cess at all, shall be levied.

(*h*) The stock in hand was valued at Rs. 60 per garce in some cases and at Rs. 40 per garce in others. The maximum sale price in March 1920 was Rs. 30 per garce. Orders are issuing for revaluation.

(*i*) No appeal or revision application has been made to the Chief Commissioner of Income-tax in this connexion.

Civil courts and local presses.

611 *Q.*—Rao Bahadur T. BALAJI RAO NAYUDU: To ask the Hon'ble the Law Member whether the Government will be pleased to enquire if there are any civil courts in the presidency which entrust the advertisement of sales to vernacular papers whose owners are avowed non-co-operators and the printing of their judgments to presses outside the towns in which the courts are located, ignoring the local presses which are as good as others.

A.—The matter is in the discretion of courts and Government do not propose to inquire.

Muhammadans in Industrial and Fisheries departments.

612 *Q.*—Mr. A. D. M. BAVOTTI SAHIB: To ask the Hon'ble the Minister for Development, with reference to the interpellation 546 (*a*) and (*b*) put by Mr. M. Muhammad Abdur Rahman Sahib Bahadur at the meeting of the Council

held on 1st April 1921, and the answer given thereto, whether the Government have called for information; and, if so, whether the Government will be pleased to state it.

A.—The information has been called for, as promised, and the reports received from the Director of Industries and the Director of Fisheries are placed on the table.*

Kudakkadavu bridge on Cannanore-Tellicherry Road.

613 *Q.*—Mr. A. D. M. Bavotti Sahib: To ask the Hon'ble the Minister for Local Self-Government to state whether it is a fact that an iron bridge known as Kudakkadavu bridge on the Cannanore-Tellicherry Road in the district of Malabar was dismantled long ago and that it has not yet been rebuilt, which causes inconvenience to the public; and, if so, what the cause of the delay is, and when it will be rebuilt.

A.—The Government understand that as the bridge was in a bad state, heavy traffic on it was prohibited in 1918–19 and that it was closed to all traffic in 1919–20. The question of reconstructing it is engaging the attention of the district board.

Proportion of Muhammadans in the Registration Department.

614 *Q.*—Mr. A. D. M. Bavotti Sahib: To ask the Hon'ble the Minister for Education (Registration) to state—

(*a*) with reference to the interpellation No. 3 put by me at the meeting of the Council held on 1st August 1921, and the answer given by the Hon'ble the Minister for Education thereto, whether the Government propose to issue orders to maintain a proportion of Muhammadans; and

(*b*) whether there are Muhammadan clerks in the offices of Registrars and Sub-Registrars in Malabar, and, if so, how many they are.

A.—(*a*) General instructions were already issued to the Inspector-General to maintain due proportion of all classes.

(*b*) The Government have no information.

Deputy Collectors under communal heads.

615 *Q.*—Mr. A. D. M. Bavotti Sahib: To ask the Hon'ble the Member for Revenue to state—

(*a*) the number of deputy collectors in the presidency; and

(*b*) how many of them are Brahmans, non-Brahman Hindus, Muhammadans and Christians.

A.—The Honourable Member is referred to the Quarterly Civil List for Madras.

Fees for private registration.

616 *Q.*—Mr. A. D. M. Bavotti Sahib: To ask the Hon'ble the Minister for Education to state—

(*a*) whether the Government are aware that the enhancement of private attendance fee from Rs. 10 to Rs. 20, published on page 778 of *Fort St. George*

* Vide Appendix II on page 889 infra.

Gazette (Public Department), dated 26th July 1921, is likely to cause great hardship among the registering public, especially in the case of females who are not accustomed to attend public offices; and

(*b*) whether the Government will be pleased to cancel the order of enhancement or at least fix a lower sum than Rs. 20.

A.—(*a*) Government are not aware that enhanced fee is likely to cause hardship among registering public, existing facilities provided for gosha women in registration offices being adequate to protect such class of clients.

(*b*) No.

Estates Land Act.

617 *Q.*—Sriman Biswanath Das: To ask the Hon'ble the Law Member to state the number of cases in which relief has been sought under the Estates Land Act since the date of its enactment—

(*a*) under section 164 (*a*) (i);
(*b*) do. 164 (*a*) (ii);
(*c*) do. 164 (*b*);
(*d*) do. 164 (*c*); and
(*e*) do. 40.

A.—(*a*), (*b*), (*c*) & (*d*) Up to the end of the year 1920, there were 34 orders issued under section 164 (1) of the Estates Land Act (I of 1908). It is not easy to investigate and differentiate the cases under clauses (*a*) (i), (ii), (iii) and (iv), but the total number of such cases was 30. There were no cases under section 164 (1) (*b*) and 4 under section 164 (1) (*c*).

(*e*) The Member is referred to the annual reports (placed on the Editors' Table on the working of the Estates Land Act I of 1908).

Oriya as court language in Agency tract.

618 *Q.*—Sriman Biswanath Das: To ask the Hon'ble the Home Member to state what steps have been taken in the Khond, Savara and Oriya divisions of the Agency district—

(*a*) to declare Oriya as the sole court language; and

(*b*) to post Oriyas and Oriya-knowing officials and clerks.

A.—(*a*) The Government have the matter under consideration.

(*b*) Persons possessing a knowledge of Oriya are appointed to posts within the Oriya language area in so far as suitable persons are available.

Military recruitment.

619 *Q.*—Sriman Biswanath Das: To ask the Hon'ble the Home Member to state—

(*a*) the total number of men of this Presidency who were recruited for military service during the last war—

(1) as combatants,
(2) as non-combatants; and

(*b*) the number of such men who were—

(1) wounded,
(2) killed,
(3) taken as prisoners.

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A.—(*a*) About 29,000 combatants and 25,000 non-combatants were rearuited for military service from this presidency during the war and about 1,500 lost their lives.

(*b*) Information as regards the number of men wounded and taken prisoners is not available.

Forest reserves in Cuddapah district.

620 *Q.*—Mr. B. P. DEVARAJULU NAYUDU: To ask the Hon'ble the Home Member to state—

(*a*) the total extent of the reserve forest in the Cuddapah district at the end of the years 1900, 1910, 1915 and 1920;

(*b*) the total extent of disafforestation made in the Cuddapah district between the years 1910 and 1915, and in each of the years from 1915 to 1920, and in what parts of the Cuddapah district;

(*c*) the average quantity of leaf manure supplied by the Forest Department per year in the period 1910 to 1915, and the quantity supplied in each year from 1915 to 1920;

(*d*) the average prices at which a head load and a cart load of leaf manure were supplied between the years 1910 to 1915, and at what rates in each year from 1915 to 1920;

(*e*) whether the conclusion of the Forest Department, that the opening of a particular forest area for removal of leaf manure leads to the inevitable destruction of the forest, was arrived at merely empirically or as the result of any scientifically and systematically conducted enquiry and observation in a particular forest area, and, if it be the latter, in what districts such systematic enquiries were made and results obtained;

(*f*) whether the Government would consider the question of supplying green manure at the edge of the forest by the Forest Department itself, at the beginning of each cultivation season;

(*g*) the amount of receipts per year from the sale of green manure from the years 1910 to 1920 in the district of Cuddapah;

(*h*) the amount of fines and compounding fees collected by the Government on leaf manure illicitly removed in each of the years from 1910 to 1920;

(*i*) whether any forest panchayats have been established in the district of Cuddapah; if so, in what places; and

(*j*) the expenditure incurred on the Forest Department in the Cuddapah district every year from 1910 to 1920 and the income for each year for the same period.

A.—(*a*) Consequent on the rearrangement of North Arcot and Cuddapah districts in 1910–11, the old South Cuddapah Forest division was added to the new Chittoor district. Figures showing the extent of reserved forests in the Cuddapah district are available, therefore, from 1910–11 and are given below:—

	SQ. MILS.
1910–11	1,817
1914–15	1,818
1919–20	1,806

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(*b*) The extent disafforested in Cuddapah district is as under:—

	ACS.
Between 1910–15	287
1914–15	Nil.
1915–16	6,861
1916–17	2,562
1917–18	163
1918–19	108
1919–20	22

The following reserves were disafforested:—

Name of reserve.	Village.	Taluk.
Portion of Kanakalakonda reserve.	Mantampalli ..	Sidhout.
Vontimitta	Do.	Do.
Portions of Gorivikanama reserve forest.	Addalamarri and Kernara Kalva.	Rayachoti.
Periyavaram	Periyavaram and Ranganpalle.	Pullampet.
Koduru	Koduru	Do.
Reddipalli plantation ..	Chinna Orampad and Reddipalli.	Do.
Pullampet plantation ..	Pullampet ..	Do.
Mittamidipalle	Mittamidipalle ..	Do.
Reddipalli Extension No. III-A.	Chinna Orampad.	Do.
Kondasunkesula	Kondasunkesula, Diguvakalapatla, Kallutla, Bestavemula.	Jammalamadugu.
Idupalapaya	Marallamadaka ..	Rayachoti.
Papepalli West Block ..	Galivedu	Do.
Kondapuram plantation ..	Kondapuram Agraharam and Obannapeta Agraharam.	Jammalamadugu.
Portion of Yerrakonda extension.	Rollamadugu ..	Rajampet.
Upparapalli plantation ..	Settigunta ..	Do.
Portion of Gorivikanama reserve.	Rachakuntapalli, hamlet of Midipentla.	Pulivendla.
Gandikota Extension B (portion).	Korrapad ..	Jammalamadugu.

(*c*) The Government have no information.

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(*d*) Between 1910 and 1915—five annas a cart-load, and three pies a head-load.

Between 1915 and 1920—Rs. 2 a cart-load, and two annas a head-load.

(*e*) The Honourable Member is referred to G.O. No. 1069, dated the 17th June 1921, recently placed on the Editors' Table, in which the whole subject of supply of leaf manure from Government forests is exhaustively dealt with.

(*f*) A proposal to this effect was once made in 1909, but was subsequently given up as impracticable—vide paragraph 5 of the report on page 2 of G.O. No. 1069, dated the 17th June 1921.

(*g*) & (*h*) The Government have no information.

(*i*) During 1920-21 there were 19 forest panchayats in the district—16 panchayats, managing eight V-class reserves with an extent of 18,475 acres, and 3 panchayats, controlling three unreserves of the extent of 8,285 acres, the total extent under panchayat management thus being 26,760 acres. The names of reserves and unreserves or survey numbers under such management are given below :—

Serial number.	Name of reserve or survey number handed over for panchayat.	Taluk.	Area in acres.
	Unreserves.		
1	Unreserves in Lingala and Lopatnutala villages.	Pulivendla taluk ..	4,438
2	Mallela village	Do. ..	2,928
3	Venkayyakalva topo	Jammalamadugu ..	869
	Total ..		8,285
	Reserved Forests.		
4	Niduzuvi reserve	Kamalapuram ..	5,097
5	Gonumakulapalli Block I	Do. ..	736
6	Do. ,, II	Do. ..	514
7	Mallela South ,, II	Do ..	1,613
8	Kommaddi	Do. ..	684
9	Guvalacheruvu tope (S. Nos. 90, 91 and 93).	Rayachoti	13
10	Papipalli East (Portion)	Do.	900
..	Rekkalakonda (,,)	Do.	1,182
11	Do. (,,)	Do.	1,826
..	Papipalle East (,,)	Do.	1,015
12	Do. (,,)	Do.	1,099
13	Thumalur Block I	Cuddapah	900
14	Do. ,, II	Do.	2,070
15	Do. ,, III	Do.	1,284
16	Kondapuram Block I	Jammalamadugu ..	880
17	Do. ,, II	Do. ..	440
18	Do. ,, III	Do. ..	657
19	Mallela South Reserve Block I ..	Pulivendla	1,035
	Total ..		18,475

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(*j*) The revenue and expenditure of the Forest Department in the Cuddapah district from 1910 to 1920 are as under :—

Year.	Revenue.	Expenditure.
	Rs.	Rs.
1910-11	2,14,789	1,68,904
1911-12	2,31,332	1,68,617
1912-13	1,41,988	1,51,383
1913-14	1,36,343	1,27,049
1914-15	1,46,520	1,39,087
1915-16	1,47,989	1,38,736
1916-17	1,82,036	1,63,083
1917-18	1,67,269	2,21,988
1918-19	2,24,790	1,95,554
1919-20	1,94,864	2,40,782

Rai Bahadur T. M. NARASIMHACHARLU :—"With reference to answer to question No. 620, clause (*d*), is it not possible for the Government to reduce the price of green manure at present ?"

The Hon'ble Sir LIONEL DAVIDSON :—I will examine the point, but frankly I hardly think it possible."

Rai Bahadur T. M. NARASIMHACHARLU :—"With reference to answer to clauses (*g*) and (*h*) of the same question, will the Government be pleased to call for the information ?"

The Hon'ble Sir LIONEL DAVIDSON :—"I will ask the Chief Conservator of Forests whether the information is readily obtainable without undue expenditure of time and labour."

Rai Bahadur T. M. NARASIMHACHARLU :—"With reference to the answer to the last clause (*j*) of the same question, will the Government be pleased to state why there has been an increase of expenditure over the revenue in the years 1917-18 and 1919-20 ?"

The Hon'ble the PRESIDENT :—"Order, order. I hardly think that that is a question which should be put as a supplementary question. I would advise the Honourable Member to give notice of it as a separate question. That is the more proper course."

Transfer of sub-registrars.

621 Q.—Mr. K. GOPALAKRISHNAYYA : To ask the Hon'ble the Minister for Education—

(*a*) how many sub-registrars have been transferred during the course of the last six months to places beyond two districts, and to what distances, and how much travelling allowance was drawn in each case ;

(*b*) whether the transfers are considered to be of the nature of a punitive measure ;

(*c*) if so, to state in which of the cases the travelling allowance has been disallowed ;

(*d*) whether sub-registrars are held responsible for the safe custody of the badges of their peons out of office hours ; and

(*e*) whether there are any officers of other departments charged with the same duty.

A.—(*a*), (*b*) & (*c*) A statement is laid on the table.*

(*d*) No.

(*e*) The Government have no information.

School for the Deaf and the Blind at Madura.

622 *Q.*—Mr. K. P. GOPALA MENON: To ask the Hon'ble the Minister for Education—

(*a*) whether in answer to question No. 308 (*b*) and the answer thereto on the 21st February last, any specially trained teacher has been got for the school for the deaf and blind in Madura;

(*b*) whether any students have been trained and sent out of the Deaf and Dumb Institute, Palamcottah;

(*c*) if the answer is in the affirmative, how many have been so trained from 1918 to 1921 and where they now are; and

(*d*) whether it is a fact that the Deaf and Dumb Institute, Palamcottah, managed by the Church Mission Society, refuses to give any trained teachers or any information regarding them to similar institutions opened and managed by Hindus.

A.—(*a*) The answer is in the negative.

(*b*) The answer is in the affirmative.

(*c*) The course of training extends for two years. Nine students (four men and five women) were admitted in 1918, they finished their course in March 1920 and were awarded certificates. Their present whereabouts are not known.

(*d*) The Government have no information.

'Sokkikulam' in Madura.

623 *Q.*—Mr. K. P. GOPALA MENON: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) whether there is any proposal to include 'Sokkikulam' within the Madura municipal limits;

(*b*) whether the District Medical and Sanitary Officer and the Collector recommended so far back as 1918 to open a road from the main Nattam road leading to the bungalows built and occupied by certain Indian gentlemen at Sokkikulam, and if so, why the municipality has not attended to this;

(*c*) whether the late Chairman has been collecting house and water tax under protest from those occupying the said bungalows; and

(*d*) whether there is any prospect of the 'Sokkikulam extension scheme' being given effect to in the near future.

A.—(*a*) The answer is in the affirmative.

(*b*) & (*c*) The Government have no information on the subject.

(*d*) In May last the Madura Municipal Council was asked to appoint a committee under section 37 of the Town Planning Act, 1920, to settle the layout of the extension. The Government have no information as to what has been done by the Council in the matter and they are not in a position to say now whether there is any prospect of the scheme being given effect to in the near future.

* Vide Appendix III on page 890 infra.

Roofing over Madura station platform.

624 *Q.*—Mr. K. P. GOPALA MENON: To ask the Hon'ble the Home Member—

(*a*) whether the Government are aware of the great inconvenience felt by passengers of all classes on account of there being no roofing over the main platform at the Madura Junction Railway Station; and

(*b*) whether the Government cannot issue necessary orders to provide such a roofing.

A.—The question will be brought to the notice of the South Indian Railway Administration.

Extension of railway line from Tiruturaipundi to Mannārgudi.

625 *Q.*—Mr. V. HAMID SULTAN MARAKKAYAR: To ask the Hon'ble the Home Member to state in what stage the extension of the railway line from Tiruturaipundi to Mannārgudi now stands.

A.—The attention of the Member is drawn to the remarks against item 21 on page 45 of the Public Works Department Administration Report (Madras) for 1919-20.

Madras Local Boards Act.

626 *Q.*—Mr. V. HAMID SULTAN MARAKKAYAR: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) whether the Government have made any rules under section 199, clause (2), sub-clauses (*l*) and (*m*), of the Madras Local Boards Act; and

(*b*) if so, to lay on the table a copy of such rules.

A.—(*a*) Draft rules have been published in Notifications Nos. 904 and 905 of Part I-A of the *Fort St. George Gazette*, dated 30th August 1921.

(*b*) A copy of the draft rules is placed on the table.*

Mariyalam unreserve in Anjetty range.

627 *Q.*—Mr. K. A. KANDASWAMI KANDAR: To ask the Hon'ble the Home Member to state—

(*a*) whether it is intended to convert the Mariyalam unreserve in the North Anjetty range, Salem, into a reserve forest;

(*b*) whether any petitions were sent to the District Forest Officer and the Conservator stating that such conversion would cause inconvenience to the ryots;

(*c*) whether the forests proposed to be reserved are within a distance of a mile from the village boundary or beyond that limit;

(*d*) when it is proposed to appoint a settlement officer for the above purpose; and

(*e*) whether the Government cannot appoint a sub-committee consisting of officials and non-officials to determine whether reservation of the forest will cause inconvenience to the ryots or not.

A.—No proposals for reservation of the area referred to have reached Government and they have no detailed information on the subject. The question will be communicated to the Chief Conservator.

* Vide Appendix IV on page 891 infra.

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Pandit Umamaheswarayya.

628 Q.—Rao Bahadur A. S. KRISHNA RAO PANTULU : To ask the Hon'ble the Home Member to state—

(*a*) whether Pandit Umamaheswarayya regarding whom a question was asked and an answer was given at the meeting held on 2nd August 1921 (Question No. 161) made any statement before a magistrate or a police officer expressing his intention to leave Tirupati or asking for police assistance ;

(*b*) before whom such statements were made and when ; and

(*c*) whether the statements were merely oral or were reduced to writing.

(*d*) whether the official report called for with reference to Pandit Umamaheswarayya has been received ; and

(*e*) if so, to place it on the table.

(*f*) whether Pandit Umamaheswarayya was surrounded by police officers while he was conducting a procession round Tirupati ;

(*g*) whether the police officers who surrounded Pandit Umamaheswarayya threatened him and compelled him to send away the people around him, saying that he would go home for food ;

(*h*) whether the police officers, including the District Superintendent of Police, followed him while he was going to his residence for good and directed him to remove his *samans* from the house at once and leave Tirupati by the next train ;

(*i*) whether the Pandit asked the police officers to allow him and the members of his family to take food and leave Tirupati by the evening train and the police officers refused to permit him to do so ;

(*j*) whether the Pandit asked the police officers for permission to settle his account with the press office and to remove the utensils borrowed by him from some of the townsmen and whether the police officers refused to permit him to do so ; and

(*k*) whether the Pandit was eventually compelled to leave Tirupati, leaving behind him the food which was being cooked and the utensils brought by him from others.

A.—The Honourable Member is referred to the answer to question No. 452.

Collapse of two bridges in South Kanara.

629 Q.—Rai Sahib E. C. M. MASCARENHAS : To ask the Hon'ble the Minister for Local Self-Government to call for the information referred to in question No. 497, dated 24th March 1921, and to state—

(*a*) the dates on which the bridges collapsed ;

(*b*) the dates on which estimates for rebuilding them were prepared ;

(*c*) the dates on which the estimates were sanctioned ;

(*d*) if the answer to (*c*) is in the negative, why the estimates have not yet been sanctioned ; and

(*e*) whether new bridges have been or are being built since the dates the abovenoted bridges collapsed, and if so to name them.

A.—The information has been called for.

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Assistant inspectors of schools.

630 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB : To ask the Hon'ble the Minister for Eduction to state—

(*a*) the total number of assistant inspectorships of schools in the Presidency ;

(*b*) how many of these appointments are now held by Brahmans, non-Brahman Hindus, Christians and Muhammadans ; and

(*c*) if the number of such posts held by persons other than Brahmans is inadequate, whether the Government cannot take early measures to see that the number is brought on a par with that held by Brahmans.

A.—(*a*) Seventeen.

(*b*) The Member is referred to the Quarterly Civil List from which the required particulars can be gathered.

(*c*) The claims of qualified non-Brahman candidates will be duly considered in filling up vacancies.

Communal representation in Provincial Educational Service.

631 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB : To ask the Hon'ble the Minister for Education to state—

(*a*) the number of Provincial Educational Service appointments (Inspection branch) now held by Brahmans, non-Brahman Hindus, Christians and Muhammadans in the Madras Presidency ;

(*b*) whether the Government have any objection to bring up the number of other castes on a par with Brahmans by encouraging qualified deserving men belonging to communities other than Brahmans ; and

(*c*) how many of the appointments are now held by Andhras as compared with Tamilians.

A.—(*a*) & (*c*) The Member is referred to the Quarterly Civil List from which the required particulars can be gathered.

(*b*) The Member is referred to the answer given to question No. 424 (*b*) at the meeting of the Legislative Council on the 1st September 1921.

Andhra representation in Presidency offices.

632 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB : To ask the Hon'ble the Member for Finance to state—

(*a*) the number of Andhras including Brahmans, non-Brahman Hindus, Christians and Muhammadans employed at Madras, on a salary of Rs. 50 or above in the following offices, as compared with Tamilians, prepared according to castes :—

(1) Madras Secretariat,
(2) Board of Revenue,
(3) Public Works Department Secretariat,
(4) Inspectors-General of
  (*a*) Registration,
  (*b*) Prisons,
  (*c*) Police,
(5) Director of Public Instruction.
(6) Postmaster-General,
(7) Surgeon-General,

(8) High Court,
(9) City Civil Court,
(10) Presidency Magistrate Court,
(11) Senate House,
(12) Registrar, Madras University,
(13) Director of Industries,
(14) Commissioner of Labour,
(15) Registrar of Co-operative Societies, and

such other offices of heads of departments as are located at Madras; and

(*b*) if the information is not available for the present meeting, whether the Government have any objection to call for the same for the October meeting.

A.—The Government are not in possession of the information and do not consider that the time and trouble involved in its collection can justifiably be incurred.

Divisional Officer of Tenali.

633 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Member for Revenue to state—

(*a*) how many non-Brahman clerks were sent away from Revenue Divisional office, Tenali, by Mr. Dinabandu Polo, the successor of Mr. Samuel, within a fortnight of his taking charge of the division;

(*b*) whether it is a fact that he appointed Brahman clerks in their places;

(*c*) what were the reasons for his withdrawing non-Brahman clerks; and

(*d*) whether the Government have any objection to call for the information.

A.—The Government have no information.

If the Honourable Member's information is correct, it is open to the clerks to seek their remedy in the usual course.

Communal representation in the distribution of commissions and court guardianships by subordinate courts.

634 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Law Member to state—

(*a*) whether the High Court has at any time issued instructions to their subordinates that patronage in the matter of commissions and court guardianships should not be limited to one community but should be equitably distributed between all castes;

(*b*) whether it is a fact that Brahman civil judicial officers are causing discontent in the minds of non-Brahman vakils and others by bestowing their patronage upon individuals of their own community; and

(*c*) if so, whether the High Court are contemplating to frame rules to allay this discontent in the near future.

A.—(*a*) & (*c*) The Government have no information.

(*b*) No.

Muhammadans and Lingayats in Bellary and Anantapur.

635 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Member for Finance to state—

(*a*) the population of Muhammadans and Lingayats in the districts of Bellary and Anantapur;

(*b*) whether there were any Muhammadan and Lingayat sub-magistrates in those districts during the last twenty years;

(*c*) the number of Muhammadan and Lingayat revenue subordinates in the Collectorates of Anantapur and Bellary districts, qualified for the post of sub-magistrate; and

(*d*) whether the Government have any objection to take early steps to bring up the number of employees among Muhammadans and Lingayats on a par with Brahmans and other castes in all grades of service.

A.—(*a*) The Member is referred to Part II, Volume XII of the Census of India, 1911, a copy of which is available in the Council Library.

(*b*) & (*c*) The statistics asked for are not available and the Government do not consider that any public purpose would be served by collecting them.

(*d*) The Government do not propose to take any special steps to attain this object apart from the general instructions which are being issued in pursuance of the resolution passed at the August meeting of the Council.

Medical School at Guntūr.

636 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Local Self-Government to state whether the Government propose to open a medical school at Guntūr from January 1922.

A.—The Honourable Member is referred to the answer given to question No. 69 at the meeting of the 14th February 1921. The date of opening of the medical school has since been altered from January to July.

Agricultural High School at Guntūr.

637 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Development to state whether the Government propose to open an agricultural high school at Guntūr from January 1922.

A.—The Honourable Member's attention is invited to the discussion in the Legislative Council on Resolution No. 116 moved by Mr. Venkata subba Rao, M.L.C., and on Resolution No. 115 moved by Mr. M. Suryanarayana Rao Pantulu, M.L.C., at the September Session of the Council.

Retrenchment in the Educational Department.

638 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education to state—

(*a*) whether the attention of the Government has been drawn to the article 'Retrenchment in the Educational Department' published in the *Hindu* of the 27th July 1921;

(*b*) if so, what action the Government propose to take in the matter of—

(1) reducing the number of circle inspectors from 16 to 8,

(2) increasing the number of assistant inspectors; and

(*c*) what is the nature of the retrenchment limited to 20 per cent of the expenditure which the Government are willing to adopt in the Education Department.

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A.—(*a*) The Government have now perused the article referred to.
(*b*) None.
(*c*) The Government do not consider that any far reaching retrenchment is at present possible.

Resignation of Honorary Magistrates due to non-co-operation.

639 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Home Member to state—

(*a*) the number with names of honorary magistrates in the districts of Guntūr and Kistna who have resigned office as a result of non-co-operation; and

(*b*) if any title-holders in the Northern Circars and East Coast districts have given up their titles; if so, their number and names.

A.—(*a*) Five honorary magistrates are understood to have resigned as a result of the non-co-operation movement, namely—
(i) In Guntur district—
(1) Moulvi Muhammad Raza Sahib Bahadur.
(2) M.R.Ry. Ellur Hanumanta Rao Garu.
(ii) In the Kistna district—
(1) M. Gulam Muhi-ud-din Sahib.
(2) M.R.Ry. Satyavada Someswara Rao Pantulu Garu.
(3) M.R.Ry. Pastula Sagaram.

(*b*) The information, so far as is available, is tabulated below—

Name.	District.	Title resigned.
(1) M. Jamal Muhi-ud-din Sahib.	Madras.	Khan Sahib.
(2) A. K. Jilani	Chingleput.	Do.
(3) Moulvi Shah Zahid Hussain Sahib Mekhari Quadari.	Madras.	Shams-ul-ulema.

Communal representation in the judiciary.

640 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Law Member to state with reference to answer given to question 147 (*b*) —

(*a*) when the attention of the High Court was drawn; and

(*b*) what the increase has been in the matter of a fair distribution of offices in the judicial appointments among all communities in the districts of Ganjām, Vizagapatam, Gōdāvari, Kistna, Guntūr, Nellore and Chittoor.

A.—(*a*) In December 1912.
(*b*) The Government have no information.

Picketing at abkāri sales in Guntūr district.

641 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education to state—

(*a*) whether the Government are aware that there was considerable picketing at the abkari sales in the Guntūr district; and

(*b*) whether the Government have issued special instructions to the district officers to give all possible help to the bidders to free them from the interference of non-co-operators.

A.—(*a*) Government are aware that there was picketing at the abkāri sales in the Guntūr district.
(*b*) The attention of the member is invited to the Press Communique, dated 3rd September 1921.

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Muhammadan girls in St. Mary's High School at Vizagapatam.

642 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education to state the number of Muhammadan girls receiving education in the St. Mary's high school for Indian girls at Vizagapatam in the years 1919–20 and 1921.

A.—The number of Muhammadan girls in the school in 1919–20 and on the 31st March 1921 were one and two respectively.

Communal representation in the cadre of District Munsifs.

643 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Law Member to state—

(*a*) with reference to reply to my question No. 38 (112) (*b*) to (*e*) of August 1921, whether the Government have received information from the High Court as to how many Brahmans and non-Brahmans (including Muhammadans) were selected about April last for appointment as district munsifs; and

(*b*) whether the Government are aware that the non-Brahmans are anxiously expecting a reply to the above question.

A.—(*a*) No. The information was never called for from the High Court.
(*b*) No.

Railway lines surveyed in Ganjām, etc.

644 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Home Member to lay on the table a list of railway lines surveyed in the districts of Ganjām, Vizagapatam, Gōdāvari, Kistna and Guntūr.

A.—The following is the list of railway lines surveyed in the several districts referred to by the member:—

Districts.	Names of railways.
Ganjam	Gopalpuram-Berhampur-Russellkonda Railway and Surada extension.
Vizagapatam	Parvatipuram-Raipur Railway.
	Parvatipuram-Gunupur Railway.
	Parlakimedi-Gunupur Railway.
	Vizianagram-Bimlipatam-Vizagapatam Railway.
	Dhamtari-Bastar-Salur Railway (Reconnaissance survey only).
	Drug-Bastur-Jeypore-Kotavalasa Railway.
Gōdāvari	Cocanada-Kotipalle Railway.
	Rajahmundry-Sironcha Railway.
Kistna	Gudivada-Bhimavaram-Nidadavolu-Narsapur Railway.
Guntūr	Repalle-Visweswaram Railway.
	Guntur-Gurzala-Macherla Railway.

Muhammadans as tahsildars and sub-magistrates.

645 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Member for Revenue to state—

(*a*) the number of Muhammadan tahsildars and sub-magistrates in the districts of Tanjore, Tinnevelly and Chittoor;

(*b*) the number of Muhammadan revenue subordinates who are qualified for appointment as sub-magistrate in the same districts; and

(*c*) whether the Government propose to recruit more Muhammadans.

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A.—According to the lists of revenue establishments as they stood on 1st January 1921—

(*a*) Tanjore and Chittoor .. .. Nil.
Tinnevelly .. .. One tahsildar and two sub-magistrates.

(*b*) Tanjore .. .. 1.
Tinnevelly .. .. 2.
Chittoor .. .. Nil.

(*c*) Subordinate appointments are in the gift of Collectors. The Government will draw the attention of the Collector of Chittoor to the absence of qualified Muhammadans in his district.

Effect of non-co-operation movement on excise revenue.

646 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education to state—

(*a*) how far the non-co-operation movement has succeeded in stopping or reducing the drink evil in the Northern Circars and East Coast districts;

(*b*) the effect of the non-co-operation movement upon the excise revenue in those districts; and

(*c*) whether there were any cases of picketing by non-co-operators in the aforesaid districts.

A.—(*a*) The Government have no information as to the extent to which the movement has affected the consumption of liquor in the Northern Circars and the East Coast districts.

(*b*) In these districts, there has been a decrease in the excise revenue derived from shop rentals in the current year: The non-co-operation movement may have contributed to this decrease.

(*c*) There was picketing in some of these districts.

President of Ramnad District Board.

647 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) whether the Government have perused the memorial submitted by the residents of the Devakottai Union in the Ramnad district headed "Ramnad District Board and its autocratic President";

(*b*) whether the Ramnad District Board in a meeting held on 22nd January 1921 resolved that the house-tax in all unions should be assessed at a uniform rate of two annas per centum on the capital value, or at 5 per centum on the annual value of the houses arrived at on the basis of 6 per centum of the capital value of those houses;

(*c*) whether the resolution does not contravene the provisions of section 14 of Schedule IV of Madras Act XIV of 1920;

(*d*) whether the said district board president ruled out of order at the above meeting the proposals of Messrs. (1) T. C. Srinivasa Ayyangar, B.A., B.L., M.L.C., (2) M. C. Mukundaraja Ayyangar, B.A., B.L., M.L.A., (3) Seeni Margham Pillai, about the taxes in unions;

(*e*) what action, if any, the Government have taken on the memorial; and

(*f*) whether the Government can call for the above information if it is not available at headquarters.

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A.—(*a*) & (*b*) The answer is in the affirmative, but the date of the District Board's resolution is 22nd June 1921.

(*c*) The resolution contravenes rule 17 of Schedule IV of the Madras Local Boards Act, 1920.

(*d*) & (*f*) The Government have no information and do not propose to call for it.

(*e*) The President of the District Board was informed that the District Board's resolution is *ultra vires* and directed not to give effect to it; and he has communicated the order to the union board and is taking steps to get the resolution modified by the District Board.

Bifurcation of Guntūr Taluk.

648 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) whether the district board ratified the resolution of the taluk board of Guntūr that it should be bifurcated into Sathanapalli and Guntūr taluks;

(*b*) if so, for how long the proposals of bifurcation have been pending with the Government.

A.—(*a*) The answer is in the affirmative.

(*b*) The proposals have been under correspondence between the District Board President and the Government from 29th January 1921 and have been finally approved by the Government—vide notification No. 919 of Part I-A of the *Fort St. George Gazette*, dated 6th September 1921.

Incomplete Secondary School for Muhammadans at Ellore.

649 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education—

(*a*) the number of school-going Muhammadans in Ellore;

(*b*) whether there is any secondary school opened by the Government or the Municipality especially for imparting education to Muhammadan boys;

(*c*) whether any incomplete secondary school for Muhammadans was sanctioned for Ellore in 1918;

(*d*) whether this school was transferred to Guntūr against the wishes of the Muhammadans of Ellore; and

(*e*) whether the Government cannot take early steps to sanction at least an incomplete secondary school for Muhammadans for Ellore for 1922 to begin with.

A.—(*a*) The number in attendance in 1920–21 was 104.

(*b*), (*c*), (*d*) & (*e*) The answer is in the negative.

Fish-curing yards in Ganjām, etc.

650 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Development to state—

(*a*) the number of fish-curing yards now in existence in Ganjām, Vizagapatam, Gōdāvari, Kistna, Guntūr, Nellore and Chittoor districts;

(*b*) what the amount annually expended on them is, and also what income the Government derive from them annually; and

(*c*) whether there is any possibility of opening more fish-curing yards in the above said districts, and, if so, what steps the Government propose to take in the matter.

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A.—(*a*) Thirty-seven—sixteen in Ganjām, eleven in Vizagapatam, two in Gōdāvari, none in Kistna, one in Guntūr and seven in Nellore. Chittoor is an inland district and there is no fish-curing yard there.

(*b*) The details of expenditure and receipts for the three years ending 1920-21 are given below :—

Year.	Total expenditure.	Total receipts.	Loss on the working.
	Rs.	Rs.	Rs.
1920-21	27,618	11,542	16,076
1919-20	26,517	14,619	11,898
1918-19	25,181	17,339	7,842

(*c*) The matter is under consideration.

Assessment of Income-tax.

651 *Q.*—Munshi Muhammad Abdur Rahman Sahib : To ask the Hon'ble the Member for Finance to state—

(*a*) whether the attention of the Government has been drawn to the income-tax grievances experienced by assessees in the working of the present Act ;

(*b*) whether it is a fact that these income-tax grievances felt by merchants and traders, etc., have given them cause to join the non-co-operators in large numbers and contribute heavily to the Tilak Swarajya Fund ;

(*c*) what steps the Government propose to take to remove the present difficulties as early as possible ; and

(*d*) what steps the Government propose to take to educate the assessees to disabuse their prejudices and mitigate their sufferings.

A.—(*a*), (*c*) & (*d*) The Honourable Member is referred to the answer to question No. 580 given at the Legislative Council meeting on 2nd September 1921.

(*b*) No. Any complaints regarding the provisions of the Income-tax Act and rules or the methods of working them can be ventilated by constitutional means and the Government cannot admit that dissatisfaction with the Income-tax administration can give to anyone legitimate cause to join a revolutionary movement which aims at paralysing the whole administration of the country.

Government Muhammadan Girls' School, Guntūr.

652 *Q.*—Munshi Muhammad Abdur Rahman Sahib : To ask the Hon'ble the Minister for Education to state—

(*a*) the number of Muhammadan girls reading in the Government School for Muhammadan girls at Guntūr ;

(*b*) how many classes there are and what the strength of each is ;

(*c*) how many mistresses there are ; what their qualifications are, and the names of mistresses with their pay ;

(*d*) who the headmistress is ;

(*e*) where the school is located at Guntūr ;

(*f*) whether it is a fact that the pupils are made to work in the headmistress's house, and observe no gosha before her husband, one Mr. Paul, a Brahman convert of Tinnevelly ;

(*g*) whether it is a fact that Muhammadans are discontented with the headmistress for compelling Muhammadan girls to observe no gosha before her husband and to work in her house ;

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(*h*) whether Muhammadans have sent in mahazars to higher authorities ;

(*i*) whether Mrs. Paul was transferred but refused to hand over charge to her successor ;

(*j*) what action the Government have taken of the conduct of Mrs. Paul ;

(*k*) whether the Government will call for full information and take such action on the conduct of Mrs. Paul as they think necessary ;

(*l*) whether the Government cannot order the immediate removal of the school from the building of Mr. Paul to that of another in Guntūr ;

(*m*) whether this school is also a training school for Muhammadan mistresses ;

(*n*) how many are undergoing training and up to what standard ; and

(*o*) whether the Government cannot issue strict orders that no male member, whether he be the husband or any other male relation of any school mistress, is allowed into school premises at any hour of the day or night.

A.—The honourable member residing at Guntūr and interested in the education of girls could easily find the answers ; however information is given below :—

(*a*) & (*b*) There are 13 students in the training section and 129 pupils in the model school distributed as follows :—

Standard.	Strength.
I	63
II	14
III	15
IV	10
V	9
VI	18

(*c*) There are 10 mistresses in the whole school. A list * containing their names, qualifications and pay is laid on the table.

(*d*) Mrs. G. Grace Nayudu.

(*e*) In a rented building owned by Mr. Paul, a lecturer in the A.E.L.M. College, Guntur.

(*f*) & (*g*) Government are informed that students used to attend science classes held by Mr. Paul in the presence of Mrs. Paul and the warden of the hostel.

(*h*) Yes.

(*i*) & (*j*) Mrs. Paul was transferred. She preferred to stay at Guntūr and was informed by the Director of Public Instruction that she would be placed under suspension if she did not hand over charge to her successor. She handed over charge and applied for leave which was granted to her.

(*k*) Mrs. Paul has been permanently transferred from the Government Training School, Guntūr.

(*l*) On the expiry of the present agreement, viz., on the 1st of March 1924, the removal of the school will be considered.

(*m*) Yes.

(*n*) 13.

(*o*) The necessary orders will again be issued.

* Vide Appendix V on page 895 infra.

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Incomplete Muhammadan secondary school, Guntūr.

653 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education—

(*a*) the number of Muhammadan boys reading in various classes in the Government incomplete secondary school for Muhammadans at Guntūr;

(*b*) when this school was started;

(*c*) whether the school has completed the period of three years for which the school was sanctioned by the Director of Public Instruction in G.O. No. 685, Home (Education), dated 31st May 1918;

(*d*) if so, whether the Government propose to make the school permanent for Guntūr; and

(*e*) whether the Government cannot open a fourth form in the said school so as to make it gradually a complete secondary school for Mussalmans.

A.—(*a*) The member is a resident of Guntūr and as one interested in Muhammadan education could get the information relating to present strength from the headmaster in charge. He is also referred to statistical table No. 2 (*a*) of Volume II of report of the Director of Public Instruction, 1919-20.

(*b*) The school was started from the 1st July 1918.

(*c*) The period of three years for which the school was sanctioned by Government has expired.

(*d*) The matter is under consideration.

(*e*) Government cannot make definite statement but will consider the matter.

Compartmental system in Secondary School-leaving Certificate.

654 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education to state with reference to the answer given to my question No. 565 of 2nd April 1921 in the first session regarding the introduction of the compartmental system into Secondary School-leaving Certificate examinations as recommended in a resolution at the meeting of the Legislative Council on 14th July 1920, whether the Government have any objection to call for an early reply from the Senate and introduce the system in 1921.

A.—The Syndicate of the Madras University considered the question and accepted the conclusion of a committee of its own that the compartmental system is not suitable at the Secondary School-leaving Certificate stage. As the matter is one for the University to take action upon, the Government do not consider it desirable to interfere therein.

Arabic schools and colleges.

655 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Minister for Education to state—

(*a*) the total number of Arabic schools and colleges which are aided and unaided in the Presidency; and

(*b*) whether any inspection of them is made by the educational officers, and, if so, by whom these reports of inspection are reviewed.

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A.—(*a*) The latest available information is contained in table 67 on page 66 of Volume II of the Report on Public Instruction in the Madras Presidency for the year 1919-20.

(*b*) No regular inspection of these schools is conducted by Educational officers, but Koran schools are visited whenever possible and expedient, with a view to induce the teachers in these schools to introduce secular education therein.

Buildings for Muhammadan elementary schools.

656 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Minister for Education to state—

(*a*) how many Government Muhammadan elementary schools in the Madras City are provided with Government buildings, and how many are located in rented buildings;

(*b*) what the rent is of each of the rented buildings;

(*c*) what the strength is of each of the schools which are located in rented buildings; whether they have been reported to be properly ventilated and lighted;

(*d*) whether these schools are provided each with a peon; if the answer be in the negative, whether the Government cannot provide these schools with peons; and

(*e*) whether the Government will be pleased to consider the desirability of providing suitable buildings for the Muhammadan elementary schools now located in rented buildings.

A.—(*a*) Two such schools are provided with Government buildings. Twelve are located in rented buildings.

(*b*) & (*c*) The following statement gives the rent and the strength of each of the schools held in rented buildings:—

Name of school.	Rent at present sanctioned.	Strength as it stood on 31st July 1921.
Government Muhammadan Elementary school for Boys—		
	RS.	
Periamet	25	55
Chepauk	30	110
Thousand Lights	20	36
Muthialpet	40	50
Pudupet	15	50
Royapet	15	63
Purnabagh	15	77
Perambur	20	75
Chetty's Garden	25	115
Mylapore	15	40
Government Muhammadan Elementary school for Girls—		
	RS.	
Mylapore	35	77
Perambur	18	39

These buildings have not been reported to the Director of Public Instruction as improperly ventilated and lighted.

(*d*) Two schools have each been provided with a peon. Government do not propose to provide all these schools with peons.

(*e*) So far as funds are available and the cost is not exorbitant or prohibitive, the provision of buildings for schools held in rented buildings is considered.

Site for Government Muhammadan Secondary school, Georgetown.

657 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Minister for Education to state—

(*a*) how long the question of the selection of a site for the Government Muhammadan secondary school in Georgetown has been pending;

(*b*) whether any provision has been made for the construction of this school in the current year's budget; if so, how much; and

(*c*) what the cause of the delay is in the selection of the site and in the construction of a building.

A.—(*a*) Since 1919.

(*b*) No.

(*c*) No suitable site at a reasonable price is reported to be available.

Private tuition by teachers in recognized schools.

658 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Minister for Education to state—

(*a*) whether it is a fact that the Director of Public Instruction has issued a circular prohibiting teachers in recognized schools from giving private tuition to students;

(*b*) whether petitions have been received by the Government from various associations protesting against the circular; and

(*c*) if so, whether the Government will be pleased to instruct the Director of Public Instruction to withdraw the circular.

A.—(*a*) Private tuition has not been prohibited by the Director's circular, but Inspectors have been asked to advise managements to restrict the number of hours that their teachers may be permitted to devote to giving private instruction.

(*b*) & (*c*) The answer is in the negative.

Muslim students and Jumma prayers.

659 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Minister for Education—

(*a*) whether the Government are aware that in the Government and aided colleges and schools in this Presidency, classes are held between 2 and 3 p.m. on Fridays which is the time for the Muslim students to go and offer their Jumma prayers; and

(*b*) whether the Government cannot direct the Director of Public Instruction to instruct the heads of colleges and schools to suspend class work between 2 and 3 p.m., that is, the present first period in the afternoon classes on Fridays, in order to enable the Muslim students to offer their Jumma prayers and extend the evening classes by that one hour or any shorter period or to issue instructions to the heads to prepare time-tables in such a manner as to make provision for teaching of vernaculars between 2 and 3 p.m. on Fridays.

A.—(*a*) Yes.

(*b*) No complaint has been received by Government till now from Muhammadan students attending any school or college. Government already circularized that in the case of schools attended largely by Muhammadan pupils, the morning and afternoon session on Fridays should be so adjusted as to leave an interval of at least two hours between those sessions.

Admission of Muhammadan students in schools and colleges.

660 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Minister for Education whether the Government cannot ask the Director of Public Instruction to issue instructions to the heads of colleges and high schools to reserve 10 per cent of the seats available in college and school classes for the admission of Muhammadan students at the beginning of each term of every school year, such seats being so reserved only for a fortnight from the commencement of the term.

A.—The Government propose to appoint selection committees in connexion with the admission of students in Government schools and colleges.

Inspection of educational institutions.

661 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Minister for Education—

(*a*) to state how many times a year an Inspector of Schools inspects each educational institution in his charge; and

(*b*) to consider the desirability of insisting upon the Inspectorate making more periodical inspections than they do at present.

A.—(*a*) Formal inspections are made annually.

(*b*) Visits to schools are made whenever Inspectors have time and opportunity. Government do not propose to have more than one annual formal inspection each year.

Free quarters for jail warders in the city.

662 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Law Member whether the Government will be pleased to consider the desirability of providing free quarters or sufficient house-rent allowance to jail warders in the Madras City in view of the present economic conditions.

A.—The construction of free quarters for the warders in the Penitentiary is under the consideration of Government and the question of increasing the house-rent allowances already granted to them pending construction of quarters is also engaging their attention.

Authorization of Madras Legislative Council Members to attest vakalatnamas, etc.

663 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Law Member to state—

(*a*) whether it is a fact that members of local bodies are authorized to attest vakalatnamas or other documents for use in judicial or other proceedings; and

(*b*) whether the members of the Madras Legislative Council as such have been similarly authorized; if so, when.

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A.—(*a*) District and taluk board members and municipal councillors (both in the mufassal and in the City of Madras) are authorized to attest vakalatnamas and other documents for use in judicial or other proceedings.

(*b*) The Honourable Member is referred to the answer to question No. 664.

Authorization of Madras Legislative Council Members to attest vakalatnamas, etc.

664 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Law Member to state whether the Government will be pleased to lay on the table of the House a copy of the Government Order, if any, authorizing M.L.C.'s to sign vakalatnamas; if not, whether the Government propose to extend the concession to the members of the Legislative Council also.

A.—A copy of the Government Order authorizing Members of the Legislative Council to attest vakalatnamas is laid on the table.*

Index to Madras Acts of 1919 *and* 1920.

665 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Law Member to state—

(*a*) what Madras Acts of 1919 and 1920 have not yet been provided with index, whether the index is prepared by the Government Press or by the Government Secretariat Department;

(*b*) whether the delay is due to want of establishment to have them prepared or whether it is due to any other cause; and

(*c*) when the Gazette Index of the *Fort St. George Gazette* for the first half-year of 1921 was printed and published.

A.—(*a*) All the Acts of 1919 and 1920 have been indexed and the indexes are in the press.

The index to the Acts is prepared by the Law (Legislative) Department.

(*b*) The delay was due to pressure of more urgent work.

(*c*) The Index of the *Fort St. George Gazette* for the first half-year of 1921 was printed and published in the issue of the Gazette dated the 26th July 1921.

Languages in which electoral rolls of Muhammadan constituencies of the Legislative Assembly are prepared.

666 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Law Member to state—

(*a*) in what language or languages the electoral rolls of the Madras Muhammadan constituencies of the Legislative Assembly are prepared;

(*b*) whether the Government will be pleased to issue orders that they be prepared in English or in English and Hindustani or in English and the district vernaculars, when they are to be next revised; and

(*c*) when the electoral rolls are likely to be next revised.

* Vide Appendix VI on page 896 infra.

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A.—(*a*) The electoral rolls are prepared in the vernaculars of the districts concerned, viz., Tamil, Telugu, Malayalam and Kanarese, as the case may be.

(*b*) The Government do not consider it necessary to issue any such orders.

(*c*) The Government cannot say when the electoral rolls are likely to be next revised. Under rule 9 (4) of the Legislative Assembly electoral rules, the electoral roll shall continue in force for a period of three years or for such less period as the Governor-General in Council may by regulation prescribe, and after the expiration of such period, a fresh roll shall be prepared.

Inspector-General of Registration.

667 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Minister for Education to state when the present Inspector-General of Registration is to retire from service and whether the Government cannot appoint a qualified Muhammadan district registrar as Inspector-General when the vacancy occurs.

A.—Mr. Schmidt will, in the ordinary course, retire from service on 1st January 1922; the Government will consider duly the claims of all the available candidates in filling up the vacancy when it occurs.

Appointment of Muhammadan graduates as Sub-Assistant Inspectors of Schools.

668 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Minister for Education to state—

(*a*) the number of applications received in 1920–21 from Muhammadan graduates for appointment as sub-assistant inspectors of schools for Muhammadan ranges;

(*b*) how many of them have been appointed as such;

(*c*) how many undergraduate applicants there were for the posts of sub-assistants during this period; and

(*d*) how many of these were appointed as sub-assistants.

A.—(*a*) 2.
(*b*) 1.
(*c*) 5.
(*d*) 1.

No Muhammadan applicant had undergone training and none had passed the Sub-Assistant Inspector's test.

Stipends for Muslim and Panchama students in Training schools.

669 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Minister for Education to state—

(*a*) whether it will not be possible to increase the stipends of Muslim and Panchama students undergoing training in training schools;

(*b*) whether the Government are aware that the Panchama teachers under training in the Government Panchama Training school in Georgetown (Broadway) are ill-clad;

(*c*) whether the Government will be pleased to provide one set of clothing to each Panchama teacher on admission to a training school;

(*d*) whether the Government are aware that Panchama teachers are put to several difficulties in training schools intended for caste teachers; and

(*e*) if the answer to the above be in the affirmative, whether the Government will be pleased to start more training schools exclusively for Panchamas.

A.—(*a*) Muhammadan and Panchama students undergoing training in training schools are already in receipt of higher stipends than caste Hindus.

(*b*) The Government have no information.

(*c*) The Government are unable to entertain the suggestion.

(*d*) Training schools are intended for all teachers, not for caste teachers alone.

(*e*) It is more desirable to admit Panchamas into the ordinary training schools than to open special schools for them.

Reserved forests in Chittoor district.

670 *Q.*—Mr. B. MUNISWAMI NAYUDU: To ask the Hon'ble the Home Member to state—

(*a*) the extent of reserved forests in the Chittoor district at the end of the years 1880, 1890, 1900, 1910 and 1920;

(*b*) the total area closed for grazing during each of these years;

(*c*) the rates of grazing fees charged during each of these years; and

(*d*) the total amount of grazing fees collected during each of these years.

A.—The statistics asked for by the Honourable Member are not available for the years 1880, 1890 and 1900 as Chittoor was constituted into a separate district only in the year 1911. Statistics for 1910-11—the first year for which separate figures for Chittoor are available—and for 1919-20 are furnished below:—

		Extent of reserved forests.
(*a*)	1910-11	839 square miles.
	1919-20	825 "
		Area closed for grazing.
(*b*)	1910-11	94 square miles
	1919-20	148 "
		Grazing fees.
(*c*)	1910-11	3 annas per cow unit.
	1919-20	3 "

The fees have been raised to eight annas a cow unit with effect from 1st July 1920.

		Grazing revenue.
(*d*)	1910-11	Rs. 22,960
	1919-20	Rs. 23,673

Forest panchayats.

671 *Q.*—Mr. B. MUNISWAMI NAYUDU: To ask the Hon'ble the Home Member to lay on the table the report of Mr. Bles who was put on special duty in regard to forest panchayats.

A.—Mr. Bles' report and the Chief Conservator's letter forwarding it to Government will be laid on the table.* The matters in issue are still under consideration as stated by the Home Member on the 2nd August 1921 in the course of the debate on Resolution No. 14.

Revised scale of pay for minor irrigation subordinates.

672 *Q.*—Mr. B. MUNISWAMI NAYUDU: To ask the Hon'ble the Member for Revenue to state—

(*a*) the revised scale of pay proposed for minor irrigation subordinates;

(*b*) whether the existing minor irrigation sub-overseers will also be drafted into a single subordinate scale with the existing lower subordinates of the Public Works Department; and

(*c*) whether past service will be taken into consideration in sanctioning the initial salary of the existing incumbents.

A.—(*a*) The pay of the minor irrigation subordinates has not yet been fixed.

(*b*) The matter will be considered.

(*c*) No.

Merkanam wet lands, Tindivanam taluk.

673 *Q.*—Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR: To ask the Hon'ble the Revenue Member to state—

(*a*) whether it is a fact that there is no sufficient irrigation for about 1,000 acres of wet lands in Merkanam in the Tindivanam taluk of the South Arcot district;

(*b*) whether it is a fact that these lands are irrigated only from spring ponds;

(*c*) whether it is a fact that tax was collected for second crop; and

(*d*) whether the Government propose to take any action on it.

A.—The Government have no information.

Visva Brahman representation in district boards, etc.

674 *Q.*—Mr. S. MUTTUMANICKA ACHARIYAR: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) the number of municipal councils, taluk boards and district boards to which a Visva Brahman has been nominated or elected; and

(*b*) whether the Government intend to follow the principle of nominating members of this community to municipal councils, taluk boards and district boards in which the community is now unrepresented so as to secure a due representation of the interests of this community consistent with the strength of population of this community and its influence.

A.—(*a*) The Government have appointed Visva Brahmans to 16 municipal councils and 2 district boards. So far as information is available, Visva Brahmans have been appointed or elected to 2 taluk boards.

(*b*) The claims of the community are taken into consideration along with those of other minorities and backward classes before nominations are made to local bodies.

* Vide Appendix VII on page 896 infra.

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Cuddapah water-supply.

675 Q.—Rai Bahadur T. M. NARASIMHACHARLU: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) whether it is a fact that the water-supply to Cuddapah town is inadequate and is causing inconvenience to the people especially during the months of March to September;

(*b*) what steps have been taken by the Government to supplement and improve the water-supply since 1913;

(*c*) what amount has been spent since 1913 for improving the same;

(*d*) whether it is a fact that there has been delay and waste in carrying out the said improvements;

(*e*) whether the Government propose to enquire into the causes of, and the responsibility for, such delay and waste;

(*f*) whether it is a fact that water is being wasted and misused by owners of private taps in their houses; and

(*g*) whether the Government cannot take steps to prevent such misuse and to ensure equitable supply of water to all citizens by closing all private taps, if necessary, until improvements are successfully effected.

A.—(*a*) The water-supply in Cuddapah has been reported to be inadequate.

(*b*) To improve it, an estimate amounting to Rs. 70,000 was sanctioned for the construction of—

	Estimated cost.
	RS.
(1) two wells and two engine-houses	49,000
(2) and a collecting well with syphon connexions.	21,000

The estimate for item (1) which is approaching completion has since been raised to Rs. 76,600. The engine-house and pump chamber have been completed.

(*c*) The expenditure on item (1) above up to the end of March 1921 amounted to Rs. 61,824.

(*d*) & (*e*) A report has been called for.

(*f*) The Government have no information.

(*g*) With a view to prevent waste or misuse of water the Government have issued orders impressing on municipal councils the importance of fixing meters to house connexions and have circulated model water-works by-laws for adoption by them. The Municipal Chairman can himself prevent wastage of water by exercising his powers under section 134 of the District Municipalities Act.

Programme of legislation for current Council session.

676 Q.—Rao Bahadur C. V. S. NARASIMHA RAJU: To ask the Hon'ble the Home Member to state the programme of legislation for the current session of the Council.

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A.—The following is the programme of legislation which the Government have now on hand:—

Name of Bill.	Stage.
(1) Bill to amend the Madras Cattle Diseases Act, 1866.	Passed into law on 1st August 1921.
(2) The Prince of Arcot Endowment Bill.	Referred to Select Committee on 1st August 1921.
(3) Bill to amend the Madras City Municipal Act, 1919.	Do.
(4) Survey and Boundaries Bill	Do.
(5) Bill to amend the Madras District Municipalities Act, 1920.	Leave to introduce granted on 1st August 1921.
(6) The Madras City Tenants' Protection Bill.	Referred to Select Committee on 3rd August 1921.
(7) Land Revenue Settlement Bill	Draft under consideration.
(8) Irrigation Bill	Do.
(9) Bill to amend the Madras District Municipalities Act (to extend term of office of councillors).	Introduced in September.
(10) Bills to amend the Madras Local Boards Act and District Municipalities Act in certain respects.	Draft under consideration.

Madras Irrigation Cess Act of 1865.

677 Q.—Rao Bahadur C. V. S. NARASIMHA RAJU: To ask the Hon'ble the Revenue Member to state the probable revenue under the rules proposed to be issued under section 1 of the Madras Irrigation Cess Act of 1865 and placed on the Council table, as compared with the revenue under the existing rules.

A.—The probable revenue realizable under the new rules has not yet been accurately worked out pending the reclassification of the sources, but it is not likely to be appreciably more than what it is at present.

Admission under communal heads to the Medical College and Medical schools.

678 Q.—Mr. C. NATESA MUDALIYAR: To ask the Hon'ble the Minister for Local Self-Government to place on the table information as to the number of students that sought admission into the Madras Medical College and the medical schools of this Presidency and how many of them were Brahmans and how many non-Brahmans (Hindus, Muhammadans and Christians), and how many were admitted; and of those admitted how many are Brahmans and how many non-Brahmans (Hindus, Muhammadans and Christians).

A.—*Medical College, Madras.*—Three hundred and nine students sought admission this year and 97 were selected. But of these only 88 (58 Brahmans, 15 non-Brahman Hindus, 9 Christians and 6 Anglo-Indians) actually joined. As the documents of the candidates not selected were returned, information regarding them cannot be furnished.

Medical Schools.—Seven hundred and ninety-four sought admission and 300 were selected. But of these only 294 actually joined. The

following statement shows the several communities to which these 294 students belong :—

Name of the school.	Brahmans.	Non-Brahmans.			Total
		Hindus.	Muhammadans.	Christians.	
Rayapuram	86	59	4	16	165
Tanjore	30	10	12	..	52
Visagapatam	31	12	...	1	44
Calicut	19	9	1	4	33
Total	166	90	17	21	294

Under Secretary to Government in the Local Self-Government Department.

679 Q.—Mr. V. P. PAKKIRISWAMI PILLAI : To ask the Hon'ble the Member for Finance—

(*a*) whether it is a fact that persons belonging to the cadre of deputy collectors were appointed from time to time as Under Secretary to Government in the Local and Municipal Secretariat ;

(*b*) from what date an Indian Civil Service Under Secretary was appointed in the department ;

(*c*) whether the appointment was due to the fact that men of the cadre of deputy collectors were unable to discharge the duties of an Under Secretary in the Local and Municipal Secretariat ; or that men of that cadre were not available for selection ;

(*d*) whether the question of the transfer of the present Indian Civil Service Under Secretary in the Local Self-Government Department to the mufassal and the posting of a deputy collector in his place, as a measure of economy, has been considered ; and

(*e*) if not, whether the Government will consider the desirability of reverting to the old policy and post a deputy collector as Under Secretary in the Local Self-Government Department instead of an Indian Civil Service officer.

A.—(*a*) Yes.

(*b*) 9th September 1920.

(*c*) No.

(*d*) No. The Honourable Member is mistaken in thinking that such a transfer would result in a saving of expenditure.

(*e*) The Government see no reason for such a course.

Allocation of reserved and transferred subjects as among Secretariat departments.

680 Q.—Mr. V. P. PAKKIRISWAMI PILLAI : To ask the Hon'ble the Member for Finance to state which Secretariat deals only with reserved subjects, which entirely with transferred subjects, and which with both reserved and transferred subjects.

A.—Lists of reserved and transferred Provincial subjects are given in Part II of the Devolution Rules and Schedule II to them which are printed in the Legislative Council Manual. A list showing the distribution of subjects among Secretaries has been laid on the table in answer to question No. 681.

Distribution of work among the Secretaries before and after the Reforms.

681 Q.—Mr. V. P. PAKKIRISWAMI PILLAI : To ask the Hon'ble the Member for Finance to lay on the table copy of the Government Orders sanctioning the distribution of work among the several Secretariats before and after the advent of the Reforms.

A.—Copies of G.Os. No. 1426, Public, dated 28th July 1916, and No. 162, Public, dated 23rd March 1921, are placed on the table.*

Time-scale of pay in Secretariat departments.

682 Q.—Mr. V. P. PAKKIRISWAMI PILLAI : To ask the Hon'ble the Member for Finance to state—

(*a*) whether effect has been given to the Hon'ble Mr. Knapp's time-scale of pay in each department of the Secretariat ;

(*b*) whether the clerks and superintendents in each of the Secretariat departments were paid at the time-scale rate on the 1st August 1921 ;

(*c*) in which Secretariat department there was delay in payment of the revised scales of pay on the 1st August 1921 ; and

(*d*) which ministerial officer is responsible for the delay in each of the Secretariat departments.

A.—(*a*) The time-scales of pay for the subordinate establishments in the Secretariat recommended by the Hon'ble Mr. Knapp were modified by the Government, and these modified scales have been given effect to in all departments of the Secretariat.

(*b*) & (*c*) The clerks and superintendents of the several departments of the Secretariat were paid according to revised scales of pay in or before August 1921 except in the following cases :—

(i) Clerks and superintendents of the Local Self-Government Department ; and

(ii) Clerks of the Public Works Department.

(*d*) The Government do not consider it necessary to furnish the information called for by the Honourable Member.

Leprosy in the Presidency.

683 Q.—Mr. A. T. PALMER : To ask the Hon'ble the Minister for Local Self-Government—

(*a*) what measures are being taken to check the spread of leprosy ;

(*b*) what, according to the last census, is the number of lepers in our Presidency ; and

* Vide Appendix VIII on page 927 infra.

(*c*) whether the Mission to Lepers has been addressed on the subject of utilizing the asylums in Vizianagram and Saluru for the accommodation of 500 lepers as proposed in G.O. No. 667, dated 7th April 1916.

A.—(*a*) The policy of the Government regarding the control of leprosy has been explained in G.O. No. 352, Medical, dated 8th July 1920, and G.O. No. 868, P.H., dated 22nd July 1921, copies of which are laid on the table.* The Government have recently issued a press communiqué calling attention to the existing provisions of the law for the control of lepers travelling by rail. Similar rules to regulate the travelling of lepers by canals are about to issue.

(*b*) The number of lepers in the Madras Presidency according to the census of 1911 was 16,663. The Government are not yet in possession of the figures for 1921.

(*c*) The answer is in the affirmative—vide paragraphs 3 and 7 of G.O. No. 352, Medical, dated 8th July 1920, quoted above.

Inspector of Income-tax in the city.

684 *Q.*—Mr. A. T. PALMER: To ask the Hon'ble the Member for Finance to state—

(*a*) whether the Government have taken into consideration the petition presented by the people of Madras regarding the appointment of a former Collector of Madras as Commissioner of Income-tax in the same place;

(*b*) whether it is a fact that discontent is prevailing in the country owing to hasty levying of income-tax, especially of what is called excess income-tax; and

(*c*) whether the Government cannot issue orders to all authorities concerned to deal leniently with all legitimate appeals against overtaxation on incomes.

A.—(*a*) No petition from the people of Madras has been presented to the Government.

(*b*) Government are not aware that there has been hasty levying of income-taxes or of excess profits duty.

(*c*) Government do not consider that any such orders are required. The Honourable Member's attention is invited to paragraph 4 of the Board's report on the administration of income-tax for the three years ending 31st March 1920 and to the Government Order thereon, No. 2326, Revenue, dated 27th September 1920, which was placed on the Editors' Table.

Qualifications of members of Local Self-Government Secretariat staff.

685 *Q.*—Mr. M. C. RAJA: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) how many of the superintendents in the Local Self-Government Secretariat are first-class graduates, second-class graduates, third-class graduates, and honours graduates, as disclosed by their results in English and in other optional subjects, giving their names and service and the communities to which they belong; and

* Vide Appendix IX on page 939 infra.

(*b*) how many of the clerks in the upper division of the Local Self-Government Secretariat are first-class, second-class, third-class and honours graduates, giving their names, service and communities.

A.—A statement is laid on the table.*

Triplicane Government Girls' School.

686 *Q.*—Mr. M. C. RAJA: To ask the Hon'ble the Minister for Education, with reference to the answer given by the Government to my question No. 69 referring to the Triplicane Government Girls' School at the last meeting of the Council, to lay on the table the result of the Government's inquiries.

A.—A copy of the report of the Director of Public Instruction on the subject is placed on the table.†

Panchamas' procession in Vallampadugai.

687 *Q.*—Mr. M. C. RAJA: To ask the Hon'ble the Home Member, with reference to the answer given by the Government to my question No. 71 regarding the Panchamas' procession in Vallampadugai at the last meeting of the Council, to state the result of the inquiries.

A.—The Government have made inquiries on the points raised in question No. 71 of the August Sessions, 1921, of the Legislative Council and their information is that their restriction on the use of certain roads by Adi-Dravidas was a matter of long-standing custom to which the Adi-Dravidas themselves agreed. If they had felt themselves aggrieved their proper course would have been to have endeavoured to establish in a civil court their right to use any route they pleased or to have appealed to higher authority.

Cart-road in Nannimangalam.

688 *Q.*—Mr. M. C. RAJA: To ask the Hon'ble the Law Member, with reference to the answer given by the Government to my question No. 72 regarding the report of the Labour Commissioner regarding cart-road in Nannimangalam at the last meeting of the Council, to lay on the table the report received and the orders of the Government thereon.

A.—No useful purpose will be served by placing the report on the table, but if the member desires to see the report it will be shown to him. The Government propose to take no further action in the matter.

Public roads and rights of Panchamas.

689 *Q.*—Mr. M. C. RAJA: To ask the Hon'ble the Home Member, with reference to the answer given by Government to my question No. 278 regarding public roads and the right of Panchamas at the last meeting of the Council, to lay on the table a copy of the order of the District Magistrate complained of in the resolution.

A.—A copy of the order is placed on the table.‡

* Vide Appendix X on page 942 infra. † Vide Appendix XI on page 943 infra.

‡ Vide Appendix XII on page 946 infra.

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Women in Educational Department.

690 *Q.*—Mr. T. A. RAMALINGA CHETTIYAR: To ask the Hon'ble the Minister for Education to give a list of women employed in the Educational Department on a salary of Rs. 75 a month and upwards, with their educational qualifications, their total service and the dates on which they were promoted to their present appointments.

A.—A Quarterly List of Officers in the Educational Department is placed in the Council Library for reference.

Registration fee in the Engineering College.

691 *Q.*—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Minister for Education—

(*a*) whether it is a fact that a fee of Rs. 5 is payable as registration fee for every application for admission into the Engineering College;

(*b*) whether it is adjusted towards the fee of the applicant if he gains admission;

(*c*) whether it is refunded to him in case he is not selected, as is done in the Medical College; and

(*d*) if the answer is in the negative, whether the Government cannot see their way to pass orders for the refund of the amount in the above case as is done in the Medical College.

A.—(*a*) Yes.
(*b*) No.
(*c*) No.
(*d*) The matter will be considered.

Sarishtadar of South Kanara Collectorate.

692 *Q.*—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Member for Revenue to state—

(*a*) whether it is a fact that the South Kanara Collector's Sarishtadar has been in his post for over five years;

(*b*) if so, whether it is not opposed to the orders of Government in G.O. No. 2836, Revenue, dated 30th September 1914, communicated with B.P. No. 414, L.R., dated 12th October 1914;

(*c*) whether there were any particular reasons for disregarding the above order in this case;

(*d*) whether there is any rule exempting sarishtadars or tahsildars from retiring after they complete their 55th year of age.

A.—(*a*) & (*b*) The answer is in the affirmative.
(*c*) Government have no information but will inquire.
(*d*) The attention of the Member is drawn to article 459 of the Civil Service Regulations.

Acquisition of house compound for Revenue Divisional Officer, Puttur.

693 *Q.*—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Member for Revenue to state—

(*a*) whether the Government have received a resolution by wire of a public meeting of the residents of Puttūr, South Kanara, held on 15th instant, under the presidency of Mr. Puvani Hegde, protesting against the acquisition of a house compound for the Revenue Divisional Officer, Puttūr; and

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(*b*) if so, what action the Government propose to take in the matter of cancelling the acquisition.

A.—(*a*) The answer is in the affirmative.
(*b*) The Government see no reason to reconsider their decision regarding the acquisition of the building.

Public Works Department Secretariat.

694 *Q.*—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Minister for Education and Public Works to state whether it is a fact that in the Public Works Department Secretariat, the new scales of pay sanctioned for the Secretariat have not yet been introduced, and, if so, the reasons for deferring their introduction.

A.—The new scales of pay sanctioned for the Secretariat have been introduced in the Public Works Department Secretariat.

Examining section of the Government Press.

695 *Q.*—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Member for Finance to state—

(*a*) how many dismissals there have been in the Examining section of the Government Press since the appointment of Mr. C. M. Thambuswami Pillai as acting Head Examiner; and

(*b*) whether it is a fact that a large quantity of stationery, etc., is missing and unaccounted for in the Government Press, and, if so, to what extent.

A.—(*a*) The services of forty-eight men were dispensed with in the Reading Branch of the Government Press since the appointment of Mr. Thambuswami Pillai as acting Head Examiner in June 1918. Of these four were proof readers, whose services were dispensed with for long absence and 44 were reading boys removed for irregular attendance and misbehaviour.

(*b*) No.

Fish-curing yards in Malabar and South Kanara.

696 *Q.*—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Minister for Development—

(*a*) to state the number of fish-curing yards now in existence in Malabar and South Kanara;

(*b*) what the amount annually expended on them is and also what income the Government derive from them annually; and

(*c*) to state if there is any possibility of opening more fish-curing yards in South Kanara and Malabar, and, if so, what steps the Government propose to take in the matter.

A.—(*a*) Forty-seven; thirty-one in the Malabar district and sixteen in the South Kanara district. The opening of six more yards—three in Malabar and three in South Kanara—has been sanctioned; in these actual work has not yet commenced owing to the difficulty of acquiring the necessary lands.

(*b*) The figures for the three years ending 1920-21 are given below :—

Year.	Total expenditure.	Total receipts.	Loss on the working.
	RS.	RS.	RS.
1920-21	2,68,553	1,64,233	1,04,320
1919-20	2,13,444	1,31,034	82,410
1918-19	2,16,343	1,17,039	99,304

(*c*) The matter is under consideration.

Government grant to the middle school at Hospet.

697 Q.—Mr. A. RANGANATHA MUDALIYAR : To ask the Hon'ble the Minister for Education and the Hon'ble the Minister for Local Self-Government to state—

(*a*) the grant annually given by the Government to the Hospet municipality, Bellary district, for maintaining the middle school at Hospet ;

(*b*) whether the municipality has, in addition to the Government grant, to find annually about Rs. 1,500 for the maintenance of the school ;

(*c*) whether the Hospet municipality has resolved to raise its school to a high school and opened classes up to the fifth form ;

(*d*) whether the municipality has applied to the Government to defray, as in the case of many schools in the Ceded districts, the net cost of at least the high school department ; and

(*e*) what orders have been passed by the Government thereon.

A.—(*a*) Rupees 570.

(*b*) The answer is in the negative.

(*c*) & (*d*) The answer is in the affirmative.

(*e*) The Government have directed that 75 per cent of the net cost on account of the opening of the fourth and fifth forms in the school, subject to a maximum of Rs. 1,509 per annum, be met from Provincial funds.

Council Secretaries.

698 Q.—Mr. A. RANGANATHA MUDALIYAR : To ask the Hon'ble the Law Member to state—

(*a*) the duties assigned to the Council Secretaries ;

(*b*) whether any or all of the Secretaries are utilized in the disposal of Secretariat files on the administrative side, or whether they are to deal only with papers connected with the Legislative Department ; and

(*c*) if the latter is the case, the work done by them during the months of April to July when the Legislative Council was not at work.

A.—(*a*) The annexure to G.O. No. 195, Public, dated 7th April 1921, prescribing the duties of the Council Secretaries is laid on the table* for the information of the Honourable Member.

(*b*) Council Secretaries are at present assisting the Ministers in their departments. They are helping the Ministers in working up the replies to any questions or resolutions that may be handed to them by their several Ministers. They are entrusted with the responsibility of replying for their department in the Legislative Council on lines approved by the Ministers concerned. Council Secretaries

* Vide Appendix XIII on page 947 infra.

are also acting as confidential secretaries to their respective Ministers. It is difficult to draw the line of distinction between purely legislative and administrative part of the work. The main duty of the Council Secretaries consists in dealing with papers connected with the Legislative Council.

(*c*) The Secretaries were working during the months of April to July as stated above except one of them, who was not able to be with the Minister when the latter was at Ootacamund. His Excellency the Governor acting with his Ministers is quite satisfied with the work done by the Council Secretaries since their appointment.

Admission to Madras Medical College.

699 Q.—Mr. A. RANGANATHA MUDALIYAR : To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) the total number of applicants who applied for admission to the Madras Medical College ;

(*b*) the candidates who were selected for admission, with their full qualifications ;

(*c*) the general principles on which the selections were made ;

(*d*) whether it is a fact that a Mysore student by name Selvaraju, who had secured 324 marks and passed his Intermediate creditably, taking group I subjects for his examination, applied for admission to the Medical College ;

(*e*) whether he held a stipend from the Mysore Government and his application for admission was also supported by that Government ;

(*f*) whether his application for admission was rejected, and, if so, on what grounds ;

(*g*) the number of students belonging to Native States who were selected for admission to the Medical College ;

(*h*) whether there is any fixed number of seats set apart for the benefit of students from Native States ; and

(*i*) whether, if the existing college is not able to meet the demands on it, the Government will consider the advisability of opening another college at Rayapuram.

A.—(*a*) The total number of applications for admission to the Medical College, Madras, was 326 as shown below :—

For the M.B & B.S. class	309
For the Assistant Surgeon branch (Indian Medical Department).	6
For the Apothecary class (women)	11

(*b*) One hundred and eleven candidates were selected. Their qualifications were as shown below :—

B.A. (Madras University) whole or part in science or attended B.A. class in science	32
B.A. (Mysore University) in science	2
B.Sc. (Mysore University)	1
B.A. (Mysore University) and attended part of B.Sc. course.	1
Intermediate Examination (Madras University), Group II, with classical language.	8
Intermediate Examination (Madras University), Group II, others.	8

Intermediate Examination (Madras University), Group I, with classical language.	22
Intermediate Examination (Madras University), Group I, others.	23
Assistant Surgeon branch, Indian Medical Department, selected by the Director-General, Indian Medical Service.	6
Apothecary class, women candidates	8

(*c*) The following is the order of preference in the selection of candidates :—

(1) Graduates in science or those who have passed the science portion of the B.A. degree examination or attended B.A. class in science.
(2) Intermediates in Group II.
(3) Intermediates in Group I.
(4) Other examinations recognized by the General Medical Council of the United Kingdom.
(5) Intermediates in Group III.
(6) Others.

(*d*) Yes. Mr. A. S. Selvaraju applied for admission into the M.B. & B.S. class but not as a Mysore student. As the marks obtained in the vernacular portion of the Intermediate Examination are eliminated in determining the order of merit of the candidates, Selvaraju's marks exclusive of the vernacular marks amounted to only 278.

(*e*) The intimation from the Mysore Government that he was granted a stipend was received too late for consideration.

(*f*) The application was rejected as the prescribed number of seats open to Mysore students had already been filled up by better qualified candidates.

(*g*) Twenty-one candidates from Travancore and Cochin and five from Mysore were selected.

(*h*) The Government have ordered that the number of students admitted from the Indian States should not ordinarily exceed 25 per cent of the seats available after excluding military pupils and female apothecary students.

(*i*) The Government are already considering the question of opening a Medical College at Vizagapatam. Detailed proposals for this are being worked out by the Surgeon-General. The Government do not consider it advisable to open another college at Rayapuram.

Government officers' quarters in the City.

700 *Q.*—Mr. A. RANGANATHA MUDALIYAR : To ask the Hon'ble the Minister for Education and Public Works—

(*a*) to place on the table a list of buildings in the City of Madras occupied by Government officers, together with the rents paid by each officer ; and

(*b*) to state the capital value of each building and the amount spent on it last year and proposed to be spent during the current year.

A.—A statement giving the information required is placed on the table.*

* Vide Appendix XIV on page 948 infra.

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Metal stones in famine areas.

701 *Q.*—Mr. A. RANGANATHA MUDALIYAR : To ask the Hon'ble the Member for Revenue for the information referred to in the answer to question No. 183, asked on 2nd August 1921 regarding famine metal.

A.—The Collector's report is laid on the table.*

Loans under the Land Improvements Act, etc., in Bellary and Anantapur.

702 *Q.*—Mr. A. RANGANATHA MUDALIYAR : To ask the Hon'ble the Member for Revenue to state, for the Bellary and Anantapur districts respectively,—

(1) the total sum allotted successively during 1920–21 and 1921–22 for grant of loans under

(*a*) the Land Improvements Act, and

(*b*) the Agricultural Loans Act, in—
(i) the famine-affected areas,
(ii) the remaining portion of the district ;

(2) the total sum disbursed under the two Acts respectively in the areas referred to above during 1920–21 and during 1921–22 up to the period for which the latest figures are available ;

(3) the number and the total sum of the sanctioned loan applications under each Act, the amount of which remained undisbursed at the end of the year 1920–21, and at the end of the period in 1921–22 for which information asked for in (2) is given ; and

(4) the amounts applied for under each Act by each of the tahsildars of the famine-affected taluks and allotted by the Government from time to time.

A.—The Government have no information.

Mr. A. RANGANATHA MUDALIYAR :—"The answer to question No. 702 is that the Government have no information. But I find to a similar question No. 756 an answer has been furnished. Will the Government be pleased to inquire and furnish the information ? "

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Allotment of funds are not made tract-war but district-war, and, if this information has to be gathered, I am afraid it will involve needless trouble and expenditure."

Indian Medical Service officers.

703 *Q.*—Mr A. RANGANATHA MUDALIYAR : To ask the Hon'ble the Minister for Local Self-Government—

(*a*) how many Indians there are in the Indian Medical Service in this Presidency of the rank of Major and higher ranks ;

(*b*) whether any Indian belonging to the Indian Medical Service, and, if so, who, has been appointed to any Presidency hospital or to any professorial appointment at the Medical College or to any administrative post in Madras, during the last ten years ; and

(*c*) if he would consider the claims of Indians to such appointments.

* Vide Appendix XV on page 956 infra.

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A.—(*a*) Four.

(*b*) Captain Bose, I.M.S., was appointed to act as Resident Medical Officer, General Hospital, Madras, from 18th July 1911 to 6th September 1911.

(*c*) Selections to appointments in the Presidency State Hospitals, to professorial appointments at the Medical College and to administrative appointments are not made on the basis of class representation. The officers best suited for these important appointments are selected irrespective of nationality.

Well of Bellary Jail.

704 *Q.*—Mr. A. RANGANATHA MUDALIYAR: To ask the Hon'ble the Home Member for how long the well of the Bellary jail has been uniformly bad and what steps the Government have taken to improve the quality of water supplied therefrom to the prisoners in the jail.

A.—Material to answer the inquiry is not in the possession of Government. A report on the subject will be called for.

Members of the Executive Council.

705 *Q.*—Mr. A. RANGANATHA MUDALIYAR: To ask the Hon'ble the Member for Finance to state—

(*a*) whether or not the period during which Honourable Members have held office as Executive Councillors prior to the Reforms, will be taken into account in calculating their quinquennium of office; and

(*b*) to quote the section of the Government of India Act, or the rules framed thereunder, which governs the cases referred to above.

A.—(*a*) The period in question will be taken into account.

(*b*) The five years' tenure of the office of Member of Executive Council is not regulated by Statute but is a matter of constitutional understanding.

The Medical Department.

706 *Q.*—Mr. A. RANGANATHA MUDALIYAR: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) whether the Government have perused the leading article in *New India*, dated 12th August 1921, headed "Service Arrogance";

(*b*) whether the statements in the said article are correct;

(*c*) what allowances were drawn by Surgeon-General Giffard for the period that he acted as Sanitary Commissioner; and

(*d*) whether the Government have accepted the principle of not appointing medical graduates of Indian or British Universities other than I.M.S. officers to posts which may place them in a position of superiority to I.M.S. men.

A.—(*a*) The Government have perused the article referred to.

(*b*) The statements contained in the article are not accurate and do not correctly represent the facts of the case.

(*c*) Major-General Giffard was granted an allowance of Rs. 900 a month for performing the duties of Sanitary Commissioner in addition to his own.

(*d*) The Government have not laid down any hard and fast rules on the subject.

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Vaccination.

707 *Q.*—Mr. K. SADASIVA BHAT: To ask the Hon'ble the Minister for Local Self-Government to direct a detailed inquiry in any local area for determining (i) whether the percentage of successful cases of vaccination has fallen in recent years, and, if so, what is the cause of the same; (ii) whether smallpox attacks of vaccinated persons are more frequent than before; (iii) whether the quality of lymph has deteriorated in recent years, and, if so, from what causes and (iv) to state whether the Government would consider what steps should be taken to remedy the defects, if any.

A.—The Government do not consider it necessary to institute a detailed inquiry in any local area as proposed by the non-official member. He is referred to the annual reports on the working of the vaccine section of the King Institute which have already been placed on the Editors' Table and also to Government Memorandum No. 8121-1 P.H., dated 16th May 1921, which has been issued as a news slip by the Publicity Bureau. These papers explain fully the reasons so far ascertained for the low percentage of success in vaccine operations. The question of improving lymph supplied from the Institute is now engaging the attention of the Director of the Institute and the Surgeon-General.

Travelling and daily allowance of gazetted and non-gazetted officers.

708 *Q.*—Mr. K. SADASIVA BHAT: To ask the Hon'ble the Member for Finance to state—

(*a*) if it is a fact that the revised rates of travelling and daily allowances of gazetted as well as non-gazetted officers of Government have not been extended to some districts including South Kanara;

(*b*) if so, what the districts are to which they have not been extended, and the reasons in each case why such extension was not made;

(*c*) if it is a fact that even in the districts to which the enhanced rates have not been extended, gazetted officers are permitted to draw the enhanced rates and only the non-gazetted officers in such districts are denied the benefit of the enhancement; and

(*d*) if the Government will be pleased to consider the expediency of removing the distinction and extending the benefit to non-gazetted officers also in those districts.

A.—(*a*) & (*b*) The revised rates have been extended to all districts both for gazetted and non-gazetted officers. The question whether an increase over the standard rates, such as was formerly allowed in certain special tracts, should continue to be granted along with the new standard rates is under consideration. South Kanara is one of the districts which would be affected by this decision.

(*c*) & (*d*) No such distinction has been made.

New scales of pay to non-gazetted officers.

709 *Q.*—Mr. K. SADASIVA BHAT: To ask the Hon'ble the Member for Finance to state—

(*a*) if it is a fact that the Government have issued orders directing that even ordinary acting and permanent promotions should be held in abeyance pending the introduction of the new scales of pay to non-gazetted officers;

(*b*) whether, as a result, a large number of officers who would have in the usual course been made permanent and would have drawn a permanent scale of pay are working in posts permanently vacant but on acting allowances;

(*c*) if the Government will be pleased to confirm these officers who are filling permanent vacancies with effect from the date of appointment to those posts; and

(*d*) when the revised scales of pay to non-gazetted officers will be given effect to.

A.—(*a*) The orders issued by Government for the regulation after 1st March 1921, of officiating and permanent promotions of non-gazetted officers, permit the grant of such promotions up to the amount of salary which will be admissible to these subordinates on the introduction of the reorganization.

(*b*) The Government have no information. If any such case has occurred, and an officer has thereby drawn less pay than that to which he is entitled under the new scale, the matter will be adjusted as soon as the new scale is introduced.

(*c*) The orders already issued are intended to avoid recoveries as far as possible and the Government do not consider it necessary to adopt the Member's suggestion.

(*d*) The attention of the Member is drawn to the answer given to question No. 190 at the meeting of the Legislative Council held on the 2nd August 1921.

Sandalwood stills in South Kanara.

710 *Q.*—Mr. K. SADASIVA BHAT: To ask the Hon'ble the Home Member to state—

(*a*) the number of sandalwood stills that have been closed in the last ten years in South Kanara;

(*b*) if it is a fact that it has been often represented to the Government that the industry in that district suffers from the restrictions under the Sandalwood Transport Rules and the method of working those rules in the district;

(*c*) whether the Government will call for and obtain a full report from the Collector of South Kanara as to the condition of the industry and the steps that should be taken to help the same.

A.—(*a*) The Government have no information.

(*b*) No representations regarding the sandalwood industry in South Kanara have been received by Government since the revised rules were notified in January 1921. The revised rules were framed after consulting both official and non-official opinion in the district.

(*c*) The Government are unaware of any sufficient cause for the proposed inquiry and, as at present advised, are not prepared to call for a special report from the Collector.

Orders of assignment under darkhast rules.

711 *Q.*—Mr. K. SADASIVA BHAT: To ask the Hon'ble the Member for Revenue whether it is a fact that the Board of Revenue, while reversing orders of assignment under the darkhast rules, do so without giving notice, or an opportunity of hearing, to parties that may be affected prejudicially by such reversals, and,

if so, whether the Government have any objection to direct that notice should be given and parties heard at least through the Collector or Revenue Divisional Officer before such orders are passed.

A.—There is at present no rule requiring the Board of Revenue to issue notices, while reversing orders of assignment under the darkhast rules, to parties that may be affected prejudicially by such reversals and to give them an opportunity of hearing. Government are, however, considering the desirability of introducing such a rule.

Reserve forests in South Kanara.

712 *Q.*—Mr. K. SADASIVA BHAT: To ask the Hon'ble the Home Member what extent of reserved forests in South Kanara has been destroyed by fires in the last five years, and if the Government have been able to trace the causes of such fires, and what steps the Government propose to take to prevent such damage in the future.

A.—The figures of reserved forests burnt over, not necessarily destroyed by fire, for each of the last five years are appended.*

The Forest Department are frequently unable to trace the cause of such fires with certainty, but with the exception of 557 acres it is probable that the whole extent under discussion was burnt through the malice or carelessness of the public.

The honourable member is referred to paragraph 9 of the Government's review on the Forest Administration Report for 1919-20 from which he will observe that the Government see no prospect of the Forest Department preventing the majority of such fires unless and until it receives adequate help from the public. The honourable member and other members of the Legislative Council might render valuable aid in stimulating public opinion to discourage this habitual destruction of public property.

Kumaki privileges.

713 *Q.*—Mr. K. SADASIVA BHAT: To ask the Hon'ble the Home Member to state—

(*a*) the number of cases in which the Collector of South Kanara has suspended or withdrawn *kumaki* privileges under 7-A of the general forest rules under section 26 of the Forest Act in the last three years;

(*b*) in how many of these cases the *kumakis* consisted of timber jungle conserved by the ryots concerned;

(*c*) in how many of such cases appeals were preferred to the Board of Revenue, and in how many of such appeals the Collector's orders were modified or reversed;

(*d*) if the Collector is authorized to withdraw *kumaki* privileges without asking the party affected to show cause; and

(*e*) if so, whether the Government cannot direct that, before such powers are exercised, the party affected thereby should be heard and afforded an opportunity to compensate the Government for any loss of produce or compound the alleged violation of rules.

* Vide Appendix XVI on page 957 infra.

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A.—The Government are not in possession of the information desired in clauses (*a*) to (*c*) of the question, and as at present advised do not see any reason to modify the rules regarding the exercise of kumaki privileges. The rules expressly provide that when exercising the powers of suspending or withdrawing any such privilege the Collector shall record his reasons in writing, and if in any case those reasons are inadequate the person affected has a remedy in the shape of an appeal to the Board of Revenue.

Sale of toddy shops.

714 *Q.*—Mr. K. SADASIVA BHAT: To ask the Hon'ble the Minister for Education (Excise) to state—

(*a*) if any reports have been received of the progress of toddy shop sales and whether it is true that in several districts there were no bidders at the sales;

(*b*) if the Government propose to direct re-sales or will they seize the opportunity to inaugurate a policy of temperance reform in those districts which have signified their demand for such reforms at the recent sales.

A.—(*a*) An ad-interim report on the results of the toddy shop sales held so far for the year 1921–22 has been received from the Board of Revenue. From the above report it appears that there were wholesale absence of bids only in certain taluks.

(*b*) The Honourable Member is referred to the answer given to clause (*c*) of question No 744.

Muhammadan restaurants in South Indian Railway.

715 *Q.*—Mr. A. P. I SAIYID IBRAHIM RAVUTTAR: To ask the Hon'ble the Home Member—

(*a*) whether the attention of the Government has been drawn to the loud complaints from the Muhammadan public for the opening of Muhammadan restaurants at the junction stations of the South Indian Railway; if the answer is in the affirmative, what steps the Government have taken to redress the grievances;

(*b*) whether the Government will move the South Indian Railway authorities to erect a zinc shed, near the platform as a shelter from the scorching sun, for the passengers arriving at the Trichinopoly Junction station from Erode (South Indian Railway);

(*c*) whether the attention of the Government has been drawn to the inability of the third-class passengers to book their seats from the only booking aperture at the Trichinopoly Junction; and

(*d*) whether the Government cannot urge upon the railway company the necessity of opening two or more booking windows to facilitate business with the public.

A.—(*a*) The Government understand that the South Indian Railway Administration recognize the necessity for the provision of separate Muhammadan refreshment rooms at junction stations and have prepared a design which has recently been approved by the Home Board.

(*b*) The attention of the Member is drawn to the answer to question No. 566 (*d*).

(*c*) & (*d*) The matter will be brought to the notice of the Agent, South Indian Railway.

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Srirangam Municipality.

716 *Q.*—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) whether the attention of the Government has been drawn to the letter under the heading "Srīrangam Municipality" in the *Justice*, dated 18th August 1921;

(*b*) if so, what steps the Government have taken to set right the matter to comfort the ratepayers of Srīrangam;

(*c*) whether the attention of the Government has been drawn to the *Justice*, dated 19th August 1921, regarding the high-handedness of the Srīrangam municipal authorities; and

(*d*) what steps the Government have taken to redress the grievances of the ratepayers.

A.—(*a*) & (*c*) The Government have now perused the communications referred to by the member.

(*b*) & (*d*) They have not taken any action in the matter.

Dismissal of Mr. Khader Sahib, village munsif of Labbai-kudi-kadu, Trichinopoly.

717 *Q.*—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: To ask the Hon'ble the Member for Revenue to state—

(*a*) the reasons why the services of Khader Sahib, the village munsif of Labbai-kudi-kadu, Perambalūr taluk, Trichinopoly district, were dispensed with in the year 1920;

(*b*) why his son's application was not considered to the same hereditary post;

(*c*) whether it is a fact that Labbai-kudi-kadu has a dense Muhammadan population;

(*d*) whether the present village munsif is a Muhammadan by caste and a permanent resident of the said place; and

(*e*) if the answer is in the negative, to state the reason why the service of a Muhammadan village munsif has been lost sight of.

A.—The Government have no information.

Muhammadan representation in ministerial offices of the judiciary in Trichinopoly.

718 *Q.*—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: To ask the Hon'ble the Law Member to state—

(*a*) the number of Muhammadans employed in the Judicial department at Trichinopoly as process-servers, amins and clerks, etc., for the year 1920–21;

(*b*) whether it is proposed to locate the Turaiyūr District Munsif's Court at Musiri; and

(*c*) whether it is a fact that there has never been a non-Brahman Public Prosecutor in the District and Sessions Court of Trichinopoly since its establishment.

A.—(*a*) Government have no information.

(*b*) Government are not aware of any such proposal.

(*c*) The answer is in the affirmative.

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Medical College students of Vizagapatam.

719 Q.—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: To ask the Hon'ble the Minister for Local Self-Government to state the reasons why the students of the Vizagapatam medical school have been transferred to Madras, which is a distant and costly place, instead of to some nearer and more convenient centre.

A.—As the number of students seeking admission to medical schools is very large, it is not always found possible to meet the wishes of the students and post them to the schools they choose. As far as possible students are admitted into the schools situated near their own districts.

Medical Stores, Madras.

720 Q.—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) whether it is a fact that the Medical Stores, Madras, charge high prices for medicines supplied to the municipal hospital at Trichinopoly; and

(*b*) if the answer is in the affirmative, whether the Government have any objection to recommend the supply of medicines at the prices reserved for charitable institutions.

A.—(*a*) The charges levied for medicines supplied by the Medical Store Depot, Madras, are regulated by the orders of the Government of India. Local bodies are charged slightly higher rates than Government and charitable institutions, but so far as the Government are aware, the rates cannot be said to be high as compared with the rates which would have to be paid in the open market.

(*b*) The question of the supply of medical stores to local bodies at the same rates as those charged to Government and charitable institutions is under correspondence with the Government of India.

Motor Mail Service.

721 Q.—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: To ask the Hon'ble the Member for Finance to state—

(*a*) whether it is a fact that for the current year the authorities of the Postal Department have recommended an increase of rates for the motor mail service running between Kodai Road, Kodaikānal, and Periyapālaiyam, and other places.

(*b*) if the answer is in the affirmative, what is the increase recommended; and

(*c*) whether any tenders were invited before the increase was recommended.

A.—(*a*), (*b*) & (*c*) The administration of the Postal department is under the Government of India. This Government have no information on the subject.

Resumption of service inams in permanently-settled estates.

722 Q.—Sriman SASIBHUSHANA RATH Mahasayo: To ask the Hon'ble the Member for Revenue to state—

(*a*) the total extent of village service *inams* resumed by the Government in the permanently-settled estates in the Presidency;

(*b*) the total annual income derived from such land; and

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(*c*) the total amount spent by the Government every year by way of payments to the whole village service establishment in the permanently-settled estates.

A.—(*a*) & (*b*) The Government are not in possession of the required information.

(*c*) The member is referred to the Civil Budget Estimate for 1921-22 which contains the information.

Enfranchisement of artisan inams in proprietary estates.

723 Q.—Sriman SASIBHUSHANA RATH Mahasayo: To ask the Hon'ble the Member for Revenue—

(*a*) to state whether the Government have enfranchised any of the artisan *inams* in the proprietary estates of the Presidency;

(*b*) if so, to give a list and the extent of such *inams*; and

(*c*) if not, to state whether the Government intend to enfranchise such *inams* in future.

A.—(*a*) & (*b*) No artisan service inams in proprietary estates have been enfranchised.

(*c*) The Government have no such proposal under their consideration at present.

Enfranchisement of barber's inam in Balarampur, Ganjām.

724 Q.—Sriman SASIBHUSHANA RATH Mahasayo: To ask the Hon'ble the Member for Revenue—

(*a*) whether it is a fact that the barber's *inam* in the village of Balarampur, Bodogoda estate, Ganjām district, has been enfranchised by the Government;

(*b*) whether barber's *inam* is not a personal *inam* of the zamindar; and

(*c*) whether the right of the Government has ever been disputed in the matter of enfranchisement of such personal *inams*.

A.—(*a*) The Government have no information.

(*b*) The question is one of fact.

(*c*) The question of fact has been raised in some cases.

Travelling charges of Indian Boy Scouts.

725 Q.—Mr. R. K. SHANMUKHAM CHETTIYAR: To ask the Hon'ble the Minister for Education and the Hon'ble the Member for Finance—

(*a*) whether it is a fact that Indian boy scouts from different parts of the Presidency came to Madras in connexion with Sir Robert Baden Powell's recent visit to Madras,

(*b*) whether the Government undertook to bear any part of the travelling charges of these scouts, and, if so, what portion of the actual cost,

(*c*) whether the scouts were allowed by the Railway Company to travel on this occasion at half the usual railway fare,

(*d*) what sum of money, if any, was granted by the Government towards this and, if so, to whom it was given, and

(*e*) how many scouts travelled under this arrangement.

A.—(*a*) Yes.
(*b*) Yes; the full actual charges, payable by the scouts as railway fare.
(*c*) Yes.
(*d*) Rs. 5,300; Mr. G. S. Arundale, the Chief Scout Commissioner of the South Indian Boy Scouts Association.
(*e*) 1,020.

Strength of the Coimbatore College.

726 *Q.*—Mr. R. K. SHANMUKHAM CHETTIYAR: To ask the Hon'ble the Minister for Education—

(*a*) what the average number was of students per year that were studying in the Coimbatore College in the third, fourth, fifth and sixth forms and in the Intermediate classes for the three years previous to its being taken over by the Government, and

(*b*) what the average strength is of these classes after the college was taken under Government management.

A.—The following statement shows the number of students in each of the forms and classes at the end of the years 1916–17, 1917–18 and 1918–19 when the college was under private management and at the end of the year 1919–20 when it came under Government control:—

—	Third form.	Fourth form.	Fifth form.	Sixth form.	Junior Intermediate class.	Senior Intermediate class.
(*a*) (Prior to being taken over by Government.)						
1916–17	75	95	65	75	36	49
1917–18	72	73	77	54	44	35
1918–19	110	78	70	63	34	36
Total ..	257	246	212	192	114	120
Average ..	85	82	70	64	38	40
(*b*) (When under Government control.)						
1919–20	84	75	69	32	50	35

Grant for water-supply scheme for Coimbatore.

727 *Q.*—Mr. R. K. SHANMUKHAM CHETTIYAR: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) whether the Government propose to give any financial help to the water-supply scheme for Coimbatore, and

(*b*) if so, whether the Government cannot give a portion of the grant at least in the year 1922–23 so as to begin the work early.

A.—(*a*) & (*b*) The scheme is under consideration. The Government have not yet arrived at any definite decision as regards the financing of the scheme.

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Conduct of a head constable at Hindupur.

728 *Q.*—Mr. T. SIVASANKARAM PILLAI: To ask the Hon'ble the Home Member to state—

(*a*) whether his attention has been drawn to a letter in the *Andhrapatrika* of the 29th instant written from Hindupur by a correspondent;

(*b*) if it is a fact as alleged therein that a head constable of the place proclaimed by beat of tom-tom through the streets of Hindupur inviting all those who wished to drink to go and do so without fear; and

(*c*) if so, under whose authority he so proclaimed.

A.—The Government have not seen the letter referred to and have no information on the subject.

Government Oriental Manuscripts Library.

729 *Q.*—Mr. T. SOMASUNDARA MUDALIYAR: To ask the Hon'ble the Minister for Education to state—

(*a*) when the Government Oriental Manuscripts Library, Madras, was first formed;

(*b*) the number of manuscripts in Sanskrit, Tamil, Malayalam, Kanarese and Telugu that are at present preserved in the library;

(*c*) whether the attention of the Government has been drawn to the article entitled "Government Oriental Manuscripts Library" that appeared in the *Justice* of the 14th February 1921;

(*d*) how far the allegations contained therein regarding the neglected condition of the manuscripts are true;

(*e*) the annual expenditure incurred on the maintenance of the library—

(1) the honorarium or salary or allowance paid to the Curator of the Government Oriental Manuscripts Library,

(2) establishment charges relating to the Sanskrit and each of the other sections of the library,

(3) contingencies; and

(*f*) the number of manuscripts acquired during each of the last three years and the expenditure incurred on their acquisition.

A.—(*a*) In the year 1869.

	Manuscripts.
(*b*) Sanskrit	10,442
Tamil	2,009
Malayalam	109
Kanarese	921
Telugu	2,934

(*c*) Yes.
(*d*) The allegations contained therein regarding manuscripts are not true so far as the Oriental Manuscripts Library is concerned.
(*e*) The total annual expenditure incurred in the maintenance of the library is of a fluctuating character. The revised estimate for the current year is Rs. 23,100.
(1) No remuneration of any kind is paid to the Curator.
(2) & (3) No portion of the library establishment is exclusively earmarked for any particular language and the sections of the establishment are not formed on a linguistic basis.
(*f*) The attention of the member is invited to G.O. No. 887, dated the 16th July 1919, which has been placed on the Editors' Table.

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House-sites for depressed classes.

730 Q.—Mr. T. SOMASUNDARA MUDALIYAR: To ask the Hon'ble the Law Member to state—

(1) the actual cost districtwar of the establishment employed for the acquisition of house-sites for depressed classes from the time the special staff was sanctioned till the end of February 1921;

(2) the number of acquisitions made districtwar

(*a*) for Panchamas,

(*b*) Indian Christians and

(*c*) other classes;

(3) the number of villages in each district

(*a*) where the acquisition work has been completed,

(*b*) where it is still incomplete; and

(4) what the extent of land acquired villagewar is in each of the following:—

(*a*) wet,

(*b*) dry and

(*c*) village nattam.

A.—The statement which gives the required information and is based on a report, dated 25th April 1921, is laid on the table.*

The staff have many other important duties to discharge besides acquisition of house-sites, such as for instance the organization of co-operative societies, assignment of land to depressed classes and the starting of schools—vide paragraph 15 of letter to the Government of India at pages 5-6 of G.O. No. 2254, Revenue, dated 14th September 1920, which has been laid on the Editors' Table.

Restoration of Kannivattam channel.

731 Q.—Mr. S. SOMASUNDARAM PILLAI: To ask the Hon'ble the Member for Revenue to state, with reference to the answer given to the question 114 of Mr. P. Siva Rao, on the 16th February 1921, regarding the restoration of the Kannivattam channel, Chingleput division—

(*a*) whether any further steps were taken by the Executive Engineer of the division to meet the requirements of the ryots by a less costly scheme;

(*b*) whether the Executive Engineer has prepared the necessary estimates; and

(*c*) if not, whether the Government cannot expedite the preparation of the scheme.

A.—The estimate for the work has since been revised and resubmitted by the Executive Engineer. The less costly scheme referred to is found to be only a part of the original scheme. It is not considered desirable to carry out only a portion of the scheme. The estimate is being checked by the Chief Engineer for Irrigation.

* Vide Appendix XVII on page 958 infra.

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Post Office at Vengadampatti in Tinnevelly district.

732 Q.—Mr. W. P. A SAUNDARA PANDIA NADAR: To ask the Hon'ble the Member for Finance:—

(*a*) whether it is a fact that the correspondent of Vengadampatti Kshatriya school committee applied to the Superintendent of Post Offices for the establishment of a post office in Vengadampatti, Tinnevelly district, and that the latter replied saying, that statistics did not justify the proposal;

(*b*) to state the period for which statistics were collected by the postal department, and if the statistics covered the villages of Vengadampatti, Anjankathalai, Nadathur, Therkumadattur, Pulangulam, Avadayanur, Andipatti, and Pungampatti—all of which are villages that can be served by a post office established at Vengadampatti;

(*c*) whether in view of the vast area round about Vengadampatti, that is now being inadequately served by a tri-weekly postal service, the Government cannot reconsider their decision.

A.—(*a*) & (*b*) The Government have no information.

(*c*) The matter has not come up for the consideration of the Government. They will now call for a report.

Increments to Deputy Collectors.

733 Q.—Mr. R. SRINIVASA AYYANGAR: To ask the Hon'ble the Member for Revenue—

(*a*) whether it is a fact that in the case of deputy collectors employed on ordinary or special duty or on foreign service and to whom increments have fallen due during the previous quarter, district collectors are required to submit to Government *every quarter* a report as to whether the increments may be granted to or withheld although the efficiency bar may not have been reached;

(*b*) whether any such rule or order exists in the case of gazetted officers of other departments; and

(*c*) if the answer to (*b*) be in the negative, whether the Government will be pleased to state the reasons for differentiating deputy collectors from other gazetted officers, and lay on the table the order, if any, issued on the subject.

A.—(*a*) Yes.

(*b*) No.

(*c*) The matter is under the consideration of Government.

Construction of district and munsif's courts at Vizagapatam.

734 Q.—Mr. M. SURYANARAYANA:—To ask the Hon'ble the Minister for Education and Public Works—

(*a*) whether the Public Works Department has submitted plans and estimates for the construction of new offices for the district court and munsif's court, Vizagapatam;

(*b*) if so, when the construction is likely to commence;

(*c*) if provision has been made for the office of the subordinate judge's court newly made permanent.

A.—(*a*) No. There is no such proposal.

(*b*) As there is no such proposal under consideration at present, it cannot be stated when construction will be commenced.

(*c*) When the proposal for the construction of new offices referred to in (*a*) above is taken up, the question of providing accommodation in them for the new sub-court will be considered.

Servants of divisional officers in Vizagapatam district.

735 Q.—Mr. M. SURYANARAYANA: To ask the Hon'ble the Member for Revenue, the Hon'ble the Home Member and the Hon'ble the Member for Finance—

(*a*) whether it is a fact that peons, dalayats and such other servants connected with the office of the district collector and the revenue divisional officers in the Vizagapatam district are sometimes sent by the mail train to carry tappal or other urgent messages and papers to the officers in camp while on tour;

(*b*) whether it is a fact that third-class tickets are not issued on the Bengal-Nagpur Railway for distances below 100 miles;

(*c*) whether it is a fact that the Accountant-General has objected to passing the servants' bill for the intermediate fare and directed that the difference between the intermediate and third-class fare should be recovered from the party;

(*d*) for how long the Revenue Department (Vizagapatam) has been drawing this intermediate fare for the peons and how long the bills have been passed;

(*e*) when the objection was taken by the Accountant-General; and

(*f*) if the objection has been recently taken, whether the Government cannot keep in abeyance the recovery of the excess, until the whole question is examined by the Government.

A.—(*a*), (*c*), (*d*), (*e*) & (*f*) The Government have no information.

(*b*) It is a fact in the case of mail trains.

Mr. M. SURYANARAYANA:—"Will the Government be pleased to obtain the information from the Accountant-General, whose office is situated in Madras, as to whether it is a fact that the travelling allowance by mail trains to the peons and dalayats of the Revenue Department has been ordered to be withheld?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur: "The Government do not consider it worth while to call for information on that matter."

Refreshment stall for Muslims.

736 Q.—Mr. T. C. TANGAVELU PILLAI: To ask the Hon'ble the Home Member—

(*a*) whether the attention of the Government has been drawn to the article "Refreshment stall for Muslims" in *Justice*, dated 10th May 1921; and

(*b*) whether the Government cannot move the Railway authorities to open similar stalls in all important stations.

A.—(*a*) The Government have now perused the article referred to.

(*b*) The attention of the Member is drawn to the answer to question No. 715 [306] (*a*).

Toddy sales for current year.

737 Q.—Mr. T. C. TANGAVELU PILLAI: To ask the Hon'ble the Minister for Education to furnish a statement of toddy sales for the current year in all the taluks in the Trichinopoly district.

A.—A statement is given below:—

Name of taluk.	Amount for which shops were sold.
	RS.
Trichinopoly	1,92,828
Musiri	66,900
Kulittalai	46,780
Perambalūr	2,580
Udaiyārpālaiyam	46,632
Lalgudi	72,312
Karūr	54,816
Total ..	4,84,848

Assistant Labour Commissioner for Trichinopoly district.

738 Q.—Mr. T. C. TANGAVELU PILLAI: To ask the Hon'ble the Law Member to state—

(*a*) whether the Government has perused the resolutions of the Adi-Dravida Conference held at Kurumbalore on 11th May 1921 requesting the Government to appoint an Assistant Labour Commissioner for the Trichinopoly district; and

(*b*) if so, whether the Government propose to appoint an Assistant Labour Commissioner for the Trichinopoly district.

A.—(*a*) Yes.

(*b*) As the Council has reduced the Labour budget by one lakh which provided for the appointment of assistant labour commissioners, the Government are at present unable to appoint an Assistant Labour Commissioner for Trichinopoly.

Conduct of Srīrangam Municipal subordinates.

739 Q.—Mr. T. C. TANGAVELU PILLAI: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) whether it is a fact that the merchants of Srīrangam have sent a telegram about the high-handed action of the Srīrangam municipal subordinates;

(*b*) whether there has been any inquiry; if not, whether the Government propose to order an inquiry;

(*c*) whether the Government have perused the sub-leader "In the name of liberty" in the *Madras Mail* of 17th August 1921 and a note in the same paper of 18th August 1921 on the same subject; and

(*d*) what steps the Government propose to take to safeguard the interest of the merchants in Srīrangam.

A.—(*a*) The answer is in the negative.

(*c*) The Government have now perused the sub-leader and note.

(*b*) & (*d*) The matter is being enquired into.

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Srīrangam Municipality.

740 *Q.*—Mr. T. C. TANGAVELU PILLAI : To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) whether it is a fact that a distraint warrant was served by the Srīrangam municipality on a municipal councillor Mr. Palaniswami Pillai for alleged arrears of tax for a cart which was not in use without issuing previously any demand notice ;

(*b*) whether it is a fact that the said municipal councillor Mr. Palaniswami Pillai has protested against the action of the Srīrangam municipality and has demanded damages ;

(*c*) whether it is a fact that, after the above letter claiming damages, the Srīrangam Municipal Council passed a resolution censuring the said municipal councillor on certain alleged complaint by a sanitary inspector, without calling upon the said councillor to give his explanation ;

(*d*) whether the abovesaid resolution has been communicated to the Government with the minute of dissent ;

(*e*) whether the Government have perused the minute of dissent submitted by Rao Sahib Raja Ram Rao, councillor, under Rule II, Schedule III, of the Madras District Municipalities Act of 1920, to the Chairman, Municipal Council ; if not, whether the Government will be pleased to call for the same the ; and

(*f*) whether the Government cannot direct the Chairman to have the said resolution of the Srīrangam Municipal Council expunged from the proceedings of the Council.

A.—(*a*) & (*b*) The Government have no information.

(*c*) The Council has passed such a resolution.

(*d*) The Chairman has communicated the resolution to Government, but not the minute of dissent.

(*e*) The Government have received a copy of the minute from M.R.Ry. Rao Sahib S. M. Raja Ram Rao Avargal and have perused the same.

(*f*) The matter is being enquired into.

Recruitment to the Imperial Bank of India, Madras Circle.

741 *Q.*—Mr. T. C. TANGAVELU PILLAI : To ask the Hon'ble the Member for Finance to state whether the Government will be pleased to obtain and furnish a statement showing the number of Brahman, non-Brahman Hindu, Christian and Muhammadan cashiers in the head office and its various branches of the Imperial Bank of India, Madras Circle.

A.—The Government see no reason to ask for such a statement.

Secretariat Superintendent.

742 *Q.*—Mr. O. TANIKACHALA CHETTIYAR : To ask the Hon'ble the Member for Finance to state whether for a vacancy of Superintendent which has arisen in the Secretariat offices a Brahman official from outside the Secretariat offices has been appointed since the last sitting of the Council in August ; and if this is so, whether the Government will be pleased to state in which of the departments of the Secretariat this appointment took place.

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A.—The Honourable Member presumably refers to the recent transfer to the Chief Secretary's office of the Manager of the office of the Superintendent, Government Railway Police, Madras. If so, it is not a fact that the appointment was made since the last sitting of the Council in August. It was made before that date.

Membership of Dharmapuri Taluk Board.

743 *Q.*—Mr. C. V. VENKATARAMANA AYYANGAR : To ask the Hon'ble the Minister for Local Self-Government—

(*a*) whether it is a fact that the term of office of the elected members of the Dharmapuri Taluk Board in the Salem district was considered to have expired, even though under the rules they continue to be members up to a date to be fixed by the Government ;

(*b*) whether, supposing the vacancies to exist, it is a fact that no steps have been taken to fill them up by fresh elections ;

(*c*) to state the reason for the delay and who is responsible for it ;

(*d*) whether it is a fact that, by keeping the places vacant in this way, the people have lost their representation in the board ; and

(*e*) whether the Government cannot issue orders so that the old members may continue in their offices or that their places may be filled up without delay according to rules.

A.—(*a*) *to* (*c*) The President of the Dharmapuri Taluk Board, thinking that the term of office of two of the members had expired, made a reference to the President of the District Board, who informed him that they continued to be members of the Board until the date which may be fixed by the Government under rule 9 of Schedule X of the Local Boards Act for the coming into existence of the newly constituted taluk board. No elections were held in the meantime. The two persons now continue to be members of the taluk board.

(*d*) The answer is in the negative.

(*e*) The Government have now issued instructions.

Sale of toddy shops.

744 *Q.*—Mr. C. V. VENKATARAMANA AYYANGAR : To ask the Hon'ble the Minister for Education (Excise)—

(*a*) to state the total amounts for which toddy shops were sold last year in each district and for which they have been sold this year ;

(*b*) to give the total sums for each of the taluks in the districts of Salem and Coimbatore for which toddy shops were sold last year and this year ; and

(*c*) what steps the Government have decided to take in case shops are not at all taken up in the original sales as well as in the resales, if any.

A.—(*a*) A statement is given below :—

Districts.	1920-21. Amount.	1921-22. Amount.
	RS.	RS.
Ganjām	43,943	32,021
Vizagapatam	1,04,902	35,250
Gōdāvari	1,86,810	51,501
Kistna	4,06,839	90,789

Districts.	1920-21. Amount.	1921-22. Amount.
Guntūr	1,54,467	23,193
Nellore	1,67,667	228
Cuddapah	2,32,080	1,10,001
Anantapur	10,69,260	3,98,772
Bellary	7,85,064	4,66,956
Kurnool and	7,04,406	3,95,550
Banganapalle	37,632	21,720
Madras City	7,36,320	4,74,060
Chingleput	9,04,380	7,03,200
Chittoor	3,95,568	2,75,220
North Arcot	8,54,968	6,22,528
South Arcot	5,08,008	4,56,072
Tanjore	18,16,392	15,82,668
Trichinopoly	9,89,472	4,84,848
Madura	7,56,420	4,66,620
Ramnad	4,49,448	1,79,568
Tinnevelly	3,68,280	1,88,016
Coimbatore	12,51,096	4,52,088
Salem	12,00,612	3,41,481
Malabar	4,88,199	4,27,227
South Kanara	4,30,230	10,932
Total ..	1,50,42,463	82,90,509

(*b*) The sales figures for the several taluks in the two districts are—

Coimbatore district.

Name of taluks.	1920-21. Amount.	1921-22. Amount.
	RS.	RS.
Coimbatore	2,39,868	No bids.
Erode	1,76,412	Do.
Dhārapuram	83,676	65,664
Palladam	1,50,540	4,140
Udamalpet	71,880	53,610
Pollachi	1,53,744	1,32,756
Avanashi	1,20,768	67,224
Gopichettipalaiyam	1,52,384	94,344
Bhavāni	85,764	4,860
Kollegal	36,060	29,460
Total ..	12,51,096	4,52,088

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Salem district.

Name of taluks.	1920-21. Amount.	1921-22. Amount.
	RS.	RS.
Salem	2,77,320	2,06,556
Atur	1,06,020	No bids.
Omalūr	83,208	64,380
Tiruchengōdu	1,74,000	18,660
Hōsūr	1,17,708	No bids.
Krishnagiri	79,692	Do
Dharmapuri	81,456	27,156
Uttangarai	35,928	22,020
Rāsipuram	1,04,424	Failure.
Nāmakkal	1,40,856	2,709
Total ..	12,00,612	3,41,481

The figures in the above statements are only provisional as sales are not yet complete in all districts.

(*c*) The Government have not yet come to any decision in the matter.

Hindu Panchama officers in the Presidency.

745 *Q.*—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Member for Finance to state how many Hindu Panchamas are employed as gazetted officers in this Presidency and as officers not below the rank of revenue inspectors.

A.—The Government are not in possession of the information asked for by the Honourable Member.

Hindu Panchama scholarship holders.

746 *Q.*—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Minister for Education to state how many scholarships and of what value are being held by Hindu Panchamas in high school and college classes, respectively.

A.—Government are informed that the statistics for the current year are not yet available. Last year 14 scholarships and 15 fee remissions were granted to Hindu Panchamas reading in secondary schools. The value of these scholarships is Rs. 3 per mensem if held in forms I to III and Rs. 6 per mensem if held in forms IV to VI. Two scholarships in college classes at Rs. 9 per mensem each were awarded to Hindu Panchamas, only 2 applications having been received from members of that community.

Applications from non-Brahmans for appointment in Secretariat.

747 *Q.*—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Member for Finance to state the number of applications received from non-Brahmans for posts in the Secretariat in the years 1919-20 and 1921, and the number of applications rejected during those years, with reasons, if any, for such rejections.

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A.—A statement giving the information as far as it is available is laid on the table.*

Supply of electric power for Salem district.

748 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Member for Revenue and Public Works to state—

(*a*) whether the Government will be pleased to state if there is any proposal to start any scheme for the supply of electric power in the Salem district;

(*b*) whether there has been any correspondence about utilizing the electric power that may be generated from the Cauvery falls near Ugayanakal near Pennagaram, and, if so, whether the Government have any objection to publish the correspondence or at least the material portion of it;

(*c*) whether the Government have any idea of giving licences for the supply of electric power; and

(*d*) whether there have been any applications for such licences, and, if so, when and by whom.

A.—(*a*) Yes; a scheme to generate power from the Shevaroys is now under investigation. In the draft Trichinopoly district hydro-electric licence published on pages 1099-1101 of Part I of the *Fort St. George Gazette*, dated the 31st August 1920, Mr. Perry of Trichinopoly proposes to supply electric energy to the Namakkal taluk of the Salem district also.

(*b*) A brief description of the Hogenkal falls is given on page 90 of Mr. Meares' Preliminary Report on the Water Power Resources of India, and the press communiqué published with G.O. No. 2268, Revenue (Special), dated 8th December 1919, deals with the Salem iron ores referred to therein. There are no other material papers that it would be of any use to publish.

(*c*) & (*d*) No application for a licence for supplying electric energy has been received except that of Mr. Perry referred to in the answer to clause (*a*). Any application that may be received will be duly considered by Government.

Principalship of Agricultural College.

749 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Minister for Development to state—

(*a*) how long the principalship of the Coimbatore Agricultural College has been vacant, and who has acted till now and on what pay;

(*b*) what the present pay of the permanent Principal is and how much he has been getting while on leave;

(*c*) whether it is a fact that the present arrangement of one of the experts being in charge of the principalship has been satisfactory; and

(*d*) whether the Government have considered the desirability of appointing Mr. Wood as the Director of Agriculture, and of placing an expert, preferably an Indian, in permanent charge of the college.

* Vide Appendix XVIII on page 958 infra.

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A.—(*a*) The Principalship of the Agricultural College, Coimbatore, has never been vacant. The names and the pay of the officers who have acted during the absence of the permanent Principal are the following:—

(1) Mr. W. MacRae.—Grade pay *plus* duty allowance of Rs. 100 per mensem up to 1st December 1919 and at Rs. 150 per mensem thereafter.

(2) Dr. R. V. Norris.—Grade pay *plus* duty allowance at Rs. 150 per mensem.

(3) Mr. G. R. Hilson.—Grade pay *plus* duty allowance at Rs. 150 per mensem.

(4) Mr. F. R. Parnell.—Grade pay *plus* duty allowance at Rs. 150 per mensem.

(*b*) The present pay of the permanent Principal is Rs. 1,500; his allowances while on leave are at Rs. 1,200 per mensem from 1st May 1920 to 16th November 1920; Rs. 1,194 per mensem from 17th November 1920 to 16th February 1921; Rs. 597 per mensem from 17th February 1921.

(*c*) Frequent changes due to leave and the like have rendered it difficult to decide the point.

(*d*) The Government have considered all matters relevant to these two appointments.

Bifurcation of Dharmapuri Taluk Board.

750 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) whether the Government have received copies of resolutions of the Dharmapuri Taluk Board and the Salem District Board on the advisability of dividing the Dharmapuri taluk board area into two taluk boards;

(*b*) whether memorials have been received to the same effect from the public also; and

(*c*) whether the Government have any objection to accept the proposal and when final orders may be expected.

A.—(*a*) & (*b*) The answer is in the affirmative.

(*c*) The proposal is now under the consideration of the Government.

Water-supply in Coonoor and Coimbatore.

751 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Minister for Local Self-Government to state whether the Government have received applications for financial help as regards water-supply from the municipalities of (*a*) Coonoor and (*b*) Coimbatore, and in what state the matters are as regards each of those two municipalities.

A.—The answer to the first part of the question is in the affirmative.

Coonoor.—The estimates for improvements to the water-works are being revised by the Sanitary Engineer.

Coimbatore.—The scheme is under the consideration of the Government.

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Veldurti tank in Kurnool.

752 Q.—Rao Bahadur C. VENKATA RANGA REDDI: To ask the Hon'ble the Member for Revenue to state—

(*a*) when the Veldurti tank in the Kurnool district was breached;

(*b*) the number of acres that were being irrigated under that tank before it was breached;

(*c*) whether the whole of the tank bund, except in the place where it was breached, is still intact;

(*d*) whether any steps were taken to repair the tank;

(*e*) what amount it would cost the Government to repair it; and

(*f*) if no steps have been taken to repair it till now, whether the Government propose to take early steps.

A.—The Government have no information.

Veldurti forest reserve.

753 Q.—Rao Bahadur C. VENKATA RANGA REDDI: To ask the Hon'ble the Home Member to state—

(*a*) the extent of the Veldurti forest reserve in the Kurnool district;

(*b*) the class under which it is classified;

(*c*) whether it is a fact that a large portion of it is purely a babul plantation, fit only for fuel;

(*d*) whether there was any proposal to classify the whole or a portion of it under class III; and

(*e*) if there was any such proposal, the reason why it was not so classified.

A.—The extent of the reserve is 976 acres. The Government have no information to answer the other clauses of the question but will make enquiries of the Chief Conservator of Forests.

Fish manure in Kurnool.

754 Q.—Rao Bahadur C. VENKATA RANGA REDDI: To ask the Hon'ble the Minister for Development to state—

(*a*) what action the Government have taken to popularise fish manure in the Kurnool district;

(*b*) the number of depots that have been opened by the Government to sell the same; and

(*c*) the quantity sold in the years 1918, 1919 and 1920, respectively.

A.—(*a*) The advantages of fish manure were demonstrated to the ryots in Kurnool district. Two hundred pounds of fish guano were purchased by the Agricultural department and distributed for trial in 1918 to select cultivators at Cumbum with the result that depots for the sale of manures were opened in 1919 and 24½ tons of the manure were sold to the ryots in the Cumbum, Markapur and Nandyal taluks.

(*b*) Three—at Cumbum, Nandyal and Kurnool.

(*c*) 1918—nil, as the supply of manure was commenced only in 1919.
1919—24½ tons.

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1920—nil; a wagon of 12 tons was obtained for sale in Cumbum, but the manure remained unsold for want of water in the tanks, the demand being ordinarily from cultivators of wet lands.

Agricultural middle school at Nandyal.

755 Q.—Rao Bahadur C. VENKATA RANGA REDDI: To ask the Hon'ble the Minister for Development to state—

(*a*) whether the Director of Agriculture has received communication from the Chairman, Municipal Council, Nandyal, urging on the Government the desirability of starting an agricultural middle school at Nandyal;

(*b*) whether any action has been taken on it; and

(*c*) if not, whether the Government propose to take any action.

A.—(*a*) Yes.

(*b*) No.

(*c*) The Honourable Member's attention is invited to the discussion in the Legislative Council on Resolution No. 116 moved by Mr. Venkatasubba Rao, M.L.C., and on Resolution No. 115 moved by Mr. M. Suryanarayana Pantulu, M L.C., at the September session of the Council.

Loans to agriculturists in Kurnool.

756 Q.—Rao Bahadur C. VENKATA RANGA REDDI: To ask the Hon'ble the Member for Revenue to state—

(*a*) how much was allotted for distribution as loans to agriculturists in the Kurnool district in the years 1920–21 and 1921–22; and

(*b*) what amount was distributed in 1920–21 and till the end of July in 1921–22.

A.—(*a*) The allotments sanctioned for distribution as loans to the agriculturists in the Kurnool district under the Loans Acts for 1920–21 and 1921–22 are Rs. 29,565 and Rs. 30,000 respectively.

(*b*) The amounts disbursed during 1920–21 and the period from 1st April to 31st July 1921 are Rs. 27,570 and Rs. 18,100 respectively.

Government Pleaders.

757 Q.—Mr. P. VENKATASUBBA RAO: To ask the Hon'ble the Law Member to state if it is proposed to extend the scope of G.O. No. 450, Judicial, dated 1st March 1921, to Government pleaders in sub-courts so as to entitle them to receive retaining fees.

A.—There are no Government pleaders attached to sub-courts.

Arrest of Messrs. V. L. Narayana and M. V. Narasimha Achari in Guntūr.

758 Q.—Mr. P. VENKATASUBBA RAO: To ask the Hon'ble the Home Member to state—

(*a*) the circumstances under which two pleaders of Guntūr, Messrs. V. L. Narayana and M. V. Narasimha Achari, have been arrested and imprisoned;

(*b*) if the two gentlemen are in any way responsible for the situation in Palnad;

(*c*) if it is the fact that their only offence was their going to Palnad to ascertain the grievances of the people under the forest administration;

(*d*) whether it is a fact that last year the Tahsildar and the Deputy Collector both reported to the Collector the urgent necessity for suspending the operation of some of the Forest laws of Palnad; if so, what action the Government took;

(*e*) whether it is a fact that the two pleaders represented to the Collector, before their arrest, that the Government should suspend the operation of some of the Forest laws, to ease the situation, and whether the Collector declined to take any action;

(*f*) whether anything was done by the two gentlemen that would have led to a breach of the peace; whether it is a fact that the Collector was annoyed with these persons, because he could not easily obtain provisions while he camped at Palnad;

(*g*) whether these two gentlemen were convicted on mere police evidence; and

(*h*) the reasons for their removal to the Vellore prison and whether Mr. M. V. Narasimha Achari's health is bad.

A.—(*a*) to (*g*) Copies of orders passed by the District Magistrate, Guntūr, in Mis. Cases Nos. 6 and 7 of 1921 in the file of his court are laid on the table.*

(*h*) They were removed to Vellore because there was cholera at Rajahmundry and the Government have received no reports as to the health of Mr. Narasimha Achari.

Arrest of Mr. K. Venkatappayya of Guntūr.

759 Q.—Mr. P. VENKATASUBBA RAO: To ask the Hon'ble the Home Member to state—

(*a*) the reasons for the arrest of Mr. Konda Venkatappayya of Guntūr; and

(*b*) to lay on the table the correspondence that has passed between the Collector of Guntūr and the Government with regard to the recent arrests of public men in Guntūr.

A.—(*a*) The arrest was considered necessary in the interests of peace and order in Guntūr.

(*b*) The Government are not prepared to lay Mr. Shield's reports on the table as they were confidential.

* Vide Appendix XIX on page 959 infra.

APPENDIX I.

[Vide answer to question No. 608 asked by M.R.Ry. T. Arumainatha Pillai Avargal at the meeting of the Legislative Council held on the 12th October 1921, page 823 supra.]

(1)

List of passenger guides.

Names.	Stations.
1. S. Narayanaswami Pillai.	Madras.
2. H. H. Matcher	Do.
3. P. C. Rajaratnam ..	Villupuram.
4. K. M. Venkataraman ..	Do.
5. T. J. Pandiam Pillai ..	Tanjore.
6. J. B. Rama Rao ..	Do.
7. T. M. Govindaswami Nayudu.	Trichinopoly Junction.
8. C. T. Sundararajan ..	Do.
9. J. Singaravelu Pillai ..	Madura.
10. M. Muttuswami Nayanar.	Do.

(2)

Duties of passenger guides.

1. Passenger guides must be on duty at all times of the day and night (in alternate weeks) in or about the third-class waiting hall and on the passenger platforms. Their hours of duty will be arranged by the stationmaster.

2. They must mix freely with passengers in waiting halls, ascertain their wants and meet them as far as possible, reporting where necessary to the stationmaster. They must also bring to the notice of the stationmaster any high-handedness on the part of railway servants towards passengers.

3. They must occasionally visit ticket-issuing windows to see that passengers are being properly attended to, that tickets are issued to the proper destination, and that not more than the correct fares are collected from passengers.

4. They must assist and direct passengers to their trains and to the right class of carriage.

5. They must prevent third-class passengers being imposed upon either by railway employees or others.

6. They must pay particular attention to the ignorant and illiterate class of passengers, particularly those travelling in batches.

7. They must see that unprotected women are not molested or troubled in any way, especially at night.

8. They must check any attempt at extortion on railway premises, discourage the overcrowding of trains, and see that ticket examiners and others treat passengers civilly and do their duty to them.

9. They must obtain a thorough grasp of the third-class passenger traffic, its difficulties and wants, and assist passengers in difficulties and those in need of advice or help.

10. They must see that third-class carriages, waiting rooms, offices and latrines are cleanly kept, superintend their cleaning, see that the equipment of each is in proper order, and bring to notice anything which will help to facilitate the movement of passengers or add to their convenience.

11. They must see that Indian refreshment rooms and stalls are kept clean, and, as far as they can, that the food in the stalls is good and protected from flies.

12. They must see that vendors of fruit, refreshments, etc., are the contractor's authorized men, that they vend on platforms only at train times, and that they do not call out opposite to first or second-class or officers' reserved carriages, especially between 22 and 6 o'clock.

13. They must be conversant with the instructions laid down in the Coaching Tariff.

14. They must call out the name of their station at train times, giving notice also of the time the trains will halt at the station. If at a junction, they should call out stations for which passengers have to change, and the time the branch trains are advertised to start.

15. They must muster the porters before the arrival of all trains conveying passengers, see that porters are in uniform and that coolie porters are wearing their badges, and instruct them as to their various duties during train times.

16. They must see that the porters quickly load and unload passengers' hand luggage at train times, exercise a check over the luggage taken into compartments by passengers, and bring to the notice of the stationmaster infringements of the regulations in regard to the free allowance of luggage.

17. They must see that the tanks of all first, second and saloon carriages, as well as the latrines in third-class carriages on trains are filled with clean water.

18. They must see that the prescribed indication boards are placed on carriages of trains and that the proper indication boards are exhibited at the several station offices.

19. They must see that the departure timings of all trains are correctly shown on the special board in the refreshment room.

20. All reports should be made to the stationmaster who will forward to the District Traffic Superintendent concerned those he may consider necessary.

21. Passenger guides, as well as all other members of the staff, are prohibited from soliciting gratuities.

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APPENDIX II.

[Vide answer to question No. 612 asked by Mr. A. D. M. Bavotti Sahib at the meeting of the Legislative Council held on the 12th October 1921, page 826 supra.]

(1)

Letter—from the Director of Fisheries, Madras.
To—the Secretary to Government, Development Department.
Dated– the 25th April 1921.
No.—D. Dis. 494-G 21.

There are no Muhammadans employed in this department on posts carrying a salary of Rs. 50 and above.

2. No scholarships were granted to Muhammadan students during 1920 and 1921. The Assistant Director of Fisheries (Coast) reports that no applications from Muhammadan candidates have hitherto been received for admission into the Fisheries Training Institute.

(2)

Letter—from the Director of Industries, Madras.
To—the Secretary to Government, Development Department.
Dated– the 26th April 1921.
No.—244-C 21.

I have the honour to furnish *seriatim* the following information so far as this department is concerned.

(*a*) Four Muhammadans are employed in this department on salaries exceeding Rs. 50 per mensem.

(*b*) *Scholarships*—

(i) *State Technical Scholarships for study abroad.*—Two applications from Muhammadan candidates were received at the time of the last selection, but their applications were rejected by the Selection Board as they were not qualified.

(ii) *Victoria Jubilee Technical Institute and Indian Institute of Science scholarships.*—No applications from Muhammadans for these scholarships were received during the official year 1919–20 or 1920–21.

(iii) *Industrial scholarships.*—The number of applications received during the official year 1919–20 from Muhammadan pupils in industrial schools for these scholarships is not available, as rejected applications are not preserved for more than a year. But nine of these scholarships ranging in value between Rs. 1–8 and Rs. 9 per mensem were awarded during the year in question to Muhammadans. During the next year 31 applications were received from Muhammadans and of these 22 were selected for scholarships ranging in value between Rs. 1–8 and Rs. 7–8 per mensem. During the two years in question all those Muhammadan girls in the Industrial Section of the Government Hobart Secondary and Training School on whose behalf applications were made, were awarded scholarships and four of these scholarships of the value of Rs. 5, and 7 scholarships of the value of Rs. 3, were awarded during each of the official years 1919–20 and 1920–21.

(iv) *Training section attached to the St. Joseph's Industrial School, Tindivanam.*—The stipends for teachers undergoing training in this section is Rs. 15 per mensem. During the year 1919–20 one application from a Muhammadan was received but had to be rejected, as he was not at that time employed as a *bona fide* teacher in any recognized Industrial School. In 1920–21 one Muhammadan candidate applied and was selected for training.

APPENDIX III.

[Vide answer to question No. 621 asked by M.R.Ry. K. Gopalakrishnayya at the meeting of the Legislative Council held on the 12th October 1921, page 832 supra.]

Statement of Sub-Registrars transferred beyond two districts during the six months, January to June 1921.

Serial number.	Number of the officer in the establishment list corrected up to 1st November 1921.	Station. From.	Station. To.	Distance. Rail.	Distance. Road.	Whether travelling allowance allowed or disallowed.	Amount of travelling allowance drawn.
				MILES.	MILES.		RS. A. P.
1	393	Kinathukadavu (Coimbatore).	Kuttuparamba (Tellicherry).	166	8	Travelling allowance allowed.	35 10 0
2	23	Joint I Palamkota ..	Joint I Trichinopoly.	193	1	Do.	126 11 6
3	39	Cocanada (Godavari).	Kurnool	402	3	Do.	117 0 0
4	166	Tirukurungudi (Tinnevelly).	Mayavaram (Negapatam).	280	20	Do.	120 13 5
5	525	Bukkapatnam (Anantapur).	Attili (Kistna) ..	428	25	Do.	99 12 0
6	69	Madura Joint II ..	Villupuram Joint ..	246	1	Do.	67 9 9
7	459	Kalahasti (Chittoor).	Pithapuram (Godavari).	351	2	Do.	68 10 0
8	430	Ponnur (Guntur) ..	Manapparai (Trichinopoly)	508	2	Do.	52 1 6
9	399	Badvel (Cuddapah).	Uthamapalayam, Joint (Madura).	428	85	Punitive, no travelling allowance allowed.	
10	394	Dharmapuri (Salem).	Andathode (Palghat).	234	9+9 (river)	No travelling allowance (returned from combined leave).	
11	550	Kamalapuram (Cuddapah).	Uyyur (Kistna) ..	391	12	Travelling allowance allowed.	4 15 0
12	177	Amalapuram (Godavari).	Kamalapuram (Cuddapah).	471	1+38 (river)	Do.	223 8 0
13	303	Pulivendla (Cuddapah).	Tuni (Godavari) ..	517	23	Do.	74 0 0
14	549	Kalyandrug (Anantapur).	Amalapuram (Godavari).	436	21+38 (river)	No travelling allowance (returned from combined leave).	
15	471	Rayachoti (Cuddapah)	Alamuru (Godavari).	418	43	Travelling allowance allowed.	94 13 6
16	208	Alamuru (Godavari).	Kota (Nellore) ..	288	28	Do.	204 5 0
17	437	Kavutaram (Kistna).	Kalyandrug (Anantapur).	378	22	Do.	122 5 7
18	55	Tuni (Godavari) ..	Rapur (Nellore) ..	340	22	No travelling allowance as the transfer takes effect from his return from combined leave.	

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Statement of Sub-Registrars transferred beyond two districts during the six months, January to June 1921—cont.

Serial number.	Number of the officer in the establishment list corrected up to 1st November 1921.	Station. From.	Station. To.	Distance. Rail.	Distance. Road.	Whether travelling allowance allowed or disallowed.	Amount of travelling allowance drawn.
				MILES.	MILES.		RS. A. P.
19	508	Siddhavattam (Cuddapah).	Ramachandrapuram (Godavari).	514	19	Travelling allowance allowed.	67 9 3
20	263	Ramachandrapuram (Godavari).	Udayagiri (Nellore).	232	62	Do.	246 8 6
21	95	Nandyal (Kurnool).	Vaniyambadi (North Arcot).	361	3	Do.	193 8 3
22	61	Tinnevelly Joint ..	Tanjore Joint ..	224	1	Do.	84 4 1
23	125	Palni (Madura) ..	Kudavasal (Negapatam).	113	43	Do.	95 6 0
24	519	Sankaranayinarkoil (Tinnevelly)	Karur (Trichinopoly).	204	21	Do.	82 10 6
25	183	Karur (Trichinopoly).	Chengam (North Arcot).	238	21	Do.	108 7 3

APPENDIX IV.

[Vide answer to question No. 626 asked by Mr. V. Hamid Sultan Marakkayar at the meeting of the Legislative Council held on the 12th October 1921, page 833 supra.]

(1)

G.O. No. 1632, L. & M., dated 17th August 1921

The appended notification will be published in the *Fort St. George Gazette.*

(By order of the Government, Ministry of Local Self-Government)

F. J. RICHARDS,
Secretary to Government.

To all Presidents of District Boards.
,, all Presidents of Taluk Boards (through Presidents of District Boards).
,, all Presidents of Union Boards (through Presidents of District Boards).
,, the Law (Legislative) Department.
,, the Inspector of Local Boards.
,, the Superintendent, Government Press.
Gazette.

APPENDIX

NOTIFICATION

The following draft of the rules which it is proposed to make under clause (*l*) of sub-section (2) of section 199 of the Madras Local Boards Act, 1920, as to the

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interpellation of Presidents by the members of local boards is published under section 200 (*a*). The draft will be further proceeded with after six weeks from the date of publication of the notification :—

Draft Rules.

1. No question shall be asked or answered at a meeting of the local board as to any matters not connected with the local board administration, and no question shall be asked except as to matters of fact and the answer shall be confined to a statement of facts. Except as thus provided, any question may be asked by any member of a local board subject to the following conditions and restrictions.

2. A member of a local board who wishes to ask a question shall give at least seven clear days' notice in writing to its president, submitting in full the question which he wishes to ask.

3. In order that a question may be admissible it must satisfy the following conditions, namely :—

(1) it must not publish any name or statement not strictly necessary to make the question intelligible ;

(2) if a question contains a statement, the member asking it must make himself responsible for the accuracy of the statement ;

(3) it must not contain arguments, inferences, ironical expressions or defamatory statements ;

(4) it must not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition ;

(5) it may not be asked as to the character or conduct of any person except in his official or public capacity ;

(6) it must not be of excessive length ; and

(7) a question once fully answered may not be asked again.

4. The president shall decide on the admissibility of a question and may disallow any question when in his opinion it is an abuse of the right of questioning or where in his opinion it cannot be answered consistently with the public interests, and shall disallow any question which, in his opinion, contravenes the rules ; and in such case the question shall not be entered in the proceedings of the board.

5. The president may, if he thinks fit, allow a question to be asked with shorter notice than seven days, and may in any case require longer notice, if he thinks fit, or extend, if necessary, the time for answering a question.

6. Questions allowed by the president shall be entered in the agenda paper for the day and the president shall answer every question so entered, if not previously withdrawn by the member putting it, in the order in which it stands in the paper, before any other business is entered upon at the meeting :

Provided that the president may, at his discretion, on the ground of public interest, answer a question on the agenda paper, even though the question may have been withdrawn.

7. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given :

Provided that the president shall disallow any supplementary question, if, in his opinion, it infringes the rules as to the subject-matter of questions :

Provided also that he may decline to answer a supplementary question without notice, in which case it may be put only in the form of a fresh question at a subsequent meeting of the board.

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8. No discussion shall be permitted in respect of any question or of any answer given to a question asked under these rules.

9. The question asked and the answer given to it shall be entered in the proceedings of the board.

Explanation.—In these rules 'president' includes the person for the time being in charge of the office of the president under sections 18, 23 (2) and 24 of the Madras Local Boards Act, 1920, and the vice-president or member who presides at the meeting under section 32 (1).

(2)

G.O. No. 1633 L. & M., dated 17th August 1921.

The appended notification will be published in the *Fort St. George Gazette.*

(By order of the Government, Ministry of Local Self-Government)

F. J. RICHARDS,
Secretary to Government.

To all Presidents of District Boards.
,, all Presidents of Taluk Boards (through Presidents of District Boards).
,, all Presidents of Union Boards (through Presidents of District Boards).
,, the Law (Legislative) Department.
,, the Inspector of Local Boards.
,, the Superintendent, Government Press.
Gazette.

APPENDIX

NOTIFICATION

The following draft of the rules which it is proposed to make under clause (*m*) of sub-section (2) of section 199 of the Madras Local Boards Act, 1920, as to the moving of resolutions at meetings of local boards is published under section 200 (*a*) of the said Act. The draft will be further proceeded with after six weeks from the date of this notification :—

Draft Rules

1. A member of a local board who wishes to move a resolution shall give ten clear days' notice of his intention to its president and such notice shall contain the resolution which he wishes to move :

Provided that the president may allow a resolution to be entered on the list of business with shorter notice than ten days.

2. No resolution shall however be admissible which does not comply with the following conditions, namely :—

(*a*) it shall be clearly and precisely expressed and shall raise a definite issue ; and

(*b*) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity.

3. The president shall decide on the admissibility of a resolution and may disallow any resolution on the ground that it relates to a matter which is not connected with the local board administration, and shall disallow any resolution which in his opinion contravenes the rules.

4. A resolution which has been admitted by the president shall be entered in the list of business in the notice to be given under rule 3 of Schedule II of the Act.

5. (1) A member in whose name a resolution appears on the list of business shall, when called on, either

(*a*) withdraw the resolution, in which case he shall confine himself to a mere statement to that effect; or

(*b*) move the resolution.

(2) If the member when called on is absent or is unwilling to move the resolution, or if he shall have ceased to be member before the meeting, any member present at the meeting may move the resolution; and if no member moves it, it shall be considered to have been withdrawn.

(3) Every resolution which has been moved shall be seconded: otherwise it shall not be discussed.

6. No speech, except with the permission of the president shall exceed fifteen minutes in duration:

Provided that the mover of a resolution, when moving the same may speak for thirty minutes.

7. The discussion of a resolution shall be strictly limited to the subject of the resolution.

8. When a resolution is under discussion any member may, subject to rules 2, 3, 6 and 7, move an amendment to such resolution.

9. (1) A member who has moved a resolution or an amendment to a resolution shall not withdraw the same except by leave of the board.

(2) No discussion shall be permitted on a motion for leave to withdraw except with the permission of the president.

10. (1) When an amendment to any resolution is moved, or when two or more such amendments are moved, the president shall, before taking the sense of the board thereon, state or read to the board the terms of the original motion and of the amendment or amendments proposed.

(2) Ordinarily the president shall put amendments to the vote in the order in which they have been moved and lastly the original motion if all the amendments are lost. But it shall be in his discretion in any case to put to the vote the original motion and the amendments in such order as he thinks fit.

11. When any resolution involving several points has been discussed, it shall be in the discretion of the president to divide the resolution, and put each or any point separately to the vote as he may think fit.

Explanation.—In these rules 'president' includes the person for the time being in charge of the office of the president under sections 18, 23 (2) and 24 of the Madras Local Boards Act, 1920, and the vice-president or member who presides at the meeting under section 32 (1).

APPENDIX V.

[Vide answer to question No. 652 asked by Munshi Muhammad Abdur Rahman Sahib at the meeting of the Legislative Council held on the 12th October 1921, page 843 supra.]

Designation.	Name.	Qualifications.	Pay.
			Rs.
Headmistress	Mrs. G. Nayudu	Higher Elementary grade trained. Language Telugu.	50—5—75
	Training section.		
First assistant	Abara Bi Bi	Higher Elementary grade trained. Language Hindustani.	30—2—40
	Model section.		
Headmistress	Faizunissa	Trained Teachers' Certificate of the Lower Secondary grade. Language Hindustani.	30
First assistant	Zahara Begum	Trained Teachers' Certificate of the Lower Elementary grade. Language Hindustani.	20
Second assistant ..	Naimunissa Begum ..	Do. do.	15
Third assistant	Khatoon Bi Bi	Higher Elementary grade. Trained Teachers' Certificate. Language Hindustani.	15
Fourth assistant ..	Fatima Bi Bi	Lower Elementary grade trained. Language Hindustani.	13
Drawing mistress ..	P. Ramayamma	Trained Teachers' Certificate of the Primary grade; Free-hand Outline Drawing (Intermediate); Needlework and Dress-making (Elementary). Language Telugu.	30 in (20—3—30 grade.
	Industrial section.		
First teacher	Asmat Khatoon	Trained Teachers' Certificate of the Primary grade. Examination in Embroidery (Intermediate), 1st class. Language Hindustani.	25
Second teacher	Asha Bi Bi	Lower Elementary trained; Free-hand Outline Drawing (Elementary) and Embroidery (Elementary). Language Hindustani.	20

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APPENDIX VI.

[Vide answer to question No. 664 asked by Khan Bahadur Muhammad Sadulla Badsha Sahib Bahadur at the meeting of the Legislative Council held on the 12th October 1921, page 848 supra.]

Copy of proceedings of the Government of Madras, Law (General) Department, No. 1571, dated the 7th October 1921.

The Government are pleased to authorize members of the Legislative Council of the Governor of Madras to attest vakalatnamas and other documents for use either in judicial or other proceedings.

(By order of the Governor in Council)

P. C. DUTT,
Acting Secretary to Government.

To the Hon'ble the Chief Justice (with C.L.).
,, all Collectors.
,, the Law (Legislative) Department.
,, the Publicity Officer
Editors' Table.

APPENDIX VII.

[Vide answer to question No. 671 asked by M.R.Ry. B. Muniswami Nayudu at the meeting of the Legislative Council held on the 12th October 1921, page 851 supra.]

Letter—from the Hon'ble Mr. S. Cox, I.F.S., Chief Conservator of Forests.
To—the Secretary to Government, Revenue (Special) Department.
Dated—Madras, the 22nd November 1920.
No.—Ref. 2341/20-2.

In G.O. No. 147, Revenue (Special), dated 22nd January 1920, Mr. D. G. Bles, I.C.S., was appointed special officer for a period of six months for the investigation of the problems connected with the development of forest panchayats in the Presidency. His duties were defined as follows :—

(*a*) to examine the working of the existing forest panchayats in view to ascertain the reason for their success or failure ;

(*b*) to write, after completing his inspection work, the preliminary report dealing with the modifications required in the system as at present applied and the methods by which it could be stimulated and controlled in the future.

It was also ordered that the report in question should include a statement of the special staff considered necessary for the reorganization of the existing panchayats and the creation of new ones and for their inspection and general control in future.

2. Mr. Bles commenced his work on 26th March 1920 and inspected the work of panchayats in the eight districts of Salem, Chingleput, Trichinopoly, Chittoor, Coimbatore, Nellore and Guntūr. He submitted his report on 27th September

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1920, but his appendices showing the number of panchayats at work, the number of reserves and total area under their control, and the total assessment paid by them, had to be prepared from the district reports for the year ending 30th June 1920 which were due in this office before 1st September 1920. The last report was received from South Arcot district on 26th October 1920, and appendices to Mr. Bles' report could be got ready therefore only on 27th October 1920, and hence the delay in placing it before Government.

3. Mr. Bles in part I of his report has dealt fully with the origin and formation of the village forest panchayat system.

The Forest Committee, on the recommendation of which the system rests, was concerned with the management of village forests not the least from a forest point of view ; but for administrative reasons. It was desirous in the words of the Committee 'to remove the more burning of the present grievances of the rural population in their relations with the Forest Department.'

The remedy was the removal of the pressure of the Forest Department itself.

4. But the Committee did not contemplate the surrender of forest of any value to village management. Only forest useful for grazing was to be considered fit for transfer to panchayats ; forest containing tree growth required at present or in the future for rural supply was to be retained under the department's control. The concession was therefore to be strictly limited. Not only so but the system itself was to be introduced slowly and the villages to which it was to apply were to be selected with the greatest care.

5. The provisions for future control were very much in accordance with these recommendations. The protective establishment of the Forest Department was to be removed ; the District Forest Officer and ranger were constantly to inspect and report but neither had power to issue orders. Authority and responsibility rested with the Divisional Revenue Officer who had to appoint the panchayat and watch over the performance of its duties.

6. Exactly what the Committee expected the latter to do, it is somewhat hard to say. He had no information of the condition of the forest when it was handed over to the panchayat, no records connected with the previous forest management and no map of the forest to guide him, nor could he be expected to appreciate from personal observation the exact extent to which village management was benefiting or injuring the forests. The District Forest Officer's position was also anomalous and I do not think the Committee, in its most optimistic moments, expected him constantly to inspect a forest admittedly more or less worthless from a forest point of view, and one on which he could exercise no personal control. The ranger's position as an inspecting officer, on the other hand, was false. If he reported well on the management after the withdrawal of the range establishment, he felt he was reflecting on the previous management of his own department and, in nine cases out of ten, his criticism was in consequence destructive.

7. I do not think I am wide of reality if I suggest that the Forest Committee was so deeply impressed with the need of reform that it was prepared to sacrifice the class V forests to the general cry of 'Save us from the Forest Department.' Under the Committee's recommendation forests severely injured by village management could be restored to Government control, as many have been ; but that, at best, is little more than a punishment for abuse and scarcely affects the question that for a time at least the forests were to be offered to the villagers merely on the chance of successful treatment and only if a panchayat refused to manage the forest without destroying it, was the panchayat to be dissolved.

8. There is, moreover, no suggestion in the Committee's report that the forests would be better preserved if entrusted to the villagers themselves, nor any reference (except some rather impracticable suggestions for improving the grazing) that the forests might perhaps be improved if the villagers could be got to take a more personal interest in their management than was possible when they were under State control.

The view taken rather was that, although some forests might be fairly well treated, the majority would suffer; but that it was better in the circumstances to let the forest gradually go than to perpetuate the existing soreness of the rural population.

9. I do not suggest that this policy was wrong. It had great merits. In the first place, it satisfied those who had interested themselves in the question from the villagers' point of view that Government was not blind to the difficulties which the rural population experienced; and, secondly, it brought home to the Forest Department itself that its methods were estranging the feelings of the very people whose interests the department exists to serve.

10. But I do say that the Committee's proposals are not a complete or satisfactory answer to the problems, as a whole, because they overlook the actual shortage of forest resources in the Presidency and the necessity not only of improving the forests which the State already owns but of stimulating communal and private enterprise to increase the supply of forest produce from private sources. This is a point I will refer to later.

11. With regard to the measures which have been taken to carry out the general policy laid down by Government in 1913, I think the most interesting features are the difficulties which have been experienced in the attempt to arrive at a uniform system of forest classification and those which have arisen from a want of accurate knowledge of the local factors when applying the system in detail.

12. Many of these difficulties have been due to the rapidity with which the system was extended between the years 1914 and 1917 inclusive. Mr. Bles in paragraph 11 of his report has given some details of the progress made in the formation of panchayats, and it may be added that as the result of the labours of Mr. E. A. Davis between February 1915 and August 1916 no less than 200 panchayats were constituted in ten districts covering an area of 253,145 acres. This hurried progress, largely due to pressure of public opinion, has had results which might be expected. As pointed out by Mr. Bles, there was no time for that careful inquiry which Government had demanded in 1913 and many panchayats formed in haste were, and still are, incapable of bearing their responsibilities. In the Chittoor district, for instance, of the 21 panchayats formed by Mr. Davis in May and June 1915 all but one have been suppressed for gross abuse of their privileges.

13. The same haste was shown in the classification of forest—a difficult operation considering the variety of local conditions—which was completed within three years of the issue of the Government orders calling for it. The results are described in paragraph 26 of Mr. Bles' report; and although I do not think myself that the results are objectionable, the fact remains, a considerable number of forests handed over to village panchayats are not of the type to which either the Committee or Government intended to apply the system.

14. With regard to the powers, duties and privileges of the panchayats, the policy has been to establish a general uniformity while permitting variation to

suit local conditions. But as suggested above, there has been so little time and opportunity to study the local conditions that there is still far too much uniformity in the conditions of management to make the system work successfully. Questions of limiting the area open to grazing, of fixing the number of cattle to be grazed, of regulating the cutting of timber and fuel, of the cutting of foliage for manure, etc., have either been left to the villagers to settle for themselves without help or have been settled for them without close enquiry into local requirements.

The ability of the villagers to protect their forests has also not been examined with sufficient care and there are no doubt many cases where local opposition to any form of forest conservancy makes the position of the panchayat almost impossible.

15. In part II of his report Mr. Bles has given a general description of panchayat forests which is of great interest. They are, as he points out, often—but by no means always—of a very degraded type due to damage in the past, a damage which owing to the great and increasing demand on the village forests the department had not been able to restore by twenty years or so of conservancy.

Mr. Bles also points out that grazing is by no means the only demand which the villagers make on these forests. Small timber, poles, firewood, fencing thorn and leaf-manure are also required in village life and if they cannot be supplied from the communal forest, the latter lose much of their value in the eyes of the villager. This is a point on which I wish to lay stress as future policy must take into account the fact that the provision of grazing alone does not meet the village requirements and that many of the panchayat forests have more value for and are more suited to other purposes than grazing cattle.

16. In part III the actual working of the panchayat system is described.

Before dealing with Mr. Bles' report which views the subject as a whole, it will be convenient to give here the results of the past year's working as supplied by the District Collectors. They are as follows:—

Kurnool (Mr. J. C. Molony).—Three forests covering an area of 25,500 acres were under panchayat management with an assessment of Rs. 2,765. The district officers have taken considerable interest in the introduction of the system, and the Revenue Divisional Officers of Markapur and Dhone report favourably, although the District Forest Officer, East Kurnool division, found considerable illicit goat-browsing and is dissatisfied with the results in one case. The Collector considers that the grazing fees charged by the panchayats are too low and should be raised, as the management resulted in losses to the villagers.

Cuddapah (Mr. H. G. Gharpurey).—Eight reserves and three unreserves covering an area of 26,760 acres with an assessment of Rs. 1,153 were under the management of 35 panchayats during the year.

The Collector's report gives full information on the working of each panchayat so far as information is available. The management appears to have varied greatly. In one or two cases, some real interest has been taken in the improvement and protection of the forest; in others fire, over-grazing, goat-browsing, charcoal-burning, indiscriminate cutting for sale and other misdeeds appear to have been the general practice. No proposals for the dissolution of the worst of the panchayats have been made pending the results of the Special Panchayat Officer's report and recommendations but it is evident that the general behaviour of the panchayats has been very bad. The Collector in a separate report has advocated

the panchayatdars permitting the removal of leaves for manure, provided they pay an increased assessment. The obvious difficulty is that the permission would merely encourage the existing destruction of forest.

Nellore (Mr. A. M. A. C. Galletti).—A portion of Karedu reserve placed in fifth class and a portion of Kavali forest, a fourth-class reserve, with the addition of unreserved lands, covering a total area of 6,254 acres with an assessment of Rs. 1,269, have been under the management of two panchayats. There is nothing noteworthy to record, except that there seems to have been complete absence of goat-browsing.

Kavali panchayat had a slightly increased revenue during the year which more than covered its assessment. However, on a special representation on the part of the panchayat the rate of assessment has since been reduced from 8 annas to 5 annas per acre. The management of the two panchayat forests in this district is most satisfactory.

Bellary (Mr. A. F. G. Moscardi).—Twenty-six reserves covering 73,292 acres with an assessment of Rs. 7,121 were under the management of 59 panchayats. The year started with sixty panchayats, two were dissolved—one owing to unwillingness to renew and the other to change in the classification of the reserve—and a panchayat was newly added.

None of the sixty panchayats were inspected by the divisional officers during the year and the Collector has drawn attention to the omission. In the absence of their inspections it is impossible to put much reliance on reports that panchayats worked satisfactorily. The Collector, however, personally inspected a number of these forests and is of opinion that the villagers had no interest in the forest allotted to them and only accepted the system as it removed the interference of the forest subordinates.

South Kanara (Mr. R. H. Ellis).—Three blocks are under panchayat management—one is reserved forest (Chembugudde) and the remaining two (Ramasamudram Kadu and Ajjarkadu) consist of reserved lands. The total area under management is 730 acres with no assessment. Thefts of trees and illicit grazing appear to be the marked features of Chembugudde and Ajjarkadu panchayat areas.

The Collector has admonished the Ajjarkadu panchayat and expects better results, while in respect of Chembugudde reserve, he intends replacing the present members. Ramasamudram panchayat shows a very good record of work though its financial condition is not satisfactory. The Collector proposes to subsidize the panchayat from his discretionary grant.

Coimbatore (Mr. F. B. Evans).—There are nineteen panchayats operating over eighteen reserves and one unreserve, covering an area of 13,889 acres. The assessment levied in respect of reserves is Rs. 1,764-8-0. The panchayats are said to have done well during the year except that of Andiyur, the management of which went from bad to worse. It has since been deprived of the power of compounding offences owing to abuses and the Collector is now considering its dissolution.

The District Forest Officer, Central Coimbatore, raised the question whether some of the reserves under the indifferent management by panchayats should not with advantage be disafforested and thrown open for cultivation. The Collector supported the proposal. The matter is under separate consideration.

On the question of giving panchayats power to compound offences the Collector states that though he is in favour of investing panchayats with such power,

the ideal system is that the panchayats should be able to suppress offences like illicit grazing and felling by bringing influence to bear upon the persons responsible without prosecution. To quote his words "as I understand it, these panchayats were never intended to be miniature forest departments, and I think they should be left to work out their own salvation more than they are. I would stop regular periodical inspections by the ordinary Revenue and Forest staff. The Revenue officers have neither the practical knowledge nor the time necessary to do any good. Forest officers are inevitably apt to apply too professional a standard in their criticism."

Guntur (Mr. T. H. Hill).—There are 32 panchayats operating over 56 reserves, the area under management being 41,136 acres with an assessment of Rs. 6,372-8-0. Overgrazing appears to be the most prominent feature in this district. In some the incidence was so low as ·31 of an acre per cow. In several instances double the rate of ordinary grazing fees have been charged, and no satisfactory accounts have been kept.

Inspection by responsible officers appears to have been infrequent and the Collector remarks that there is no evidence to show that the panchayats have worked well. Such inspections as have been made tend to show the opposite.

Anantapur (M.R.Ry. Ramacha Nedungadi).—Five reserves and one reserved land with an area of 7,923 acres were under the management of eight panchayats. Kodihalli reserve panchayat with an area of 1,209 acres was newly formed during the year. The work of Ravuludiki and Kristipadu panchayats were found to be hopelessly bad. Two forests were inspected by the Revenue Divisional Officer and two by the Tahsildar. Of the others there is nothing on record concerning their management.

Ramnad (Mr. C. F. Brackenbury).—There is a single panchayat managing the Kothangulam reserved forest, area 550 acres and assessment Rs. 50. The working of the panchayat is reported to be satisfactory. Goats are strictly prohibited and there has been no complaint of browsing. Boundary marks are in order. Receipts Rs. 242, expenditure Rs. 194, balance Rs. 48. The incidence of grazing has decreased; 221 cattle and 1,625 sheep grazed as opposed to 234 cattle and 1,953 sheep in the previous year.

North Arcot (Mr. H. M. Hood).—During the year three new panchayats were formed, making a total of 72 panchayats—59 relating to North Vellore division, and 13 to South Vellore division. The area under management was 20,755 acres and 14,007 acres, respectively, bearing assessment of Rs. 3,648 and Rs. 1,550, respectively. The Collector would class 15 panchayats as good, 17 as fair and 40 as bad, and proposes to dissolve the last of these classes after a warning. One panchayat, that of Erayur, is specially recommended. The Collector is not inclined to grant power of compounding offences to any of these panchayats until the factions in villages disappear and the ryots gain more experience and learn to work disinterestedly. The incidence of grazing in all the panchayat areas is said to be still very heavy.

Heavy grazing and browsing form the main features of several of the panchayat areas. In one panchayat forest, the panchayatdar was himself found to be grazing a flock of goats.

Kistna (Mr. P. L. Moore).—Three reserves covering an area of 5,357 acres have been under the management of fourteen panchayats. The working of four panchayats is reported to be good, and that of four panchayats satisfactory. Nothing is recorded about four others while one panchayat is said to be defunct.

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Velagalapalle panchayat was dissolved during the year after a personal inspection by the Collector, particularly for bad management. It is difficult to estimate the value of the reports except in the case of panchayat inspected by the Collector as there is no information whether and by whom inspections were carried out.

Trichinopoly (Mr. E. W. Legh).—There are thirty panchayats, operating over thirty reserves with an aggregate area of 43,308 acres and an assessment of Rs. 9,690. Two members of the Tachankurichi panchayat were removed during the year for misconduct; similarly, two panchayatdars of Viramachampatti will be removed in the current year. It is stated of Lalgudi taluk panchayats that they intentionally show low receipts for fear that assessments will be raised; while in Perambalur taluk there is said to be keen competition for membership. Here the panchayatdars are reported successfully to have managed their forests evincing real interest in their work.

The Collector is "not at all satisfied with the administration of these panchayats at present. They require good deal of help, there being disputes between panchayatdars and disputes between panchayats and the villagers. The Revenue Divisional Officer has not the time for this sort of work nor can the work be properly thrown on the Forest officers. What is needed is an officer who would have time to go and sit in the village and discuss the problems or disputes in issue and enable the villagers to settle them for themselves. I suggest that some proposal be made to this end if the system is to continue."

Chittoor (Mr. A. Upendra Pai).—There is a single panchayat at Pichilavandapalle, managing 422 acres of a fifth-class reserve. The assessment payable is Rs. 25. As a punishment for illicit fellings and grazing, the panchayat was fined Rs. 2 with the result that its working improved subsequently. The grazing incidence is 3·6 acres per cow.

On the recommendation of the special panchayat officer Mr. Bles, two new panchayats were formed during the year. The Collector states that the past history of the panchayats in the district is extremely unfavourable, 15 out of the 16 panchayats previously in existence had to be dissolved partly owing to mismanagement and partly because the areas handed over were found unsuitable. Attempts are again being made to resuscitate panchayats on cautious lines.

South Arcot (Mr. R. F. B. L. Guppy).—The year started with 17 reserves with an area of 24,377 acres under the management of 35 panchayats, assessment payable being Rs. 4,529. The District Forest Officer and the Revenue Divisional Officer agree in their opinion as to the management of many reserves but disagree as to the working of Tandavasamudram, Karmangudi, Killai, Kurumbaram, Krishnapuram, Varanjaram, Kuttagudi, Melapalankur, Pusappadi and Kottalamalai panchayats. The Collector notes that the irregularities noticed are of the usual kind, namely, goat-browsing, illicit felling of trees and removal of manure leaves — abuses which seem to be common to most panchayat forests in the district.

The Collector thinks that if the penalty for mismanagement is disafforestation and the sale of the land for cultivation, the threat alone of such penalty might make the panchayats more careful.

The dissolution of Kuttagudi panchayat was under consideration because one of the panchayatdars assaulted the ranger and the staff who attempted to impound his goats. It is under contemplation to replace the present members of Sattiyavadi and Nemam panchayats owing to faction.

Panchayatdars are reported to be unfit for the power of compounding forest offences.

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Tanjore (Mr. P.C. Dutt).—Jambuvanodai panchayat is the only one in existence in the district controlling 1,750 acres bearing assessment of Rs. 10. The Divisional Officer states that the management cannot be said to be bad though it is wanting in initiative.

Salem (Mr. P. Macqueen).—Thirty-two panchayats have been at work during the year against eighteen in the previous year. Mallur panchayat has been reorganized owing to dissension among panchayatdars. The panchayats are stated to be unfit to exercise powers of compounding offences. Illicit quarrying of stone, goat-browsing and quarrying of limestone are said to be of frequent occurrence in the areas under management. One panchayat area appears to have been inspected by the Revenue Divisional Officer. The Tahsildar of Harur inspected all the ten panchayat forests in his taluk, but his reports throw very little light on the work of the panchayats. The District Forest Officer of South Salem also appears to have inspected a number of these forests with somewhat unsatisfactory results.

Tinnevelly (Mr. A. R. Cox).—Three reserves with an area of 2,604 acres are under the management of three panchayats subject to an assessment of Rs. 300. Gangaikondan panchayat has discharged its duties satisfactorily while the remaining two Sivalapperi and Melapattam have done fair work. The natural regeneration of acacias in Gangaikondan limits was very satisfactory and the District Forest Officer proposed to sow some more land with acacias both in Gangaikondan and Sivalapperi limits on behalf of the panchayatdars. In order to bring down incidence of grazing the District Forest Officer proposes an enhancement of grazing fee — a proposal which the Collector approves of. The panchayats are not yet fit to exercise powers of compounding offences.

Madura (Mr. S. W. G. I. MacIver).—There are 12 panchayats controlling an area of 5,833 acres subject to an assessment of Rs. 1,402. All the panchayats are reported to have worked smoothly and satisfactorily, though in portions of Vallakaradu in charge of Chinnamanur and Seelayampatty panchayats goat-browsing was noticed. The panchayats have promised improvement. The Collector and his Divisional officers agree in considering the panchayats unfit for powers of compounding offences. The report would be more valuable if it were known when and by whom the panchayat forests were inspected.

Chingleput (M.R.Ry. M. S. Mascarenhas).—Twenty-four panchayats control about 9,944 acres in eighteen reserves paying an assessment of Rs. 1,817. Of these, the panchayats of Meyyur, Gudapakam and Katrambakam are said to have worked satisfactorily, while three others Meyyur, Mittanamalle and Maduraipakam have done well, the work of two others Illelore and Konagampattur is classed as fair, the remaining seventeen panchayats are declared either bad or indifferent. Nanmangalam and Perumbakam panchayats can also be classed as fair as they are said to be free from the common vices of illicit felling, leaf cutting and goat-browsing. The Collector does not think that any panchayat is fit for the exercise of powers to compound offences. The panchayat forests, judging from the report, appear to have been more frequently inspected than in other districts and the results of management have been more clearly appreciated.

17. The general results of the forest panchayat system, as disclosed by the Collectors' reports, may, I think, be summarized as follows:—

In the majority of cases the management is thoroughly unsatisfactory. The panchayatdars either take no interest whatever in the management or use their privileges to destroy the forest for immediate gain. In a few cases panchayats without any encouragement have done remarkably good work and in many other

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cases there is evidence that the management would be vastly better if more interest was taken in the system and help given by Government officials. Stimulation, assistance and control are often entirely absent. Inspections by Revenue Divisional officers are rare and those by subordinate revenue officers are seldom of much value. Interest taken by the Forest department in the working of the system is confined to a few districts. Reports of satisfactory management too often are due to absence of inspection and are based on the fact that no complaints have been brought to notice, ignoring the fact that there will seldom be complaints when there is no conservancy.

Some Collectors, for example, Mr. Evans, consider that panchayats must work out their own salvation, although in his district they have actually received a good deal of help; while others, like Mr. Legh, consider that the system cannot be worked successfully without direct assistance and more control by Government.

18. These conclusions may be compared with Mr. Bles' views in part III of his report.

Mr. Bles points out that failure is often due to forest panchayats being forced on villagers against their will with the inevitable result that they take no interest in the management. Failure is also due to the forests being too extensive and too inaccessible for successful management; to the system of appointing low-paid watchers who farm the forest to their own benefit and have no regard to forest conservancy; to the temptation where timber and fuel has a market value to raise revenue; to the unsatisfied demand in certain districts for leaf manure.

Despite these factors Mr. Bles considers that the general results are not unsatisfactory and that in two main respects the system may be considered successful; it is popular with the people and the interests of the State have not suffered. He also lays stress on the valuable educative value which the system has as tending towards communal action.

19. With many of Mr. Bles' remarks on the result of panchayat management I entirely agree. But I am unable to go so far as he does in his general conclusion that the interests of the State have not suffered. I think in the majority of cases the interests of the State suffered, as well as those of the community, though it may be, temporarily. It is hard to come to any other conclusion with the record in front of one of panchayats dissolved for incompetence and of the many instances of goat-browsing, fire and other breaches of the terms of agreement.

I can only support Mr. Bles in his view of the educative character of the system in cases where the management of the forests has been successful. In other cases I do not think any benefit has accrued in so far as the villagers have learnt that Government is not willing to press forest conservancy on them and that even in cases of extreme abuse of communal property no penalties are inflicted beyond the return of the forest subordinate.

20. But whether one considers the reports of the Collectors on individual cases or Mr. Bles' opinion on the case as a whole, I am astonished not that the system has often broken down, but that it has been successful to the extent to which it undoubtedly has been in particular cases.

Many, if not most, of the reasons for ill-success are removable such as carelessness in selecting suitable villages and suitable forest areas, want of help and sympathy in cases in which the villagers are set an extremely difficult task, and want of control to check at the outset the most obvious abuses before they have reached the stage at which the panchayat has to be dissolved.

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21. Mr. Bles had dealt with these matters in Part IV which contains his recommendations. The latter I heartily support. I am certain that an immense deal can be done if the system is organized on a better footing and if better supervision and more help and advice are provided.

Mr. Bles' report covers the ground of reform so fully that I have only to add a few remarks on one or two special points.

In the first place, I would point out the real need of stimulating throughout the Presidency a sense of the value of arboriculture in a tropical country. One has only to observe the ruthless destruction of private forests and the indifference of the people generally to the value of topes, avenues, forests and plantations to be convinced of this fact. There are exceptions, as for instance, the extensive private plantation of casuarina and other quick-growing trees in Chingleput, Arcot and neighbouring districts; but they remain exceptions.

As a forest officer I am not concerned with avenues or topes, but I look upon the fostering of private or communal plantations as one of the most important needs of the time. It is important not only because the State resources are too limited to supply more than a small proportion of the village demands for forest produce but also because it is the generally accepted idea that such supply is a matter for the State and not for the individual or the community. So long as this impression remains, there must be chronic dissatisfaction with Government.

22. The panchayat system gives an opportunity which ought not to be neglected. A very considerable area of panchayat forest scattered through the Presidency is suitable for the planting and improvement and if this work is carried out by the villagers themselves with a limited amount of help by Government, not only will the practice spread but the villagers will begin to consider the forests their own and will take an interest, which at present is absent, in their conservancy.

Government in the Local and Municipal Department are, I believe, considering the question of stimulating interest in the maintenance of avenues and topes. If so, it is essentially a case for co-operation with that department. The provision of district and taluk plant nurseries, the free distribution of seedlings and occasional advice and help in planting and maintenance apply as well to the panchayat forests as they do to the question of village arboriculture.

23. The second point I wish to refer to is the fact that the income from the panchayat forests amounts to nearly half a lakh of rupees. I think there is justification for earmarking a considerable portion of this income to improvement of these admittedly degraded forests. Such action would at least remove any suspicion that the department continues to raise revenue from the panchayat forests without regard to their conservancy.

24. The third point refers to the staff which Mr. Bles proposes should be entertained.

I agree with his proposals so far as they go. I think it is essential that there should be a special staff whose sole duty it will be to stimulate, assist and control the working of the panchayats.

I understand that the number and distribution of officials proposed has been carefully worked out with a view to permit each panchayat forest to be inspected on the average not less than four times per annum. This would appear to be the minimum amount of inspection necessary and it must not be forgotten, as Mr. Bles' personal experiences showed, that inspection of these very scattered and often remote forests consumes a great deal of time in travelling.

I also agree that selected Deputy Tahsildars would provide a suitable agency and are preferable to Rangers appointed for that purpose.

Sufficient knowledge of the rudiments of forest management can soon be picked up and professional attainments are of less value than the ability to inspire co-operation and interest among the villagers. Moreover, the District Forest Officers and their staff may be instructed to give all the technical assistance required.

Mr. Bles has briefly given the duties which this special staff would be called upon to perform. I would describe them in more detail as follows :—

(*a*) The preparation and maintenance of a record giving for each panchayat forest, the broad facts of its previous management by the Forest department, a statement of its present condition, information concerning the composition of the panchayat and the requirements of the village, and lastly the maintenance of a running record taken from the reports of inspecting officers of the progress of management.

(*b*) To stimulate and help the villagers in their management in order to enable them to make the best possible use of the land at their disposal. The regulation of grazing, felling, the methods of protection to be adopted, the planting, and improvement of the land, the keeping of accounts, the utilization of profits are all matters in which during the early days of the movement assistance must be given if the system is to be of permanent benefit to the country.

(*c*) To control the management and to prevent, before it is too late, the destruction of the property where panchayats will not or cannot manage it satisfactorily.

The control of this special staff is not touched upon in the report nor is the future position of the Revenue Divisional Officer in the scheme discussed.

The experience of the last four years seems to prove the necessity of relieving the Revenue Divisional Officers of all responsibility for the management of forest panchayats. They are so hard-worked and have such multifarious duties that they cannot give the necessary personal attention. I doubt whether even 5 per cent of the forests under panchayat management are inspected by these officers and this has been the main cause of the breakdown of the system.

I consider that the Revenue Divisional Officer like the District Forest Officer at present should hold an advisory position. He should be consulted by the Special Officer on all matters connected with the working of the system in his division, but the real responsibility should vest with the Special Officer and the control in the district with the Collector who will also have the advice and assistance of the District Forest Officer when required.

The Collector's general control I look upon as essential. Without it there will not be the local knowledge and the driving force to carry the system on, nor the co-operation of the various departments.

25. Lastly, there is the question of how the work of the individual special officers is to be co-ordinated and controlled. The question has already been discussed at some length in G.O. No. 147, dated 22nd January 1920, and I think I may assume that the suggestion to form a Board of Control is not acceptable to Government. The only alternative seems to be that the Chief Conservator himself shall be the controlling authority, but it is obvious that the Chief Conservator would be unable directly to control the work of the special officers without some more or less experienced administrative officer in charge of the special staff constantly to tour in the districts and be in close touch with the District Collectors and

other local officers. Who this officer should be and what his standing are matters which I think are best discussed in person with Government if the proposals outlined above are accepted.

ENCLOSURES.

(1)

PART I.

Origin and formation of the Forest Panchayat system.

The forest panchayat system of this Presidency is the outcome of the recommendations made by the Forest Committee appointed in 1912. In their report the Committee dealt fully with the hardships caused to the rural population by forest reservation and expressed the opinion that the remedy lay in reducing to a minimum the contact between the villager and the Forest subordinate. Hence they proposed that, as far as possible, the management of grazing areas should be transferred from the Forest department to local panchayats.

Proposals of the Forest Committee.

2. The following is a brief abstract of the committee's proposals. The general questions regarding panchayat management raised in the report and Government Orders thereon will be discussed later with reference to actual conditions.

3. In the first place it was proposed that the reserved forests of the Presidency should be classified according to the following six classes :—

(1) Reserves which must be preserved for climatic purposes and for the protection of water sources as well as those reserves which are not in close contact with villages and cultivation.

(2) Reserves which are valuable for the protection of timber or fuel and capable of being intensively worked for this purpose.

(3) Fuel plantations.

(4) Reserves which, while useful for grazing, contain tree-growth necessary for working in the near future.

(5) Reserves so much more useful for grazing than for any other purpose that for practical purposes grazing alone need be considered.

(6) Reserves useless for any purpose.

4. Forests in class I were to remain under the control of the department and the question of what cattle were to be admitted and in what numbers was to be settled by the department with reference principally to consideration of forestry.

The fuel and timber forests of class II were also to be left under departmental control but in fixing the limit of cattle to be admitted for grazing, it was suggested that the District Forest Officer should consult the Revenue Divisional Officer as to the needs of the villages adjoining the reserves. In each village a limited number of grazing permits was to be distributed, where it was possible, by a panchayat composed of resident cattle-owners.

Fuel plantations in class III were to be given up. Where there was a local need of grazing, unplanted areas suitable for grazing were to be retained as grazing reserves under class V.

In the case of class IV reserves the committee proposed that an attempt should be made to combine the management of the tree-growth by the Forest department with the management of grazing by panchayats. Departmental felling of fuel was to be regulated with regard to grazing requirements and if

necessary, working plans were to be altered so that not more than half the area included in any one village should be closed to grazing at one time. If possible, the grazing panchayats were to be encouraged to protect the felled coupes and rewarded either by the free gift of a certain amount of forest produce from the coupes or by a reduction in the amount of grazing fees levied from the villagers.

The management of class V forests was to be handed over entirely to village panchayats who were to be responsible for the collection of grazing fees, the regulation of the grazing and the protection of the tree-growth. Departmental guards and watchers were to be removed.

Areas falling under class VI were to be disafforested.

Constitution of panchayats.

5. The committee were of opinion that the area to be entrusted to a panchayat should be that included within the boundaries of one village and that the panchayat should be composed of resident cattle-owners of that village. The panchayatdars were to be selected informally by the other cattle-owners of the village, and as a safeguard against an abuse of their powers, their term of office was to be limited to three years. On the expiry of that period they could be re-elected.

Powers of panchayats.

6. The following powers were to be conferred on the panchayats :—

(1) Powers to admit or exclude any cattle from the grazing grounds, or, where limitation was ordered, to decide what cattle were to be admitted.

(2) Power to impound cattle grazing without permission.

(3) Power to regulate the use of fuel for domestic and agricultural purposes.

Duties of panchayats.

7. The principal duties of the panchayats were to be the following :—

(1) The full management and control of the grazing in the areas entrusted to them.

(2) The protection of these areas and the prevention of damage by goat-browsing and by excessive removal of forest produce for sale.

(3) The maintenance of boundary lines.

(4) The collection of the grazing revenue.

Control over panchayats.

8. The committee considered that the general administrative control of panchayats should be vested in the Revenue Divisional Officer, but as far as possible, panchayats should be left to manage their affairs in their own way without interference by the authorities. If they failed in their duties, they should first receive a warning. If the warning should prove ineffectual the grazing fee might be raised or the panchayat dissolved. In case of a general complaint on the part of the villagers against the panchayat, a fresh panchayat might be chosen.

The forests under panchayat management were to be regularly inspected by the District Forest Officer and Ranger and the result of the inspection reported to the Collector either direct or through the Revenue Divisional Officer.

Assessment

9. The amount of revenue to be demanded from each panchayat was to be fixed either with reference to the average of the grazing revenue for the past five years or at so many annas per acre.

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10. The committee's proposals were generally accepted by Government and it was decided to give the panchayat system a trial (G.O. No. 3020, dated 13th October 1913).

Orders of Government on the proposal of the Forest Committee.

11. In accordance with the orders passed by Government on the Forest Committee's report, the Board of Revenue issued instructions that the panchayat system should first be introduced in the following seven Forest districts :—

(1) Kistna.
(2) Nellore.
(3) Chingleput.
(4) North Vellore.
(5) South Salem.
(6) Trichinopoly *cum* Tanjore.
(7) Central Coimbatore.

(B.P. F. No. 243, dated 27th November 1913.)

Subsequently the Board, while deprecating the introduction of the new system in each and every district simultaneously invited proposals from the Collectors of districts other than those originally selected (B.P. Forest No. 7, dated 12th January 1914). By November 1914, 39 panchayats had been constituted and proposed in eight districts (G.O. No. 435, dated 16th February 1915). During the year 1914-15, 76 panchayats were working in nine districts (B.P. Forest No. 25, dated 10th February 1916). In 1915-16, the system was extended to 14 districts. One hundred and forty-seven panchayats were working : of these 76 were classed as successful and 71 as unsuccessful (B.P. Forest No. 157, dated 17th November 1915). In 1916-17, 290 panchayats were working in 17 districts (B.P. Forest No. 102, dated 21st November 1917). In 1917-18, the number of panchayats rose to 319 (B.P. Forest No. 17, dated 16th April 1919). In 1918-19, 366 panchayats were working in 19 districts (C.C.P. No. 26, dated 27th February 1920). The position of the panchayat system at the close of the past Forest year is given in Appendix I.

Classification of reserves.

12. Classification of forests was ordered on the lines recommended by the Forest Committee, and was to be conducted by the District Forest Officer and the Revenue Divisional Officer of the division concerned, under the supervision of the Collector of the district (B.P. Forest No. 243, dated 27th November 1913). The final result of the classification is shown in Appendix I to G.O. No. 5, Revenue, dated 2nd January 1917.

Areas to be entrusted to panchayats.

13. As recommended by the Forest Committee panchayats could be entrusted with the management of grazing in class IV reserves and with the entire management of class V reserves and "such unreserved lands in the village as were useful for grazing and were not wanted for any other purpose" (G.O. No. 3920, paragraph 16).

Constitution of panchayats.

14. After determining the areas naturally suited for panchayat management, there came the question as to how these panchayats should be introduced. In paragraph 11 of the Government Order quoted above Government observed that "very great care would be necessary in selecting villages for experiments" and it was decided to limit the experiment at first to a few villages where local conditions gave ready promise of success.

15 As recommended by the Forest Committee it was laid down that "the unit of administration for a panchayat must be the village and each reserve must be

divided in accordance with the village boundaries" (B.P. Forest No. 243, dated 27th November 1913, paragraph 4). In practice it was found difficult to adhere to this rule. In 1915 the Collector of Salem asked for orders as to the action to be taken when a village refused to form a panchayat for its portion of a reserve of which the other portions were assigned to panchayat management. The Board, considering that it was not desirable that one portion of a reserve should be left under departmental control while the remainder of the reserve was under panchayat management, decided that in such a case the area appertaining to the village refusing a panchayat might be assigned to the panchayat of another village which was prepared to take it up. This decision was approved by Government with the proviso that, before the area belonging to the one village was made over to another village, it should first be ascertained whether the former village possessed sufficient grazing from other sources (G.O. No. 481, Revenue, dated 1st March 1916). Subsequently Government authorized the Board of Revenue to depart from the ruling in the abovementioned proviso in special cases, e.g., where the villagers were obstructive and wholly unreasonable (G.O. No. 2238, Revenue, dated 25th July 1917). Further it was decided by the Board that when two or more villages asked for a joint panchayat, general principles should not stand in the way of acceding to such a request (B.P. Forest No. 8, dated 15th January 1916; G.O. No. 1185, Revenue, dated 23rd May 1916; and Reference from the Board of Revenue, Forest No. 350/16-1, dated 25th February 1916).

16. In G.O. No. 1085, Revenue, dated 9th April 1914, Government approved a set of rules and instructions relating to the constitution and duties of grazing panchayats. According to these rules the panchayat was to consist of resident owners of cattle (or sheep) and was to be selected by such owners at an informal meeting held in the presence of a tahsildar or deputy tahsildar. The number of the panchayat was not to be less than five or more than nine. Usually the panchayat was to hold office for three forest years and the panchayatdars were to have power to fill vacancies occurring during that period. Outgoing members were to be eligible for reappointment. All appointments were to be subject to the approval of the Revenue Divisional Officer who was to have power to remove any panchayatdar for misconduct.

Orders issued by the panchayat were not to be subject to appeal, and no notice was to be taken of individual complaints. General complaints by a body of villagers were to be investigated by the Revenue Divisional Officer and in cases in which it was proposed to remove the whole panchayat the orders of the Collector were to be obtained. There was to be no appeal against the orders of the Revenue Divisional Officer or the Collector.

17. These rules also prescribed the duties and powers of panchayats, but in 1916 the Board, being of opinion that in this respect the rules were sometimes vague and not adapted to local conditions, proposed that for each individual panchayat the specific duties and powers should be embodied in an agreement. Government accepted this proposal and its accompanying draft forms of instructions and sample agreements for reserves and unreserves (G.O. No. 1185, Revenue, dated 23rd May 1916). As these instructions and forms of agreement are actually in force, they are summarised below.

Powers and duties of panchayats.

18. The instructions insisted on the fact that in every case the agreement must be framed with regard to local conditions, the object being to ensure the greatest economic utility to the village community while protecting the area against improvident use by individuals. The main points to be kept in view were—

(i) Improvement of the grazing or other communal facilities.

(ii) Safeguarding tree-growth where necessary.

(iii) Safeguarding as far as possible any Revenue Government might have derived from the area, provided that part of the amount payable by the panchayat might be remitted towards the cost of specified improvements.

For reserves.

19. The same form of agreement for reserves contains the following clauses with regard to the powers, duties and privileges of the panchayat:—

(*a*) *Powers*—

(i) Power to issue permits and to charge fees for grazing and for the exercise of other privileges, subject to exceptions specifically made in the actual agreement.

(ii) Power to admit or exclude any cattle and to set apart any portion of the area for a particular class of cattle.

(iii) In cases in which grazing is limited, power to decide which cattle are to be admitted.

(iv) Power to exclude cattle belonging to any person who has caused damage to the area or disobeyed the orders of the panchayat, and cattle grazing without permission.

(v) Power to regulate the cutting and taking of wood, leaves and thorns for domestic and agricultural purposes.

(vi) Power to report to the Revenue Divisional Officer any offence for which prosecution is desired and to suggest the amount to be paid in case of composition.

(*b*) *Duties*—

(i) To prevent wilful damage to the area.

(ii) To enforce orders limiting the number or class of cattle to be admitted to the area.

(iii) To clear and maintain boundary marks.

(iv) To see that fellings are made flush with the ground.

(v) To carry out the orders of the Revenue Divisional Officer.

(*c*) *Privileges*—

(i) Should the panchayat wish to remove fuel or timber from the area, a coupe was to be assigned annually at a fixed rate.

(ii) In class V reserves, panchayats might with permission of the Revenue Divisional Officer plant trees, make ponds, or wells, or clear noxious growth. In such cases the panchayat would be entitled to enjoy the entire benefit and revenue derived from such improvements, provided that such improvements should not give the panchayat any right in the area which it did not otherwise possess under the agreement.

Minor forest produce.

(iii) Where possible panchayats were to be given the right of collecting minor forest produce within their areas on payment of a sum equivalent to the average revenue from that source. Later Government reserved the right to collect Cassia auriculata, Cassia fistula and myrabolams in all panchayat areas (B.P. Forest Mis. No. 368, dated 13th February 1916), but this reservation has now been cancelled (C.C.P. Mis. No. 532, dated 18th October 1919).

For unreserves.

20. The sample form of agreement for unreserves contains the following provisions:—

(*a*) *Powers*—

(i) To issue permits and charge fees for grazing.

(ii) To regulate grazing and admit or exclude any cattle.
(iii) To impound cattle grazing without permission.
(iv) To refuse all privileges in the area to any person considered responsible for any damage to the area or to any person disobeying the orders of the panchayat.
(v) To enjoy the usufruct of all trees and minor forest produce not specially excluded and to regulate their removal.
(vi) To remove thorns and dry leaves of unreserves and unclassified shrubs and dead wood.
(vii) To regulate the felling and removal of unreserved and unclassified trees for *bona fide* domestic and agricultural purposes.
(viii) to report to the Revenue Divisional Officer any offence for which prosecution is desired and to suggest the amount to be paid in case of composition.

(*b*) *Duties*—
(i) To prevent wilful damage by fire.
(ii) To see that all fellings are flush with the ground.
(iii) To protect all classified and reserved trees in the area.
(iv) To plant up a specified number of acres annually with tangedu or other manure leaf species.

(*c*) Panchayats were also given the privilege of enjoying all improvements made by them to their areas, subject to the same conditions as in the case of reserves.

Control.

21. All panchayats were to work under the Revenue Divisional Officer and were to receive no orders except from the Collector or the Revenue Divisional Officer. Panchayat areas could be inspected by any Revenue officer not below the rank of revenue inspector and by any officer of the Forest department not below the rank of ranger. Later in G.O. No. 1185, Revenue, dated 23rd May 1916, it was decided that in all panchayat areas forest offences should be dealt with only by the Revenue Divisional Officers.

22. As regards the assessment of the amount to be paid by each panchayat, the recommendations of the Forest Committee (vide paragraph 9 above) were followed (B.P. Forest No. 243, dated 27th November 1913, paragraph 5).

PART II.

Description of panchayat forests.

23. So far an attempt has been made to describe the machinery set up by Government for forest panchayats. Before dealing with the actual working of this machinery, it seems necessary, for a just appreciation of the problems presented by the new system, to give a brief account of the kind of forest with which we are concerned and the demands made upon it by the rural population.

Present condition of panchayat forests.

24. Generally these 'panchayat forests' are situated close to some village or villages and, in many cases, they cover the slopes of low hills. The average area of such a forest is about 2,000 acres.

As nearly all these forests belong to the fifth class (mentioned in paragraph 3 above), their tree-growth is 'ex-hypothesi' of minor importance. Generally it is scanty and poor in quality but in this respect there is considerable difference

between the panchayat areas in the various districts. For example, there is a striking contrast between some of the bare hill-sides of Chingleput and the well-wooded reserves in the Tindivanam taluk of South Arcot.

The most common tree-species in these forests are Acacia, Albizzia, Diospyrus, Dalbergis, Cassia and Margosa, Hardwickia, Anogeissus; Satinwood and Sandalwood are also found, principally in the districts bordering the Mysore plateau.

Many of these forests contain a fairly dense growth of shrubs such as Memicylon edule, Maba buxifolia, etc.

Euphorbia and prickly-pear have spread to an enormous extent in many reserves, especially those in Coimbatore and Chingleput.

Damage done to these forests in the past.

From what we see of these forests at present, it is not easy to imagine their condition in the past, but it is safe to say that in the past hundred years they have in almost every case deteriorated. Generally this deterioration is due to increasing cultivation and consequently increasing demands upon the forest. In many cases also great damage was caused by the building of railways. The extent of this damage can be conjectured from the following passage in the "Salem Gazetteer":—

"For the construction of the Madras Railway the Salem forests were recklessly denuded. In the year 1859–60 seigniorage fees amounting to nearly Rs. 23,500 were realized on sleepers alone, the number of sleepers supplied within the year being 245,743. So great was the demand that trees could not be marked fast enough and felling was uncontrolled. These sleepers were not sawn but adzed, a process involving immense waste of material. Nor were the contractors content with destroying all the teak. Fine satinwood forests round Kottaipatti were entirely wiped out by them and before the new Forest department could make itself felt, irreparable mischief was done."

Most of the panchayat forests have been under the conservation of the Forest department since the early nineties, when the 'Bellary scheme' was introduced, but in most cases they have not yet been able to recover from the damage done in the past.

Demands made upon these forests.

25. Although the forests handed over to panchayat management were considered as primarily useful for grazing, they are in most cases required to meet other demands such as the supply of small timber for making ploughs, etc., leaves for manure, firewood and thorns for fencing. How far these demands can be met by the forests is a question which will be considered later: at present it is proposed to explain the nature and extent of these demands.

(*a*) *Grazing.*—The animals sent to these reserves are cattle, buffaloes, sheep and goats. The latter are excluded by the rules, but there is no doubt that in many cases they enter panchayat reserves in large numbers.

Cattle census figures show that, with the exception of buffaloes, the number of these animals has increased largely in the past thirty years. For example, in Trichinopoly district the number of cattle has increased from 364,986 to 638,247 (excluding 146,840 calves). In the same district the number of sheep and goats was 1,983,131 in 1890; it has now increased to 845,764 sheep and 642,251 goats.

As this increase in the number of animals has been accompanied by a decrease in the amount of grazing afforded by unreserved lands, the demand for

grazing in reserves has become more and more heavy. The cattle sent to these reserves are generally of the poorest type and useful only for supplying manure. Valuable animals are hardly even sent to a communal grazing ground as the grazing is poor and there is the risk of infection from diseased cattle. They are therefore either staff-fed or grazed on private grazing grounds, as in Nellore and Coimbatore.

(*b*) *Timber.*—The demand made upon panchayat forests under this head is comparatively unimportant as few of these forests contain timber suitable for the abovementioned purposes.

(*c*) *Firewood.*—Firewood is not taken in large quantities from these reserves except in certain cases where the reserve is situated near some town or large village. In such cases the cutting for fuel is often most detrimental to the forest.

(*d*) *Leaf manure.*—The demand under this head is considerable in most districts where there is extensive wet cultivation. The species of green leaf chiefly required for this purpose are kolingi, erukkalai and avaram.

It has been estimated that for each acre of wet land at least two (often three) tons of leaf manure are required. As an acre of *fully stocked* fuel forest can produce only one cartload ($\frac{1}{2}$ ton) of green leaf, it follows that for the supply of leaf manure to one acre of wet land at least 4 (and generally 6 or 8) acres of forest have to be stripped. The difficulty of meeting this demand for leaf manure will be discussed later.

PART III.

Actual working of the forest panchayat system.

Results of classification.

26. As might be expected, the classification of reserved forests has not been uniform in its results. In many cases it was found difficult to carry into practice the distinctions drawn between different classes and a wide margin was left for difference of opinion. Thus several reserves in the Madanapalle subdivision of Chittoor district, which were originally placed in class V and handed over to panchayat management, were subsequently at the instance of the Conservator reclassified as class I and resumed by the Forest department (B.P.F. No. 2698/18-1, dated 19th February 1919).

The task of classification was also complicated by the consideration of local conditions. Areas which in most districts would have been placed in class VI and disafforested, have in some districts—where grazing facilities are few—been classified as class V and handed over to panchayats (e.g., the Nedungur reserve in Trichinopoly district and many others).

Again in, some cases classification was made with more regard to the potential than to the actual value of the reserve, and areas which at present are practically useless have been placed in class IV or class V because it was thought possible that they might eventually be planted up for fuel reserves.

Thus, even where the principle of classification has been correctly followed, the results differ. A disafforested area in one district may be superior to class V reserve in another, and a class V reserve may contain better fuel growth than a reserve in class IV.

Introduction of panchayat system.

27. As stated above, Government, in approving the Forest Committee's proposals for the introduction of the panchayat system, remarked that very great care would be necessary in selecting for experiment those villages where local conditions gave a ready promise of success. This warning was not always regarded. In some cases panchayats were forced upon villages which did not want them, with

the inevitable result that 'the panchayatdars evinced no interest in the management' (B.P. F. No. 157, dated 17th November 1916). In other cases the presence of faction in the village or the ignorance of the villagers militated against success.

Again, the area entrusted to the panchayat was often too extensive and too inaccessible for successful management.

From what has been seen of the working of panchayats in the various districts, the localities most suited to the system are those in which the villagers are prosperous and take an interest in cattle-breeding, e.g., the districts of Coimbatore and Nellore. In such localities the advantage afforded by the panchayat system are fully appreciated, and there is a genuine desire on the part of the panchayatdars to make the best use of the areas entrusted to them.

Composition of panchayats.

28. The present practice of selecting panchayatdars appears to be generally satisfactory. Few complaints are made against panchayats on the grounds suggested to the Forest Committee, viz., that they would consist of the wealthier and more powerful men in the village community and would abuse the powers entrusted to them either for their own benefit or for the benefit of the more wealthy cattle-owners in the village. (Forest Committee's report, paragraph 39). In many cases indeed the more wealthy villagers are reluctant to undertake the duties of a panchayatdar, and there is the risk of the panchayat being composed of villagers with insufficient influence. This was the case with many of the panchayats formed in Madanapalle taluk and afterwards dissolved. A few examples could be quoted of each of these extreme evils, but on the whole the *personnel* of the panchayat may be said to be satisfactory.

In paragraph 41 of the Report of the Forest Committee there is mention of a suggestion made by some of the witnesses that village officers should be compulsorily excluded from the panchayat on the ground that the panchayat would be dominated by their influence. This suggestion was dismissed by the committee with the remark that if the village officers possessed such influence it had better be exercised on the side of the panchayat than against it. In some cases, however, e.g., in the Wandiwash taluk of North Arcot, instructions were given that, where possible, village magistrates should be excluded from panchayats. These instructions were found to be difficult to carry out and also unnecessary.

It is rarely the case that all the panchayatdars are equally interested in the management of their reserve. Generally the bulk of the work is entrusted to one or two of the members. Some of the most successful panchayats are of this type.

Assessment.

29. The methods adopted for assessing the amounts to be paid by panchayats are satisfactory. Generally, the assessment is based on the average grazing revenue, but in Nellore the amount is fixed, as in the case of 'kanchas' at so many annas per acre, the rate for Kavali (class IV) reserve being annas 8 (now reduced to annas 5) and for the Kareda (class V) reserve annas 2.

30. The functions of a Forest panchayat may be classified under two main heads, viz., (*a*) management of its finances and (*b*) management of its area. Although the former is the least important, it is convenient to deal with it first.

31. Panchayats managing reserved forests have to prepay the assessment at the beginning of the forest year. The amount of the assessment is usually advanced by the panchayatdars themselves or by some wealthy ryot in the village. In a few cases, where the assessment is small, the panchayatdars make no attempt to recover the amount and allow free grazing (e.g., the Thethurai panchayat which

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manages a portion of the Nedungal reserve in North Arcot). In other cases the panchayatdars reimburse themselves by collecting subscriptions amongst the local cattle-owners or by levying a contribution on each plough in the village or on the number of acres held by each cattle-owner. Generally, however, the funds of the panchayat are raised by the issue of permits for grazing and (in some cases) for the collection of forest produce such as leaf manure.

(1) *Grazing fees.*

32. (i) There is a considerable variation in the rate of fees charged for cattle grazing by various panchayats. The scale ranges from one and half anna 'per cow unit' in the case of the Perambakkam panchayat in Chingleput to Rs. 2 in the case of the Sullipalayam panchayat in Coimbatore. This variation depends less on the quality of the grazing than on the quality of the cattle. The higher rates are found not where the grazing is particularly good but where importance is attached to cattlebreeding and the value of good cattle is appreciated. Thus in the districts of Coimbatore and Nellore, cattle-owners willingly pay Re. 1 or more for worse grazing than that for which annas 4 is charged in many other districts.

(i) Cattle.

(ii) *Buffaloes.*—The fee for buffaloes is usually double the fee charged for cattle.

(iii) *Sheep.*—The fees for sheep vary from 9 pies to annas 3. The usual fee is annas 2.

These grazing fees are generally fixed in accordance with local conditions and are acceptable to the cattle-owners. Complaints on the part of the villagers that the fees are too high are very rare. Even in cases where the panchayat fee is considerably in excess of the old Government fee as in Coimbatore (B.P. F. No. 40, dated 15th March 1916), the increased fee has evoked little protest. The cattle-owner is not generally insensible to the advantage of an increased fee accompanied by a reduced number of grazing cattle.

(2) *Fees charged for forest produce.*

33. In cases where green leaf is allowed to be removed for local requirements, the fee charged by panchayats is usually from 3 to 6 pies per headload. This is equivalent to annas 5 to 10 per cartload (20 headloads). The Melnandiyambadi panchayat which manages a portion of the Nedankunam reserve, charges only 8 annas for a quality of leaf sufficient to manure an acre of wet land, i.e., for about 6 or 8 cartloads. The Government seigniorage rate, on the other hand, is Rs. 2 per cartload.

34. Some panchayats keep no accounts. This was found to be the case with panchayats managing the reserves of Konjamalai (Salem), Billekal (Bellary), Nedungal, Vengunam and Nedangunam (North Arcot), Kumalampattu (South Arcot), etc. Other panchayats produced accounts which bore signs of having been hastily prepared for the occasion, probably by a clerk in the taluk office. Sometimes the accounts were 'misleading'. For example, the Kurumbaram panchayat (South Arcot) showed in their accounts expenditure incurred in selling a coupe without showing the receipts obtained from the sale of fuel.

Accounts.

In the case of the Mangalagiri panchayat (Guntur) serious irregularities were noticed. These accounts showed comparatively large items—Rs. 10, Rs. 37 and Rs. 69 as 'sundry expenses' and Rs. 130-8-0 as expenditure on 'stationery and rent of office room' besides other suspicious entries. The case has been reported to the Collector of the district.

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Generally, however, accounts are kept and, though rough, appear to be accurate and genuine. In some cases, they are exceedingly well kept. For example, the Kavali panchayat maintains not only a careful account of all its pecuniary transactions but also a register of all the land-owners of the village showing the extent of their holdings in wet and dry land and the number of cow-units which they are entitled to graze on the basis of 1 cow-unit for 4 acres of wet or 8 acres of dry.

35. Although panchayat agreements contain no provision regarding the utilization of profits, it is intended that surplus funds should be spent by panchayats on the improvement of their areas or on some other communal object. Most panchayats realize this and act accordingly, but in some cases panchayatdars appear to regard themselves as entitled to share the profits as a remuneration for their labours. Thus, one of the Konjamalai panchayats (Salem), when asked how it proposed to utilize its profits, replied naively that the profits would only amount to about Rs. 5 for each member. Again, in Trichinopoly the term 'Contractor' is employed as a synonym for 'Panchayatdar' and a petition was received from an enterprising individual who complained that he and his friends had not been given the management of a certain reserve even after they had gone to the trouble and expense of borrowing Rs. 190 to pay the Government assessment. Another petition was presented in the same district by some persons who claimed that by a private arrangement they had been admitted into partnership with the panchayatdars of Kurichimalai reserve and complained that they had not been paid their share of the profits. On the other hand, there are many cases in which surplus funds have been properly and advantageously utilized. The Dalavoipatnam panchayat (Coimbatore) has already spent Rs. 1,586 in removing prickly-pear from its forests and smaller amounts have been spent on the same work by other panchayats. In other cases money has been spent on digging wells or ponds in the forests or in planting trees or grass, or on the purchase of a stud bull. Where there has been no need to utilize profits for the improvement of the reserve or the benefit of cattle-owners, funds have been put aside for digging a village well or for some other communal purpose. Similarly, the Karodu panchayat (Nellore) has financed the local Irrigation Board to the extent of Rs. 400.

Utilization of profits.

36. The most important duty of a panchayat is the protection of the area entrusted to its charge. It is now proposed to examine the result of panchayat management in this respect.

Protection in panchayat areas.

37. It is rarely the case that panchayatdars exercise a direct supervision over their area. Usually they entrust this work to one or more watchers on a monthly wage ranging from Rs. 7 to Rs. 4 or even less. This low-paid servant is supposed to bring to the notice of the panchayatdars any forest offence which he may detect and also to impound unlicensed cattle. The danger of this system is obvious. For example, in the Udiyar reserve (Coimbatore), the number of sheep which had entered the reserve was certainly far in excess of the number for which permits had been issued. In such cases it is more than likely that the watcher receives bribes for conniving at illicit grazing—to the detriment of panchayat revenues.

Disadvantage of the watcher system.

This disadvantage of the 'watcher system' has been recognized in many cases by panchayatdars, and attempts are being made to dispense with watchers as far as possible. Thus the Kavali panchayat, which so far has been employing six

watchers during the grazing season, is now trying the experiment of entrusting the protection of the forest to three ryots who have promised to undertake this work in consideration of free permits for their cattle.

Grazing.

38. Most panchayats exercise little control over grazing and make no attempt either to limit the number of cattle or sheep or to close the reserve during a portion of the year. In Coimbatore and Nellore, however, we find panchayats enforcing limitation and closure. For example, the Sullipalayam panchayat in the former district has fixed a limit of 100 cattle for its reserve and admits no sheep or buffaloes. Similarly, in Nellore, the Karedu and Kavali panchayats have limited grazing to 2 and 2½ acres per cow-unit respectively. Again in both these districts it is customary to close the reserves to grazing for several months after the rains in order to allow the young grass to grow.

In other districts, where less importance is attached to cattle, the reserves are generally overgrazed. The average incidence is about 1·8 acres.

Felling.

39. As might be expected, illicit fellings are not infrequent in panchayat reserves, especially in those which are near to some town or large village. The worst instances were observed in the forests of Konjumalai, Mallur and Vellalagundam in Salem district. These reserves are all comparatively close to Salem town, where there is a large demand for fuel. Similarly the reserves near Vayalpad in Chittoor district were badly hacked for fuel while they were under panchayat management.

Fellings for the requirement of the panchayat village itself are, as a rule, comparatively unimportant.

Although the sample form of agreement provides for the annual lease of a coupe, few panchayats have undertaken this work. In South Arcot, however, two such coupes were inspected. The Kurumbaram panchayat has been given the right of felling a coupe of 50 acres and Kilsevur panchayat has felled 22 acres out of a coupe of 30 acres. Both these panchayats have paid for their coupes at the rate of 8 annas per acre. In Kurumbaram the fellings were quite satisfactory but in Kilsevur they were not always flush with the ground.

Leaf manure.

40. The removal of green leaf for manure is generally prohibited but in some cases—e.g., in South Kanara and in the Wandiwash taluk of North Arcot—it has been permitted with restrictions. As stated above, one acre of wet land requires all the leaf manure that can be supplied by 6 or 8 acres of forests. It is therefore, as a rule, impossible for panchayat forests to supply this demand especially in the southern districts where there is extensive wet cultivation and a comparatively small forest area. For example, in Madura the total area of reserved forest is not sufficient to supply the Periyar wet lands with green manure for a single year. As the cutting of green leaf in such cases would result in the denudation of the forests with only a slight and temporary advantage to the agriculturist, it has had to be prohibited. In spite of this prohibition, however, there are signs that green leaf is being taken from these forests to a considerable extent. For example, in the petition (quoted above) in which the petitioners claimed a share of the profits from the working of the Kurichimalai reserve in Trichinopoly, it was stated that the panchayatdars had made a profit of Rs. 450 from the sale of 300 cartloads of green manure.

Exclusion of goats.

41. Goats are excluded from panchayat reserves by the agreements but not always in practice. In localities where large numbers of goats are kept, these animals will usually find their way into the reserves. "Expellas furca, tamen usque recurrent."

In many of these reserves inspected there were signs of goat browsing. In the Mallur reserve (Salem), goat droppings were found all over the area and it was ascertained that in two of the adjoining villages there were over 4,000 goats. About 40 goats were found in the Visamangalam reserve (North Arcot) at the time of inspection.

Maintenance of boundary marks.

42. As a rule panchayats have kept clear the forest lines and maintained the boundary marks.

43. In spite of the irregularities noted above, the general result of panchayat management is not unsatisfactory, in most cases panchayats attempt to carry out the obligation imposed upon them by their agreements and in some cases they do so with considerable success. As a rule, the reserves inspected did not appear to have deteriorated under panchayat management and forest officers who were present at some of these inspections have remarked that protection in these areas was not inferior to that which would be expected in a similar forest under departmental control.

Further, as mentioned above, several panchayats have improved their forests by removing prickly-pear, digging wells and ponds, planting trees, etc.

Supervision of Panchayats.

44. Panchayat forests have generally been inspected at regular intervals by forest officials and in many cases panchayatdars have profited by the advice and help given to them by that department. Inspections by revenue officials have unfortunately been less frequent. No doubt it is difficult for these officials with their many duties and responsibilities to find time to visit panchayat forests which are often remote and difficult to reach, but it is regrettable that panchayats are not in closer touch with the department which is directly responsible for their work.

Is the panchayat system successful?

45. It is now proposed to consider the question as to whether the panchayat system has justified the anticipations of the Forest Committee; in other words, whether it has proved a success. For a decision in this point the two main criteria appear to be (*a*) 'Is the system in favour with the people?' and (*b*) 'Does it safeguard the interests of the State?'

46. (*a*) There is no doubt that the panchayat system is popular. The chief reason for its popularity is its *raison d'etre*, viz., that cattle-owners are secured from the fear of harrassment of extortion on the part of subordinate forest officials. Again in most cases the panchayats themselves are popular. The Forest Committee in section 39 of its report refers to the fears, expressed earlier by the Madras Government in G.O. No. 819 of 1894, that under such a system the management of the forest would fall into the hands of a faction, which might abuse its powers. These fears have not been realized. Generally panchayats have the confidence of the local cattle-owners and few complaints have been made against panchayatdars on the ground of partiality or injustice.

47. (*b*) The interests of the State do not appear to have suffered under the panchayat system. The normal grazing revenue of these forests is now easily collected, and as stated above the forests have not generally deteriorated under the management of panchayat. Here it may also be remarked that the panchayat

system has relieved the Forest Department of work, which from the point of view of the department was certainly uncongenial. The departmental management of these grazing areas in the past resulted in continuous conflict between the forest subordinate and the villagers and earned for the Forest Department considerable, if unmerited, unpopularity. Such unpopularity is exceedingly harmful to the interests of a department which seeks to work for the people with the help of the people, and therefore the panchayat system, in eliminating many of the above causes of friction, is certainly advantageous to the Forest Department and to the State.

48. Moreover the forest panchayat system has an educative value inasmuch as it tends to promote communal action. There are of course some panchayats which appear to have little regard to any interests but their own but most panchayats do realize their responsibility to their fellow villagers and there is every reason to believe that in course of time they will regard the preservation of their forests as a duty not only towards their contemporaries but also towards their descendants.

PART IV.

Recommendations.

49. The following suggestions are made for the improvement of the panchayat system.

Classification.

In some cases alterations should be made in the existing classifications. Some of the areas which are at present in class V and managed by panchayats are really unsuitable for panchayat management and should be resumed by the Forest department. An example of such areas is afforded by the hillside reserves near Salem for the reason already given, viz., that it is almost impossible for a panchayat to prevent fuel cutting when fuel is urgently needed by a neighbouring town.

District Forest Officers might be asked to give other instances of forests which in their opinion ought to be resumed by the department.

50. In other cases panchayat areas or portion of panchayat areas might be disafforested and given for cultivation. For example, some of the panchayat reserves in Trichinopoly district, like Nedungur, afford very poor grazing but with their good black cotton soil would yield excellent crops. In many such cases the villagers are anxious for disafforestation. Having regard to the present scarcity of foodstuffs disafforestation appears advisable in such cases provided that some grazing area is left for the village cattle. The rival claims of grazing and cultivation are sometime difficult to adjust. Economically it is better that land should be cultivated rather than kept for the grazing of the ordinary village cattle, but at the same time protection must be given to the interests of some of the poorer classes, such as follas, whose livelihood depends on cattle-owning.

51. For the same reason it is not always advisable to disafforest reserves when the probability is that they will not be cultivated but will be converted into private grazing grounds, as in the case of certain reserves in Erode taluk (Coimbatore) which were recently recommended for disafforestation. In many ways private pasture grounds are no doubt superior to communal pastures, but the former are generally too expensive for the poorer cattle-owners. For example in the Erode taluk, private grazing grounds are leased at Rs. 5 or 6 per acre and one acre will usually afford grazing for only two or three head of cattle.

Thus a general conversion of communal grazing reserves into private grazing grounds would leave many of the poorer cattle-owners without pasturage for their cattle.

Should panchayat be given a legal status?

52. In paragraph 45 of their report, the Forest Committee expressed the opinion that it was not necessary to give these panchayats a definite legal position or to appoint them forest officers under the Act. After some controversy, this view was finally accepted by Government (B.P. Forest No. 94, dated 6th May 1914).

Afterwards an exception was made in the case of the Jambuvanodai forest panchayat in Tanjore, in consideration of the fact that this panchayat had to protect its area against semi-wild cattle it was given the powers of a 'forest officer' and allowed to compound forest offences committed within its area (B.P. Forest No. 130, dated 6th September 1915).

In 1918 Government suggested the desirability of granting this power of compounding offences to all panchayats but the Collectors of districts in which the panchayat system was in force were not in favour of such a measure and no action was taken. The question is still dealt with by Collectors in their yearly reports on the panchayats in their districts and the general opinion is still against entrusting panchayats with this power.

It is no doubt undesirable to give this power to all panchayats but it might be given to panchayats which have worked well and gained the confidence of the villagers. Curiously enough it was found during inspections that the panchayat which desire this power are usually those which have most authority and are best able to manage their affairs, e.g., the panchayat of Dalavaipatnam in Coimbatore and Merkanam in South Arcot. It is probable that this power is desired by panchayats more for the sake of prestige than for any necessity to strengthen their position. It was found that generally panchayats have little difficulty in enforcing their orders.

Accounts.

53. Accounts should be kept by every panchayat. Panchayats which are not able to keep simple accounts are not fit to be entrusted with the management of forests. A simple standard form of accounts could be introduced and each panchayat could be supplied with an account book in such form. These accounts should be regularly inspected.

Management of the reserve area.

54. The best agency for the management of a panchayat reserve is that of the panchayatdars themselves and panchayatdars should be encouraged to inspect their areas as frequently as possible. The low-paid watcher is of questionable value. As stated above there is little doubt that in many cases he receives bribes for conniving at illicit grazing and thereby defrauds the panchayat. Generally it would be advisable to substitute for two or three watchers a permit-issuing supervisor or bailiff—on Rs. 12 to Rs. 15 per mensem.

Improvement of panchayat areas.

55. Many panchayat areas could be improved by bunding up the small streams on the hill-side at regular intervals; in this way erosion would be prevented and more water secured for the hill-side vegetation. This measure has been adopted with success by the Udiyur panchayat (Coimbatore).

For the same reason it would generally be advantageous in the case of hill-side reserves to restrict grazing as far as possible to the plain portion and the lower slopes of the hill and to protect the vegetation on the higher slopes with the greatest care.

Improvement of grazing.

56. Grazing could be improved in most reserves by limitation and closure. A striking example of this was seen in North Arcot. Adjoining the Nedankunam reserve, in which the grazing is poor, there are about 160 acres of land belonging to a Roman Catholic Missionary and used for grazing a limited number of cattle during a portion of the year. The Nedankunam panchayatdars admitted that the grazing on this land was the best in the taluk but so far they have made no attempt to improve their own area by the same measures.

Limitation and closure are no doubt difficult to enforce strictly and scientifically but in nearly every panchayat area they could be introduced in a form which, though imperfect, would not be without value. Limitation could be effected by increasing the rates of grazing fees which in many panchayat areas are absurdly low and some of the benefits of closure could be secured if panchayatdars would split up their areas into two or three large blocks which could be alternatively opened and closed to grazing. Several panchayats have promised to do this during the present grazing season.

Improvement of tree growth.

57. Panchayats should be encouraged to improve their forests by planting trees and shrubs. In many cases tree planting could be undertaken with little trouble or expense and with considerable profit to the panchayatdars. For example in the Kumalampatti reserve (South Arcot) chashew could easily be sown among the Kashran bushes and would grow as well there as it does on an adjoining patta land. The panchayatdars agreed to give this a trial. In all such cases panchayats could rely upon the assistance of the Forest department, which is already helping many panchayats in this way, as for example, in Tinnevelly where the District Forest Officer has arranged to sow about thirty acres in Gangaikondam reserve and fifteen acres in Sivalaperi reserve with Acacias and Viruvettai.

Green leaf manure.

58. As stated above, in most localities it is impossible for panchayat forests to supply the green leaf required for manuring the adjacent wet cultivation and panchayats will have to refuse such demands. In most cases a substitute for forest leaf can be obtained by growing manure crops, such as Sesbania and Tephrosia, in the intervals between two crops of rice. The use of these manure crops is being actively encouraged by the Agricultural department, and as it has been shown that this method of manuring is cheaper than manuring with green leaf by about Rs. 26 per acre, it is probable that the practice of growing these manure crops will spread and the demand upon the forests will become less insistent.

In some localities, where wet cultivation is comparatively small and the forests have a plentiful supply of green leaf, its removal might be allowed in limited quantities from certain portions of the reserve. District Forest Officers might be requested to help panchayats by selecting suitable 'coupes' for the removal of green leaf and by fixing the maximum yield for each coupe. In such cases the panchayats should charge higher fees than those usually charged at present.

Goat browsing.

59. Goat browsing and forest reservation are mutually exclusive terms and every effort should be made to keep goats out of panchayat reserves. Such a measure is bound to be unpopular in localities, such as the Madanapalle taluk of Chittoor district, where the keeping of goats is for many an important source of livelihood, but the only alternative is the rapid denudation of the forests. In some cases a remedy might be found in extending and improving goat-browsing porambokes.

60. It has been remarked above that forest panchayats need not only supervision but also advice and help. Under the existing arrangement these benefits are to be expected from the officials of the Revenue Department and these officials have rarely the time or the opportunity to give much attention to forest panchayats. In the order of Government which called for this report, it was suggested that a special staff might be necessary for the inspection and control of these panchayats and accordingly a scheme for such a special staff is attached (Appendix II). The duties of this staff would consist in supervising the work of panchayats by checking their accounts and by inspecting their forests, in helping them to improve the grazing and the tree-growth in their areas on the lines suggested above, and also in stimulating the formation of panchayats in localities where there are good prospects of success.

Appendix I.

Statement showing the number of V class reserves, their extent, area under panchayat management, etc.

Districts.	Number of V class reserves.	Area of V class reserves.	Number of reserves under panchayat management.	Area of reserves handed over to panchayats.	Number of panchayats at the close of 1919-20.	Balance number of V class reserves.	Area of the balance, number of reserves.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
		ACS.		ACS.			ACS.	
NORTHERN CIRCLE.								
Kistna	6	15,406·00	4	5,366·89	12	2	10,039·11	
			2	786·14	2	..	..	Unreserves.
Kurnool	14	74,016·00	2	21,035·00	2	12	52,981·00	
			1	4,476·00	1	..	..	IV class reserve.
Total ..	20	89,422·00	6	26,401·89	14	14	63,020·11	V class reserves.
		..	1	4,476·00	1	..	..	IV class reserves.
Northern Circle ..		..	2	786·14	2	..	..	Unreserves.
CENTRAL CIRCLE.								
Guntur	56	60,439·00	32	41,136·00	32	24	19,303·00	
		34,456·96	1	1,180·00	1	37	33,276·96	Unoccupied assessed lands
Nellore	38	..		1,909·21				Tank-beds, springs, etc.
		..	1	1,797·70	1	..	..	IV class reserve.
		..	3	1,367·75				Unreserves.
		10,838·04	18	8,259·50	20	4	2,578·54	
Chingleput	22	..	2	1,341·71	2	..	..	IV class reserve.
		..	2	342·90	2	..	..	Unreserves.
		27,297·00	8	18,475·00	16	3	8,822·00	
Cuddapah	11	..	3	8,235·00	3	..	..	
Chittoor	56	181,376·29	1	422·40	1	55	180,953·89	
Bellary	33	92,116·00	26	73,292·00	59	7	18,824·00	
Anantapur	17	33,478·93	5	5,401·27	8	12	28,377·66	Unreserved.
		..	1	2,522·00	1	..	..	Reserved lands.
		440,002·22	91	148,166·17	137	142	291,836·05	V class reserves.
Total, Central Circle ..	233	..	3	3,139·41	3	..	..	IV class reserves.
		..	9	11,901·86	6	..	..	Unreserves, etc.

Appendix I—cont.

Statement showing the number of V class reserves, their extent, area under panchayat management, etc.—*cont.*

Districts.	Number of V class reserves.	Area of V class reserves.	Number of reserves under panchayat management.	Area of reserves handed over to panchayats.	Number of panchayats at the close of 1919-20.	Balance number of V class reserves.	Area of the balance, number of reserves.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
		ACS.		ACS.			ACS.	
SOUTHERN CIRCLE.								
North Arcot	33 + 2 (parts)	65,424·00	19 + 2 (parts)	34,762·00	72	14	30,662·00	
South Arcot	20	32,936·60	17	24,376·60	35	3	8,560·00	
Trichinopoly	35	47,416·54	30	43,308·89	30	5	4,107·65	
Salem	11	24,602·00	11	24,602·00	32	..	..	
	6	8,315·65	4	5,833·00	12	2	2,482·65	
Madura		..	1	291·20	1		..	Unreserve.
Ramnad	1	550·00	1	550·00	1	..	..	
Tinnevelly	3	2,604·00	3	2,604·00	3	..	..	
Tanjore		..	1	1,750·00	1	..	..	
Total, Southern Circle ..	109 + 2 (parts)	181,848·79	85 + 2 (parts)	136,036·49	185	24	45,812·30	Reserved land. V class reserves.
		..	2	2,041·20	2	..	..	Unreserve, etc.
WESTERN CIRCLE.								
Coimbatore	16	12,756·03	14	10,322·18	18	2	2,433·85	
		..	1	3,567·24	1	..	..	Unreserve.
South Kanara		..	1	89·34	1	..	..	IV class reserve.
		..	2	639·72	2	..	..	Reserved land.
Total, Western Circle ..	16	12,756·03	14	10,322·18	18	2	2,433·85	V class reserve.
		..	1	89·34	1	..	..	IV class reserve.
		..	3	4,206·96	3	..	..	Unreserves, etc.
Grand Total ..	378 + 2 (parts)	724,029·04	196 + 2 (parts)	320,926·73	354	182	403,102·31	V class reserves. IV class reserves.
		..	5	7,704·75	5	..	..	Unreserves, etc.
		..	16	13,939·16	13	..	..	

Appendix II.

SPECIAL STAFF.

Districts.	Unreserves.	Reserves.	Number of panchayats.
I Circle—			
Kistna	2	4	14
Guntūr	..	31	31
Nellore	2	2	2
Total ..	4	37	47
II Circle—			
Kurnool	..	1	1
Bellary	..	27	60
Anantapur	1	4	9
Total ..	1	32	70
III Circle—			
Chingleput	2	20	24
South Arcot ..	..	15	34
Total ..	2	35	58
IV Circle—			
Cuddapah	3	9	19
North Arcot	..	19	69
Chittoor	1	5	16
Total ..	4	33	104
V Circle—			
Salem	..	8	18
Trichinopoly	..	30	31
Tanjore	1	..	1
Total ..	1	38	50
VI Circle—			
Coimbatore	1	14	18
Madura	..	4	12
Ramnad	..	1	1
Tinnevelly	..	3	3
South Kanara	2	1	3
Total ..	3	23	37
Nineteen districts ..	15	198	366

12th October 1921]

The special staff for each of the above six circles would consist of—

	RS.
(1) Inspector of Deputy Tahsildar grade	125
(2) Peons	12 each

The charges under travelling allowance may be estimated at Rs. 20.

The total annual cost of the special staff would therefore be as follows :—

	RS.
Inspectors, 125 × 6 × 12	9,000
Peons, 12 × 12 × 12	1,728
Travelling allowance, 20 × 6 × 12	1,440
Total ..	12,168

Income from panchayats for 1918-19—Rs. 45,095-7-9.

The suggested headquarters of each Inspector are the headquarters of the district underlined.

APPENDIX VIII.

[Vide answer to question No. 681 asked by M.R.Ry. V. P. Pakkiriswami Pillai at the meeting of the Legislative Council held on the 12th October 1921, page 855 supra.]

(1)

G.O. No. 162, Public, dated 23rd March 1921.

Read—the following papers :—

G.O. No. 1426, Public, dated 28th July 1916.
„ No. 508, Financial „ 19th June 1918.
„ No. 517, Public „ 22nd „ 1918.

Order—No. 162, Public, dated 23rd March 1921.

With effect from the 1st April 1921, the distribution of business among, and designation of, Secretaries to Government will be as shown in the annexure to these proceedings.

2. Heads of departments are requested to address their communications to the Secretary concerned according to the revised distribution. Confidential letters and demi-official communications should, as usual, be addressed by name to the Secretary concerned in accordance with this distribution.

(By order of the Governor in Council)

A. R. KNAPP,
Chief Secretary.

To departments of the Secretariat.
„ all heads of departments under departments of the Secretariat.
Gazette (paragraph 1 of order only).

ANNEXURE.

Chief Secretary.

PUBLIC DEPARTMENT.

Administration report, Presidency.
Air-craft.
Conduct of Business in Council.
Foreigners—
  Foreigners Act and Ordinance.
  Foreigners trading.
  Naturalization.
Fortnightly report.
General—
  Criminal questions of a general nature which cannot be allocated to any particular department.
Government Servants' Conduct Rules.
High Court Judges, Leave and Appointments of—.
Indian Civil Service and Listed posts.
Military—
  Garrisons.
  Indian Army Reserve of Officers.
  Indian Defence Force, etc.
  Movement of Troops.
  Roads of military importance.
  The Governor's Bodyguard and personal staff.
Office Procedure.
Precedence, Warrant of—
Publicity—
  Publicity Board.
  Editors' Table.
  Reuters' and News agency telegrams.
Press—
  Indian Press Act.
  Newspapers.
Registration of books.
Public Services Commission and Service questions.
Rewards for saving life and property.

PUBLIC DEPARTMENT—*cont.*

Residences of the Governor—
  Construction and Maintenance.
  Pictures.
Reports on matters of Political or administrative importance.
Reforms—General.
State Prisoners.

JUDICIAL DEPARTMENT.

Arms and explosives.
Criminal Tribes Act (excluding settlements and schools).
Criminal Justice—
  Additional and Assistant Sessions Judges.
  Criminal Justice report.
  Criminal Procedure and Indian Penal Codes.
  General questions relating to Criminal Courts.
  Magistrates (other than honorary), Suspension, Removal, etc., of—
  Presidency Magistrates.
  Petitions for Mercy.
  Petitions from convicts.
  Port Blair convicts.
  Religious disputes.
  Remission and commutation of sentences.
  Separation of judicial from executive function.
Police—
  Police.
  Criminal Investigation Department.
  European Vagrancy Act.

POLITICAL DEPARTMENT.

Political.

ECCLESIASTICAL DEPARTMENT.

Ecclesiastical.

Secretary, Revenue Department.

Agency Tracts and Laccadives.
Constitution of districts, divisions and taluks.
Courts of Wards and Zamindars.
Economic condition (including prices and wages).
Escheats.
Excise.
Famine.
Land Revenue—
  Land Revenue.
  Land Revenue due to irrigation.
  Deputy Collectors.

Land Revenue—*cont.*
  Inams.
  Land Acquisition.
  Loans.
  Survey, Land Record and Settlement.
  Village accounts.
  Village establishments.
Pounds and Special Fund.
Reforms—Backward tracts.
Stamps.
Weights and measures.
Wild animals.
Yeomiahs and hereditary pensions.

Secretary, Law Department.

GENERAL.

Breach of Contract Act.
Census.
Civil Justice.
Depressed classes.
Magistracy—
  Honorary Magistrates.
  Bench Courts.
  Criminal powers.
  Criminal appeals.
Emigration.
Jails—
  Jails.
  Prisoners' Homes.
Labour—
  Labour.
  Planters' Labour Act.
Land returns.
Landlord and Tenant.
Miscellaneous Judicial Heads—
  Administrator-General and Official Trustee.
  Carbide of Calcium.
  Companies.
  Criminal lunatics.
  Extradition.
  Law Officers.
  Life Assurance Companies.
  Petroleum.
  Provident Insurance Societies.
  Royal Humane Society.
  Treasure Trove.

GENERAL—*cont.*

Miscellaneous Judicial Heads—*cont.*
  Working of the following Acts:—
    (1) Towns Nuisances Act.
    (2) Hackney Carriages Act.
    (3) Cantonments Act.
    (4) Stage Carriages Act.
    (5) Indian Poisons Act.
    (6) Motor Vehicles Act.
    (7) Prevention of Cruelty to Animals Act.
    (8) Kazis Act.
Passports.
Pilgrims to the Hedjaz.
Reformatories.
Settlements and schools established under the Criminal Tribes Act.
Translators to Government.

LEGISLATIVE.

Acts and Statutory Rules.
Elections.
Legislative—drafting.
Reforms—Legislative Council.

EDUCATION.

Education.
Examinations.
Libraries and Museums.
Special Tests.

REGISTRATION.

Registration of deeds and documents.
Registration of births, deaths and marriages.

Secretary, Finance Department.

Move of Government to Hills.
Pensions.
Petition rules—General questions.
Reforms—Finance.
Finance—
  Audit reports.
  Budget and Accounts.
  Civil Service Regulations, Civil Account Code and Hill Allowance Code.
  Contract Allowance of His Excellency the Governor.
  Grants, loans and advances.
  Losses and defalcations.
  Leave and holidays.

Finance—*cont.*
  Liveries and clothing.
  Reorganization of establishments.
  Record Office.
  Stationery and Printing.
Central subjects—
  Archæology and Epigraphy.
  Customs.
  Income-tax.
  Marine.
  Meteorology.
  Opium.
  Post Office.
  Salt.

Secretary, Development Department.

Agriculture—
  Agriculture.
  Gardens and Parks.
  Co-operation.
  Civil Supplies.
  Factories.

Fisheries.
Forests, including Cinchona.
Industries.
Inventions and Designs.
Mines.
Trade.
Veterinary.

Secretary, Local Self-Government Department.

Adulteration of foodstuffs.
Local Boards and Municipal Councils.
Medical.
Public Health—
  Sanitation.
  Vital Statistics.

Public Health—*cont.*
  Pilgrimages within British India.
Religious and Charitable Endowments.
Tramways.
Town-planning.

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Secretary, Public Works Department (General).

Public Works—
Ferries.
Buildings, roads and other communications.
Sanitary Engineer and his establishment.

Public Works—*cont.*
Upper Subordinate staff in the College of Engineering and in the Department of Industries.
Electricity.
Boilers.
Telegraphs and Telephones.

Joint Secretary, Irrigation.

Irrigation including waterways.

Secretary, Railways.

Railways.

(2)

G.O. No. 1426, Public, dated 28th July 1916.

Read—the following paper:—

G.O. Nos. 806-807, *Public, dated* 11*th July* 1914.

ABSTRACT.—Directing the adoption, as a tentative measure, of a revised distribution of business in the Madras Secretariat with effect from the date upon which the fourth Civil Secretary to Government enters upon his duties.

Order—No. 1426, *Public, dated* 28*th July* 1916.

With effect from the 1st August 1916 a revised nomenclature will be adopted for the various departments under the Civil Secretaries to Government and the work among the Secretaries will be redistributed as indicated hereunder:—

CHIEF SECRETARY.

FINANCIAL DEPARTMENT.

(*Financial Section.*)

Advance for the purchase of houses under article 136 (*a*), Civil Account Code.

Appropriation reports of Provincial funds.

Applications under article 278-A, Civil Account Code.
" " 1000, Civil Service Regulations.
" " 1139, Civil Service Regulations, for increased rates of travelling allowance.

Audit report of the Indian Law Reports.

Civil Account Code .. ..
Civil Service Regulations ..
Interpretation, alteration or general relaxation of rules as distinguished from relaxation on behalf of a class of officers or of individual officers or relaxation covering a single case.

Compensation for dearness of food.

Conduct of business in the Council of His Excellency the Governor. Rules for the —.

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CHIEF SECRETARY—*cont.*

FINANCIAL DEPARTMENT—*cont.*

(*Financial Section*)—cont.

Contract allowance of His Excellency the Governor.
Exchange compensation allowance.
Famine estimates.
Grants to institutions maintaining widows and orphans of British soldiers.
Government Press.
Hill Allowance Code.
Imperial and Provincial advances and loans.
Imperial and Provincial services—Accounts and budget estimates.
Inter-departmental References in the Secretariat. Rules for the Regulation of —.
Liveries and warm clothing.
Loans raised under the guarantee of Government by Native States, local authorities and other public bodies.
Losses and defalcations.
Madras Record office.
Move of Government to the Hills.
Permanent advances—In cases where there is a difference of opinion between the administrative department and the Accountant-General.
Plague estimates.
Port and Marine fund accounts—
(i) Budget estimates of Port and Marine funds.
(ii) Reappropriation of funds and modification of grants.
(iii) Loans and grants to Port excepting those to the Port Trust Board, Madras.
(iv) Monthly accounts of the Port Trust Board, Madras.
(v) Review of the financial position of Port and Marine funds.
Return of retired members of the Indian Civil Service who draw their annuities or invalid pensions in India.
Securities required of public servants.
Stationery.
Stores. Returns of local purchase of —.
Supply of books to the Secretariat Library.
Supply of Government publications to the India Office and to the British Museum.
Treasuries.
Works in charge of Civil officers acting as Public Works disbursers.

(*Pension Section.*)

Alteration of the date of birth as entered in service registers.
Commutation of pensions.
Death of European pensioners (article 28 of the Civil Account Code).
Mutiny and other military pensioners.
Payment of colonial pensions in the Madras Presidency.
Payment of a pension in a colony.
Pension applications in all departments.
Re-employment of pensioners.
Withdrawal of pensions.
Wound and extraordinary pensions.

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CHIEF SECRETARY—*cont.*

PUBLIC DEPARTMENT.

(Public Section.)

Garrisons.
Government Servants' Conduct Rules.
Holidays.
Indian Civil Service and "listed" appointments.
Indian Press Act, including declarations signed by publishers of newspapers.
Military staff of His Excellency the Governor.
Movement of troops.
State prisoners.
Volunteers.
Criminal Investigation Department.
Warrant of precedence.
Certificates of naturalization.
War papers:—
Ingress into India Ordinance (political offenders).

(Political Section.)

British Consulate, Pondicherry.
Ceremonial honours.
Investitures and other ceremonies relating to the bestowal of honours
Indian Chiefs.
Kaisar-i-Hind medals.
Native States—
(1) Acquisition of immovable property in British India by Indian Chiefs and notables of Indian States.
(2) Administration reports and budget estimates.
(3) Armaments, arms, ammunition and warlike stores.
(4) Employment of Europeans.
(5) General questions of policy.
(6) Interportal trade conventions in Travancore and Cochin
(7) Irrigation and boundary disputes.
(8) Loan of officers.
(9) Mining.
(10) Railways.
(11) Regulations.
(12) Successions, adoptions and minorities.
(13) Syrian Church in Travancore and Cochin.
(14) Telegraphs and telephones.
(15) Visits of Indian Chiefs.
Political pensions—
(1) Carnatic stipendiaries.
(2) Coorg pensions.
(3) Golconda family.
(4) Goomsur pensions.
(5) Kandyan pensions.
(6) Kurnool pensions.
(7) Masulipatam pensions.

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CHIEF SECRETARY—*cont.*

PUBLIC DEPARTMENT—*cont.*

(Political Section)—cont.

Political pensions—*cont.*

(8) Mysore stipendiaries.
(9) Palkonda family.
(10) Parlakimedi pensions.
(11) Tanjore pensions.
(12) Raja Pillai pensions.
Political détenus.
Political uniforms.
Titles and title-holders.

(Ecclesiastical Section.)

Cemeteries and isolated tombs.
Churches (building, furnishing, menial servants).
Endowed monuments.
Establishment (clergy, registrar of diocese, clerks, menials).
Lay trustees.

SECRETARY, REVENUE (SPECIAL) DEPARTMENT.

(Marine Section.)

Accidents and casualties in shipping.
Coast lights.
Construction of jetties.
Construction of vessels, boats, launches, etc
Cyclone Code.
Distressed seamen.
Indian Ports Act.
Indian Steamships Act.
Landing and Shipping Fees.
Lands within port limits.
Life-saving appliances.
Light-houses.
Merchant Shipping Act.
Native Passenger Ships Act, 1887.
Paris Sanitary Convention.
Pier tolls.
Pilotage funds
Port funds.
Port Trust Board, Madras.
Registration of ships.
Shipping and landing of Government stores.
Wrecks.
Shipbuilding.
Indian Defence Force (European and Indian Branches).
Economic condition (including prices and wages).
Forests.
Military transport.

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SECRETARY, REVENUE (SPECIAL) DEPARTMENT—*cont.*

(*Marine Section*)—cont.

Mining.
Recruitment of combatants and non-combatants for the Indian Army.
Trade.
Trading with the Enemy.
Trading by hostile foreigners and firms.
Industries.
Civil Supplies.
Delhi War Conference.
Employment and Labour Bureau.
Munitions.
Publicity Board.
Traffic and Priority.
Transport and Communications.
Defence of India Act.
Foreigners Act.
Indian Army Reserve of officers.
Press and postal censorship.
War funds.
Ingress into India Ordinance (Other than political offenders)
Agriculture (including agricultural engineering).
Botanical Gardens and Parks.
Co-operative Societies.
Fisheries (including pearl and chank fisheries).
Factories.
Emigration.
Planters ' Labour Act '.
Workmen's Contract Act.

SECRETARY, REVENUE DEPARTMENT

Agricultural banks.
Alienation of lands.
Boundary disputes.
Census.
Cinchona.
Constitution of districts.
Court of Wards.
Customs.
Divisional charges, transfer of villages, etc.
Escheats.
Inams.
Kistbandi.
Laccadives.
Land acquisition.
Land revenue (including irrigation revenue)
Land encroachments.
Land Records and Survey.
Land revenue and village establishment.
Loans Act.
Meteorology.

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SECRETARY, REVENUE DEPARTMENT—*cont.*

Pounds.
Public Works (Revenue department buildings).
Pumping and boring operations.
Questions relating to Agency Tracts.
Rajkumar College.
Revenue and Rent Recovery Acts.
Season (including famine).
Settlement of land revenue.
Special funds.
Veterinary department.
Village, taluk and treasury accounts.
Weights and measures.
Wild animals.
Yeomiahs and other hereditary pensions.

(*Separate Revenue Section.*)

Abkāri, Income-tax, Opium, Salt, Stamps.

SECRETARY, LOCAL AND MUNICIPAL DEPARTMENT.

(*Local Section.*)

Correspondence relating to—
(i) the working of the Madras Local Boards Act, 1884.
(ii) the Sanitary Board.
(iii) the Sanitary Commissioner.
(iv) the King Institute of Preventive Medicine, Guindy.
(v) the Malaria Board.

Charitable endowments. Vesting of — in the Treasurer of Charitable Endowments, in cases where a local board is to undertake the administration of the property.
Contributions from Provincial to Local funds and vice versa.
Loans from Government or in the open market to local boards.
Taxation of railway buildings and the construction and working of tramways in local fund areas.

(*Municipal Section.*)

Correspondence relating to the working of—
(i) the Madras District Municipalities Act, 1884.
(ii) the Madras Hill Municipalities Act, 1907.
(iii) the Madras City Municipal Act, 1904.
(iv) the Places of Public Resort Act, 1888.

Correspondence relating to cantonments—
(i) taxation.
(ii) boundaries.

Charitable endowments. Vesting of — in the Treasurer of Charitable Endowments in cases where a municipal council is to undertake the administration of the property.
Contributions from Provincial to Municipal funds and vice versa.
Loans raised by municipal councils from Government or in the open market.
Taxation of railway property within municipal limits and the construction and maintenance of tramways by or under the control of municipal councils.

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SECRETARY, LOCAL AND MUNICIPAL DEPARTMENT—*cont.*

(*Plague Section.*)

Correspondence relating to the working of the Epidemic Diseases Act in so far as it relates to plague and the regulations framed thereunder.

(*Medical Section.*)

Chemical Examiner.
Civil lunatics.
Lepers Act, 1898.
Lunatic Asylums.
Medical, including officers, college and schools.
Pasteur Institute.
The Medical Registration Act.
The Edward VII Tuberculosis Institute.

(*Legislative Section.*)

Consolidation of rules and orders under enactments.
Legislation—Acts and Bills.
Tamil, Telugu, Malayalam and Kanarese Translators to Government.
Travelling allowance of non-official additional members of the Legislative Council.

SECRETARY, HOME DEPARTMENT.

(*Judicial Section.*)

Acts. Working of the —.
(1) Towns Nuisances Act.
(2) Hackney Carriage Act.
(3) Stage Carriages Act.
(4) Indian Poisons Act.
(5) Motor Vehicles Act.
(6) European Vagrancy Act.
(7) Prevention of Cruelty to Animals Act.
(8) Kazis Act.
(9) Cattle Trespass Act, 1871.
Administrator-General and Official Trustee.
Appeals against acquittals.
Arms and working of the Arms Act.
Cantonment Magistrates. (Appointment.)
Carbide of calcium.
Civil Courts at the Presidency.
Civil Courts under Act III of 1873.
Companies.
Criminal courts.
Criminal lunatics.
Criminal tribes and settlements.
Explosives.
Extradition.
General questions relating to fees to pleaders.
High Court.

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SECRETARY, HOME DEPARTMENT—*cont.*

(*Judicial Section*)—cont.

Investiture of powers under the Criminal Procedure Code.
Law officers.
Legal assistance to Government servants.
Life Assurance Companies.
Magistracy.
Petroleum.
Police.
Provident Insurance Societies.
Prisons and prisoners.
Prisoners' Homes.
Registration.
Riots and outbreaks.
Royal Humane Society. Applications for awards of the —.
Rewards for saving life and property, for recapture of escaped convicts and for detecting crime (excepting cases under special laws for which special rules have been framed).
Village courts.

(*Educational Section.*)

Copyright.
Education.
Museums.
Oriental Manuscripts Library.
Public libraries.
Qualifications for public service.
Quarterly catalogue of books.
Registration of books.
Special tests and Government technical examinations.

(*Miscellaneous Section.*)

Administration report of the Madras Presidency.
Archæology.
Casual leave—General questions.
Certificates of age, identity and nationality.
Conservation of ancient monuments.
Editors' table privileges.
Epigraphy.
Ethnography.
Examinations under the Board of Examiners.
French and Hindustani Translators to Government.
Land returns.
Marriage Acts—
(i) Births, Deaths and Marriages Act, 1886.
(ii) Indian Christian Marriage Act, 1872.
(iii) Malabar Marriage Act, 1896.
(iv) Parsi Marriage and Divorce Act, 1865.
(v) Special Marriage Act, 1872.
Naturalization Act.
Passports.

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SECRETARY, HOME DEPARTMENT—*cont.*

(*Miscellaneous Section*)—cont.

Permits.
Petition rules—General questions.
Pilgrims to the Hedjaz.
Post offices.
Religious endowments.
Statutory Civil Service.
Treasure trove.

SECRETARY AND JOINT SECRETARY, PUBLIC WORKS DEPARTMENT.

Public works carried out by the agency of the Public Works Department whatever the source from which funds are supplied.

Establishments employed for the control and execution of such works.
Administrative questions arising out of the two items above.
Irrigation and inland navigation.
Questions relating to railways.
Questions under the Indian Electricity Act.

Questions relating to telegraphs and telephones which may fall to the Local Governments.

Telegraph offices—Opening of telegraph offices and combined (post and telegraph) offices.

Sanitary Engineer and his establishment.

Superintendent, Government Gardens.

Upper Subordinate staff in the College of Engineering and in the Department of Industries.

Wireless telegraphy including wireless telegraphy on ships.

Working of the Steam-boilers and Prime-movers Act and other connected matters, viz., annual report, budget, establishments, inspection notes on municipal water-works, machinery, pay and allowances of inspectors of steam-boilers, rules and by-laws under the Act.

2. Heads of departments are requested to address their communications to the Secretary concerned according to the distribution of work detailed above. Confidential letters and demi-official communications should, as usual, be addressed by name to the Secretary concerned in accordance with the above distribution.

(True extract)

P. RAJAGOPALA ACHARIYAR,
Secretary to Government.

To all heads of departments under the Chief Secretary and Public and Judicial departments (including District and Sessions Judges).

Copy to all departments of the Secretariat.

Gazette (paragraph 1 of Order only).

12th October 1921]

APPENDIX IX.

[Vide answer to question No. 683 asked by Mr. A. T. Palmer at the meeting of the Legislative Council held on the 12th October 1921, page 856 supra.]

(1)

G.O. No. 352, Medical, dated 8th July 1921.

In his letter read above, the Surgeon-General inquires (1) whether the Government intend to introduce the Lepers Act into this Presidency, and (2) if so, whether the leper hospital at Tondiarpet will be abandoned in favour of a much larger establishment at Chingleput. He also enquires (3) as to the amount of accommodation which should be provided at Tondiarpet in case the existing hospital in that place is to be continued, and (4) whether married couples who are lepers may be separately accommodated together in the hospital.

2. The Government consider that the Lepers Act should be introduced into this Presidency as soon as adequate accommodation has been provided for the compulsory segregation of pauper lepers in asylums in the Presidency.

3. The distribution of lepers as recorded in the census of 1911 is as follows:—

(1)	Circars and Nellore	5,352
(2)	Ceded districts	501
(3)	East Central districts (Madras to South Arcot)	5,350
(4)	Southern districts (Tanjore to Tinnevelly)	3,655
(5)	West Coast	1,790

It will not be possible to provide accommodation for some 17,000 lepers at short notice. It should suffice as an initial step to provide for half that number. For this purpose centres should be selected in each group of districts for the location of institutions to accommodate about 500 each—

(1) In the Circars and Nellore there should be at least five centres. It has already been decided in paragraph 3 of G.O. No. 667, Public, dated 7th April 1916, to utilize the existing Mission asylums at Salur and Vizianagram for this purpose. It should now be ascertained whether these institutions can be expanded to accommodate 500 lepers each, and whether three other centres could be selected, in consultation with the Mission to Lepers in the other districts of this group. The institution at Bapatla may be left out of account, as it is proposed to reserve it for the accommodation of European and Eurasian lepers.

(2) In the Ceded districts it would perhaps be possible to expand the asylum maintained by the Mission at Koduru in Cuddapah so as to accommodate about 250 lepers.

(3) In the East Central districts (Madras to South Arcot), there is already a hospital in Madras, and another is under construction by the Mission to Lepers at Vadathorasalur in South Arcot. Three other centres have to be selected.

(4) In the Southern districts (from Tanjore to Tinnevelly), there should be three institutions. The asylums maintained by the Mission at Kumbakōnam and Manamadura may be selected as centres and expanded to accommodate 500 each. Another institution has to be opened either in Tinnevelly or Trichinopoly.

(5) The West Coast would require two centres. The asylum at Chevayur under the management of the Mission to Lepers could possibly be expanded to accommodate 500 inmates. If the St. Joseph's Leper Asylum at Mangalore cannot be adapted to meet requirements, a new asylum will have to be started to serve as a second centre for the West Coast.

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4. The Governor in Council considers that the control of lepers in the Presidency may in future be exercised in accordance with the scheme indicated above, and that the work of segregation in the province may be preferably entrusted to philanthropic agencies, the asylum in Madras alone being retained as a Government institution.

5. In regard to the improvement of the hospital at Tondiarpet, the Government consider that any decision on this question should be deferred until practical experience has been gained of the working of the proposed asylum at Chingleput. Pending decision on this point, no substantial extensions or reconstruction of the existing asylum buildings involving any heavy outlay need be taken up. In view however of the insufficiency of accommodation for those who seek admission to this institution, the Surgeon-General is requested to restrict admission for the present to paupers; well-to-do lepers should be admitted only if there is accommodation to spare.

6. The Government have no objection to separate accommodation being provided for married couples to live together if such an arrangement is possible within the compound of the hospital at Tondiarpet at small cost, and on the understanding that the children, if any born, shall be separated from the parents at the earliest possible age.

7. The Surgeon-General is requested to work out the details of the scheme outlined above in consultation with the 'Mission to Lepers' and such other philanthropic bodies as are willing to co-operate in this scheme and submit a programme extending over a period of five years.

(True extract)

F. J. RICHARDS,
Acting Secretary to Government.

To the Surgeon-General (Medical).
" Rev. Frank Oldrieve.
" Rev. Mother Jeanne, Leper Asylum, Kumbakônam.

Copy to the Private Secretary to His Excellency the Governor for Her Excellency's information.

(2)

G.O. No. 868, P.H., dated 22nd July 1921.

In G.O. No. 352, Medical, dated 8th July 1920, the Government outlined a scheme for the future control of lepers in this Presidency. The main lines of action indicated were—

(1) that the Lepers Act should be introduced as soon as adequate accommodation has been provided for the segregation of lepers,

(2) that steps should be taken by extending the existing private asylums and by opening new ones in suitable centres to provide accommodation for about half the number of lepers in the Presidency, and

(3) that the work of supervision might be entrusted to philanthropic agencies, the asylum in Madras alone being retained as a Government institution.

The Surgeon-General was requested to put himself in communication with the Mission to Lepers and such other agencies as were willing to co-operate in the scheme and to work out and submit a definite programme for carrying it into effect.

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2. With his letter, dated 7th September 1920, the Surgeon-General has forwarded a communication from the Rev. F. Oldrieve, Secretary for India of the Mission to Lepers, conveying his views on the policy enunciated by the Government above. While fully anxious to co-operate with the Government in extending the available accommodation for lepers, the Rev. Mr. Oldrieve strongly advises against the utilization of the existing voluntary institutions for the compulsory segregation of lepers under the Act and suggests that compulsory segregation might best be effected by the establishment of large settlements in suitable places. He adds that the Mission to Lepers will be prepared to undertake the management of such leper settlements and provide expert supervision in them.

3. The Government consider that the immediate question at issue is mainly one of providing adequate accommodation for lepers, and that efforts should therefore in the first instance be concentrated on extending the present asylums and in opening one central Government institution for the compulsory segregation of lepers. It is not improbable that if lepers who would otherwise be dealt with under the Act were offered a choice between compulsory detention in a Government institution and voluntary admission into a private one, most of them would elect the latter. In that event one central institution would be sufficient for such lepers as refuse to resort to voluntary asylums. If a single institution is found to be insufficient, additional accommodation can be provided as occasion may arise for compulsory segregates and private asylums may continue to receive only voluntary lepers and need not be notified under the Act. The Superintendents of these asylums should, however, undertake to report to the nearest magistrate or other competent authority cases of lepers who, having chosen voluntary segregation, leave or intend to leave the institutions or are otherwise guilty of misconduct, in order that steps may be taken for their transfer to the Government institution.

4. Until the Act has been actually put in force for a time, it is difficult to foresee to what extent private institutions will be called upon to provide additional accommodation for persons dealt with under the procedure above indicated. If in any instance it should be shown that the effect has been to cast an undue burden in the shape of extra leper wards upon the resources of an institution, the Government will be prepared to render assistance by making suitable building grants. Each case will be dealt with on its merits as it arises. The Government will be also prepared to bear the whole cost of maintenance of lepers who are sent to private asylums in accordance with the procedure indicated in paragraph 3 above. As regards others, the present system of capitation grants will continue.

5. The question whether the central institution to be opened for compulsory segregation should take the form of an asylum or of a settlement depends on various considerations. Close supervision will be necessary as only refractory lepers will be dealt with here. Doubts have also been raised as to the suitability of the site selected at Chingleput for the proposed Government asylum. The Surgeon-General will be requested to examine this question in all its aspects and to submit his recommendations to the Government at a very early date. He should also consider and report whether the Government institution should be under the direct control and supervision of the Government or whether its management may be entrusted to the Mission to Lepers.

6. The Surgeon-General is requested to work out his proposals for giving effect to the scheme referred to in paragraph 7 of G.O. No. 352, Medical, dated 8th July 1920, in the light of the orders passed in the foregoing paragraphs, and to submit in consultation with the Mission to Lepers a detailed programme of the

work to be undertaken in the course of the next five years. The Government trust that, by that time, they will be able to bring the Act into operation; whether it should be brought into force throughout the Presidency at the outset or gradually extended to selected areas may be decided when the time is ripe for its application.

(By order of the Government, Ministry of Local Self-Government)

F. J. RICHARDS,
Secretary to Government.

To the Surgeon-General.
" Rev. E. Cannon Purulia, Chota Nagpur.
" Rev. F. Oldrieve, 13, Braid Avenue, Edinburgh, Scotland.

APPENDIX X.

[Vide answer to question No. 685 asked by Mr. M. C. Raja at the meeting of the Legislative Council held on the 12th October 1921, page 857 supra].

Names.	Qualifications.	Communities.	Service.
	Superintendents.		YRS.
M.R.Ry. V. Srinivasa Ayyangar, B.A.	English, Class III, (Sanskrit), Mental and Moral Science, Class III.	Brahman.	25
M.R.Ry. K. A. Ganapati Ayyar, B.A.	English, Class II, (Sanskrit), Mental and Moral Science, Class III.	Do.	22
M.R.Ry. N. Ramayya Sastriyar, B.A., B.L.	English, Class II, (Tamil), Mathematics, Class II.	Do.	14
M.R.Ry. T. B. Ramachandra Mudaliyar, B.A.	English, Class II, (Tamil), Mathematics, Class III.	Non-Brahman.	17
M.R.Ry. K. Narayana Ayyar, B.A.	English, Class II, (Malayalam), Class II, Physics, Class I.	Brahman.	9
	Upper Division.		
C. V. Krishnaswami Ayyar, B.A.	English, Class III, (Tamil), History and Political Economy, Class III.	Brahman.	19
S. Venkatarama Ayyar, B.A. ..	English, Class III, Mental and Moral Science, Class II, (Tamil), Class III.	Do.	16
B. Audiseshayya, B.A.	English, Class III, Mental and Moral Science, Class II, (Telugu), Class II.	Do.	18
V. Krishnaswami Ayyar, B.A. ..	English, Class III, History and Political Economy, Class III, (Sanskrit), Class III.	Do.	17
P. Rajagopala Ayyar, B.A. ..	English, Class III, (Tamil), Class III, History and Political Economy, Class III.	Do.	17
M. T. Duraiswami Ayyangar, B.A.	English, Class III, (Sanskrit), Class III, Mathematics, Class II.	Do.	9
V. Narasimha Acharya, B.A. ..	English, Class II, (Sanskrit), Class II, Mathematics, Class II.	Do.	8
M. P. S. Jesudasan, B.A.	English, Class III, (Tamil), Mathematics, Class III.	Christian.	9
C. V. Ramanatha Ayyar, B.A. ..	English, Class III, (Sanskrit), Physics, Class III.	Brahman.	6
G. Viraswami Nayudu, B.A ..	English, Class III, (Tamil), Philosophy, Class III.	Non-Brahman.	12
S. Sundaram Ayyar, B.A.	English, Class II, (Tamil), Class III, History, Class II.	Brahman.	8

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Names.	Qualifications.	Communities.	Service.
	Upper division—cont.		YRS.
K. Rama Ayyar, B.A.	English, Class II, (Malayalam), Class I, Mental and Moral Science, Class II.	Brahman.	8
S. Narasinga Rao, B.A.	English, Class II, History and Economics, Class II.	Do.	6
P. P. Parameswara Ayyar, B.A. ..	English, Class III, (Malayalam), Class III, Physical Science, Class III.	Do.	11
T. S. Ramalinga Ayyar, B.A. ..	English, Class II, History and Economics, Class II.	Do.	5
P K. Narayanaswami Ayyar, B.A.	English, Class II, History and Economics, Class II.	Do.	5
T. B. Subrahmanya Pillai, B.A. ..	English, Class II, Physics, Class II ..	Non-Brahman.	8
K. S. Muttukumara Asari, B.A. ..	English (New by-laws), Class II	Do.	2
	Clerks on probation.		
N. Sundararaju Nayudu, B.A. ..	English, Class II, History and Economics, Class II. Entertained on 25th November 1918.	Non-Brahman.	..
T. Govinda Menon, B.A.	English, Class II, History and Economics, Class II, Entertained on 6th November 1919.	Do.	..
K. S. Krishnaswami Ayyangar, B.A.	English, Class II, History and Economics, Class II, Entertained on 9th February 1920.	Brahman.	..
S. Ponnuswami, B.A., B.L. ..	B.A., English, Class II, Physics, Class II, B.L. Class III. Entertained on 4th May 1921.	Christian.	..
R. Krishnamurti Ayyar, B.A. (Honours).	English Literature, Class III. Entertained on 11th May 1921.	Brahman.	..
Ramakrishnachar, B.A., B.L. ..	B.A., English, Class II, Mathematics, Class II, B.L., Class II. Entertained on 16th June 1921.	Do.	..
S. Philips, B.A. (Honours) ..	History and Economics, Class III, and two special subjects. Entertained on 6th August 1921.	Christian.	..

APPENDIX XI.

[Vide answer to question No. 686 asked by Mr. M. C. Raja at the meeting of the Legislative Council held on the 12th October 1921, page 857 supra.]

Letter—from the Director of Public Instruction, Madras.
To—the Secretary to Government, Law (Education) Department.
Dated—the 24th August 1921.
No.—Ref. on C. 1388-W.B./21.

Together with the Deputy Directress (Mrs. Srinivasa), I visited this school on the 10th of August and saw and talked to all the teachers of the school now present there, as well as with a teacher now on leave and with two pupils C. N. Rukmani and M. Jubai who are now reading in the VI form.

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2. Promotions are made in this school not on the result of the examination alone or on the result of the year's work alone but on a consideration of both. If a candidate does well either in the year's working or in the annual examination, she is promoted. She is not promoted if she does badly both in the working of the year and in the annual examination.

3. The tests which are laid down by the University in the Secondary School-leaving Certificate Examination in order to determine which candidates are eligible to undergo a University course of studies are adopted in general in this school in making promotions from form to form, especially with regard to promotions to the V form and to the VI form.

4. A practice prevails in this school of giving girls about whom there is some doubt as to whether they should or should not be promoted an examination after the vacation in order that it may be seen whether the vacation has been utilized in working up a subject in which the girls are weak. If they do well, they are promoted. If they do not do well, they are not promoted. This practice I have come across in other institutions.

5. I examined the term lists and the term examination marks of April 1921 of the IV form. There were 24 girls in this form. Taking the girls in order of merit as indicated by their term examination marks, the 24th girl in the list is an Indian Christian who was not promoted, the 23rd girl is a Brahman who was not promoted, the 22nd girl is a Brahman who was not promoted, the 21st girl is a Christian who was not promoted, the 20th girl is a Brahman who was re-examined after the vacation and promoted, the 19th girl is a non-Brahman and she has not come back to school after the vacation, the 18th girl is a Brahman who was not promoted, the 17th is a non-Brahman who was re-examined after the vacation and promoted, the 16th, 15th and 14th, etc., girls are all promoted; the 10th girl however was not promoted since in the previous years she received double promotions and her teachers reported that she could not keep up with the work in the class.

6. A similar state of affairs was evident in the term list relating to pupils who were reading in the V form last year.

7. The three girls who were referred to in the letter contained in *Justice*, dated 27th May 1921, were C. N. Rukmani, M. Jubai and V. Lily. The first two are non-Brahman girls and the last is an Indian Christian. I saw Rukmani and Jubai; Lily had left the school. Rukmani was promoted from the V form to the VI form at the end of last term. Jubai had not done well in the examination. She was given a re-examination together with two other girls at the beginning of this term and she obtained promotion on the results of this re-examination.

8. The father of C. N. Rukmani is C. R. Narayanaswami Mudaliyar, an Assistant in the School of Arts, and the father of Jubai is M. Munuswami Chetti, a contractor.

9. The sum total of the complaint of the two girls is that two teachers who were previously employed in the school have been transferred, viz., Miss Sargunar and Mrs. Perinbam.

10. Miss Sargunar, a Mathematics graduate, was transferred to Rajahmundry as Headmistress on promotion, while Mrs. Perinbam, a History graduate, was transferred to the Hobart school.

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11. The staff in the school on the 31st March 1921 was as follows :—

LIST OF TEACHERS ON 31ST MARCH 1921.

High school.

1.	Miss D. R. Sargunar	Indian Christian.
2.	„ G. M. Sargunar	Do.
3.	„ B. Amirthammal	Brahman.
4.	Mrs. L. Perinbam	Indian Christian.
5.	Miss P. Seetha	Brahman.
6.	Mrs. Periyanayagam (*née* Miss P. Asirvatham).	Indian Christian.
7.	Miss H. Masilamani	Do.
8.	Mrs. K. Kanakamma	Brahman.
9.	Mrs. V. Pattammal	Do.
10.	Sister R. S. Subbalakshmi Ammal ..	Brahman, both in the High school and Training school.
11.	Miss R. S. Swarnammal	Brahman.
12.	Mrs. L. Upshon	Anglo-Indian.
13.	„ P. Raghavan	Non-Brahman Hindu.
14.	Miss A. C. Hensman	Indian Christian.
15.	„ I. Dunn	Anglo-Indian.

Training school and Model section.

1.	Sister R. S. Subbalakshmi Ammal ..	Brahman, both in the High school and Training section.
2.	Mrs. D. Abraham	Indian Christian.
3.	„ T. Rebecca Pakkiammal ..	Do.
4.	„ G. Elizabeth	Do.
5.	„ A. D. Samuel	Do.
6.	„ A. Guruswami	Do.
7.	Miss J. Ponnuswami Rao	Do.
8.	„ G. Maragatham	Do.
9.	„ H. Periyanayagam	Do.
10.	„ Rajammal Isiah	Do.
11.	„ M. Ashoda	Hindu Non-Brahman.
12.	„ Siromani Samuel	Indian Christian.
13.	„ M. A. Fernandez	Anglo-Indian.
14.	Mrs. M. Chudamma	Hindu Brahman.
15.	Miss Grace Rathnavathy	Indian Christian.
16.	Mr. N. Natesa Sastri	Brahman.

while the staff on the 11th of August 1921 was as follows :—

LIST OF TEACHERS AS IT STOOD ON 11TH AUGUST 1921.

High school.

1.	Sister R. S. Subbalakshmi Ammal ..	Brahman.
2.	Miss M. Dias	Anglo-Indian.
3.	„ V. K. Janaki	Non-Brahman Hindu.
4.	„ P. Seetha	Brahman.
5.	„ E. Asirvatham	Indian Christian.
6.	„ B. Amirthammal	Brahman.
7.	Mrs. L. Upshon	Anglo-Indian.
8.	Miss C. J. Krishnan	Non-Brahman Hindu.
9.	Mrs. G. P. Vedanayagam	Indian Christian.
10.	Miss D. Rozario	Anglo-Indian.
11.	Mrs. K. Kanakamma	Brahman.
12.	„ V. Pattammal	Do.
13.	„ Kolandavelu	Indian Christian.

Training and Model sections.

1.	Mrs. G. M. Sargunar	Indian Christian.
2.	Miss C. Alexander	Do.
3.	Mrs. D. Abraham	Do
4.	,, T. Rebecca Pakkiammal ..	Do.
5.	,, G. Elizabeth	Do.
6.	S. Lakshmi	Brahman.
7.	Mrs. A. D. Samuel	Indian Christian.
8.	Mrs. Guruswami	Do.
9.	Miss H. Periyanayagam	Do.
10.	Mrs. A. Dawson	Do.
11.	Miss D. Solomon	Do.
12.	Mrs. A. Peters	Do.
13.	Miss Rajammal Isiah	Do.
14.	Miss. Maragatham	Do.
15.	Vijiyalakshmi	Brahman.
16.	Mrs. P. Ammanammah	Do.
17.	Miss M. A. Fernandez	Anglo-Indian.
18.	Mr. N. Natesa Sastri	Brahman.

It will be seen from the above that in March there were 17 Indian Christians, 8 Brahmans, 2 non-Brahmans and 3 Anglo-Indians, excluding Miss Philipsz, the Superintendent, while on the 11th of August 1921 there were 16 Indian Christians, 9 Brahmans, 2 non-Brahmans and 5 Anglo-Indians.

12. It is probable that one of the above Brahman teachers will be sent for training very shortly in which case her place may be filled by a non-Brahman.

13. It will be seen that while transfers of Indian Christians from the school have taken place, transfers of other Indian Christians or Anglo-Indians to the school have also taken place, the number of Brahmans remaining the same now as it was in March last.

14. As regards pupils, in August of this year there are 46 non-Brahman girls on the rolls of form I to form VI of the High school section. In August of last year there were 44 non-Brahman girls on the rolls of these forms.

APPENDIX XII.

[Vide answer to question No. 689 asked by Mr. M. C. Raja at the meeting of the Legislative Council held on the 12th October 1921, page 857 supra.]

Letter—from the District Magistrate, South Arcot.

To—the Subdivisional Magistrate, Chidambaram.

Dated—the 15th February 1921.

No.—L. Dis. 2090/21-C.

[Reference : His letter No. 441/M.S.C. of 1920, dated 4th February 1921.]

Please inform Panchamas that they must not take procession through the streets occupied by caste people as it is not established by custom. The enclosures to the letter are returned herewith.

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APPENDIX XIII.

[Vide answer to question No. 698 asked by M.R.Ry. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 12th October 1921, page 860 supra.]

ANNEXURE TO G.O. No. 195, PUBLIC, DATED 7TH APRIL 1921.

Under section 52 (4) of the Government of India Act the Governor is pleased to make the following order in regard to the duties to be performed by Council Secretaries in assisting Members of the Executive Council and Ministers :—

Council Secretaries when appointed by the Governor will be specifically posted to assist the Member of the Executive Council or the Minister in a particular department.

Council Secretaries will be employed to work up replies to any questions or resolutions that may be handed to them by their Member or Minister and may further be given the responsibility of replying for the department in the Legislative Council when specially instructed to do so and upon lines approved by the Member or Minister.

Similarly in the case of Bills, Council Secretaries will be employed to work up points of discussion and to speak on behalf of the department, when desired by the Member or Minister to do so during the discussion of the Bill.

Council Secretaries will receive from the permanent Secretaries and Under Secretaries all possible assistance in securing information on any question into which they are inquiring by the desire of their Member or Minister. They shall have no authority over the Secretary to Government or his permanent staff.

The Council Secretary will act as a confidential Secretary to his Member or Minister. His position will resemble as closely as possible that of a Parliamentary Private Secretary in England.

A Council Secretary may accompany a Member or Minister if the latter is proceeding on an official tour of inspection but if a Minister goes on political business to his constituency or elsewhere, he will not be entitled to the services of his Council Secretary for such business.

APPENDIX XIV.

[Vide answer to question No. 700 asked by M.R.Ry. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 12th October 1921, page 862 supra.]

List of buildings in the City of Madras occupied by Government officers showing the rent paid by each officer and giving the capital value of each building and the amount spent on it last year and proposed to be spent this year.

Item number.	Name of building.	By whom occupied.	Rent paid by the occupant.	Capital value.	Amount of capital expenditure. During 1920-21.	Amount of capital expenditure. Probable during 1921-22.
	North Presidency Division.					
	PROVINCIAL.					
	LAW AND JUSTICE.		Rs. A. P.	Rs.	Rs.	
	High Court Buildings.					
1	(Overseer's) Sergeant's quarters attached to Law Courts.	Overseer ..	Free.	5,723	..	..
	ADMINISTRATION.					
	Central Record Buildings, Egmore.					
2	Durvan's quarters	Durvan ..	,,	1,455	..	..
	Government Press.					
3	Press Overseer's quarters	Overseer ..	18 0 0	5,647	..	..
4	Electrician's quarters	Electrician ..	11 12 0	3,614	..	..
5	Two peons' quarters	Two peons ..	Free.	972	..	..
	Old High Court Buildings.					
6	Room attached to the Tahsildar's office.	Blacksmith ..	2 0 0	1,264	..	..
6A	Portion of the old High Court Buildings occupied by Agent, Fiji Government.	Agent, Fiji Depot.	30 0 0	4,879	..	..
	SCIENTIFIC AND MINOR DEPARTMENTS.					
	Government Central Museum, Egmore.					
7	Superintendent's quarters	Superintendent.	Free.	19,109	433	..
8	Personal Assistant's quarters (formerly known as Taxidermist or Herbarium keeper's quarters).	Personal Assistant and Sub-librarian.	,,	3,088	..	..

Item number.	Name of building.	By whom occupied.	Rent paid by the occupant.	Capital value.	Amount of capital expenditure. During 1920-21.	Amount of capital expenditure. Probable during 1921-22.
	North Presidency Division—cont.					
	PROVINCIAL—*cont.*					
	EDUCATIONAL.		Rs.	Rs.	Rs.	
9	Quarters of the Superintendent, Presidency Training School for Mistresses, Egmore.	Superintendent.	Free.	19,814	..	..
10	School of Arts bungalow	Do.	26	14,776	..	..
	Government Panchama Training School.					
11	(1) Block containing cook room and latrine converted into quarters for the assistant teacher.	Teacher ..	Free.	840	..	..
	(2) Store room	Do.	,,	160	..	..
11A	Gardener's quarters	Gardener ..	,,	286	..	..
	JAILS.					
	Penitentiary.					
12	Jailor's quarters	Jailor	,,	5,183	161	..
13	Deputy Jailor's quarters	Deputy Jailor ..	,,	2,672	256	..
14	Matron's quarters	Matron	,,	3,775	..	..
15	Sub Assistant Surgeon's quarters, first class.	Sub-Assistant Surgeon, first class.	,,	2,957	..	..
16	Sub-Assistant Surgeon's quarters, second class.	Do. second class.	,,	2,967	..	..
	Civil Debtors' Jail.					
17	Jailor's quarters	Jailor	,,	3,958	..	..
18	Assistant Jailor's quarters	Clerk	,,	1,244	..	..
19	Head warder's quarters	Head warder ..	,,	636	..	..
20	Six warders' quarters	Six warders ..	,,	3,248	..	..
20A	Additional hut for hospital ward coolie.	Ward coolie ..	,,	874	..	..
21	Two toties' quarters and one masalchi's quarters.	Two toties and masalchi.	,,	545	..	..
	POLICE.					
22	Presidency Magistrate's quarters, Egmore Police Court (occupied by the Superintendent, Government Railway Police).	Superintendent.	109	25,606	205	..
23	Police Commissioner's quarters (Upper storey of the office of the Commissioner of Police).	Commissioner of Police.	Free.	24,528	..	..
24	Quarters for the Reserve Inspector of Police (formerly quarters of the Superintendent, City Police, Egmore), Egmore.	Inspector of Police.	,,	8,682	..	..
25	Police Inspector's quarters, Vepery, G-1 Police station.	Do.	,,	5,795	..	..

Item number.	Name of building.	By whom occupied.	Rent paid by the occupant.	Capital value.	Amount of capital expenditure. During 1920-21.	Amount of capital expenditure. Probable during 1921-22.
	***North Presidency Division*—cont.**					
	PROVINCIAL—*cont.*					
	POLICE—*cont.*					
25A	Quarters of the Sub-Inspector attached to the Chief Presidency Magistrate's Court, Egmore.	Sub-Inspector ..	Rs. A. P. Free.	Rs. 7,406	Rs. ..	..
26	Quarters of the stable sergeant, B and C Division stables (City Police).	Sergeant ..	,,	4,730	..	..
27	Quarters for a native Sub Inspector of Police (old C.-3 Police station, 7 Wells).	Sub-Inspector ..	,,	3,471	..	..
28	Quarters for a European Sub-Inspector, F-2 Police station, Egmore.	Do. ..	,,	7,497	..	..
29	Quarters for the staff of the Marine and Harbour Police—1 Inspector and 2 sergeant's quarters.	..	..	..	..	..
29A	Block A (Inspector's quarters, Marine Police).	Inspector ..	Free.	13,812	..	..
29B	Block B (sergeant's quarters, Harbour Police).	Sergeant ..	,,	4,560	..	..
29C	Block *D*	Sub-Inspector ..	,,	8,894	..	..
29D	Block E	Inspector ..	44 8 0	8,894	..	..
30	New Residence built for the Chief Presidency Magistrate.	Chief Presidency Magistrate.	Free.	32,427	28	..
	Railway Police Lines, Egmore.					
31A	Quarters for sergeant with out-houses.	Sergeant ..	,,	4,850	..	..
31B	Sub-Inspector's quarters	Sub-Inspector ..	,,	3,589	..	..
32	Quarters for the officer in charge of Mounted Branch, Egmore.	Do. ..	,,	5,574	..	..
33	Quarters for an European Sub-Inspector, H-2 Police station, Rayapuram.	Do. ..	,,	6,646	..	..
34	Quarters for an European Sub-Inspector, H-1 Police station, Washermanpet.	Do. ..	,,	6,770	..	..
34A	Quarters for a Sub-Inspector, Washermanpet.	Do. ..	,,	6,895	..	..
34B	Quarters for a sergeant, Washermanpet.	Sergeant ..	29 5 4	5,874	..	..
35	Quarters for a Sub-Inspector, new C-3 Police station.	Sub-Inspector ..	Free.	6,514	..	..
36	Quarters for an Inspector of Police, B Division Police, Muthialpet.	Inspector of Police.	,,	14,454	173	..
36A	(1) Quarters for four Sub-Inspectors, Davidson street, B Division.	One Sub-Inspector and three sergeants.	44 1 4	43,264	208	..
	(2) Quarters for four sergeants, Davidson street, B Division.	One Sub-Inspector and 3 Sergeants.	54 8 0	43,595	..	..

Item number.	Name of building.	By whom occupied.	Rent paid by the occupant.	Capital value.	Amount of capital expenditure. During 1920-21.	Amount of capital expenditure. Probable during 1921-22.
	***North Presidency Division*—cont.**					
	PROVINCIAL—*cont.*					
	POLICE—*cont.*		Rs.	Rs.	Rs.	
	Railway Police Lines, Egmore—cont.					
36B	(1) Quarters for an Inspector, C Division Police.	Inspector ..	Free.	17,871	..	..
	(2) Quarters for sergeant, C Division.	Sergeant ..	,,	16 776	..	..
36C	Quarters for a European Sub-Inspector, G-2 Police station, Kilpauk	Sub-Inspector ..	,,	8,878	113	..
36D	Quarters for an Indian Sub-Inspector, G-2 Police station, Kilpauk.	Do. ..	,,	4,336	..	..
36E	Quarters for an Indian Sub-Inspector, G-3 Police station.	Do. ..	,,	5,228	..	..
36F	B-3 Sub-Inspector's quarters ..	Sergeant ..	,,	9,023	..	..
36G	C-3 sergeant's quarters	Do. ..	,,	10,470	..	..
36H	Premises No. 31—					
	(1) Arathoon Road, Rayapuram North Block.	Sub-Inspector ..	,,	9,541	79	..
	(2) South Block	Inspector ..	,,	9,521	59	..
36I	Beat house near Anderson's Bridge.	President, Corporation of Madras.	4	572	..	..
	MEDICAL.					
	General Hospital.					
36J	Head wireman's quarters, General hospital.	Head wireman ..	Free.	1,682	..	..
37	No. 1, Resident Medical Officer's quarters, General hospital.	Matron Superintendent.	,,	19,915	..	..
38	No. 2, Resident Medical Officer's quarters, General hospital.	No. 2 Resident Medical Officer.	,,	18,011	..	..
39	Sergeant's quarters, General hospital.	Hospital sergeant.	,,	4,870	..	..
40	Matron's quarters, General hospital.	Matron Superintendent.	,,	6,925	..	..
41	Nurses' quarters 18 in number, General hospital.	Nurses	,,	15,551	..	..
42*	Quarters for the House Surgeon and House Physician.	House Surgeon ..	,,	..	..	..
	Lunatic Asylum.					
43	Superintendent's quarters (Lunatic Asylum).	Superintendent.	,,	31,879	145	..
44	Deputy Superintendent's quarters.	Deputy Superintendent.	,,	11,074	157	..
45	Quarters for Civil Apothecary ..	Assistant Surgeon.	,,	4,895	..	..
46*	Quarters for the House Surgeon ..	House Surgeons.	,,	..	..	..
47	Matron's quarters	Matron	,,	4,849	..	..
48	Quarters for two first-class European attendants.	Sergeant and attendants.	,,	8,482	..	..

* Information as to the capital cost is not available.

Item number.	Name of building.	By whom occupied.	Rent paid by the occupant.	Capital value.	Amount of capital expenditure. During 1920-21.	Amount of capital expenditure. Probable during 1921-22.
	North Presidency Division—cont.					
	PROVINCIAL—*cont.*					
	MEDICAL—*cont.*					
	Lunatic Asylum—cont.		Rs.	Rs.	Rs.	
49	Assistant Matron's quarters ..	Attendants ..	Free.	4,886	..	
50	Quarters for two second-class European attendants.	Sergeant and Indian Overseer.	,,	5,692	..	..
51	New quarters for two second-class European attendants.	Do.	,,	5,799	..	..
52	Sub-Assistant Surgeon's quarters ..	Sub-Assistant Surgeon.	,,	3,965	..	..
53	Quarters for four nurses (two-storeyed buildings).	Nurses	,,	6,697	..	..
54	Seventy-five quarters for native attendants.	Seventy-one huts occupied by native attendants.	,,	13,772	..	..
55*	Sweepers' quarters	Sweepers ..	,,	..	..	..
	Leper Hospital.					
56	Quarters of the Superintendent (Resident Assistant Surgeon).	Superintendent ..	,,	9,069	..	..
57	Quarters of the Sub-Assistant Surgeon.	Sub-Assistant Surgeon.	,,	3,070	..	..
58	Matron's quarters	Sub-Assistant Surgeon, New hospital, Rayapuram.	,,	3,228	..	..
59	Resident Assistant Surgeon's quarters (Ramaswami Maternity hospital).	Assistant Surgeon.	,,	9,881	..	..
60	Quarters of the Superintendent of the Hostel, Medical school, Rayapuram.	Hostel Superintendent.	,,	4,912	..	..
61	Resident Medical Officer's quarters, New hospital, Rayapuram.	Resident Medical Officer.	,,	22,251	..	..
	Veterinary Institute.					
62	Quarters of the Assistant Principal, Veterinary College.	Assistant Principal.	,,	16,059	..	..
63*	Compounders' quarters, three rooms, Veterinary College.	Jamadar ..	,,	..	..	..
64*	Gardeners' quarters, Veterinary College.	Gardeners ..	,,	..	..	..
65	Quarters of the Surgeon, First District, Rayapuram.	Surgeon, First District.	100	26,311	..	..
	Government Ophthalmic Hospital.					
66	Resident Assistant Surgeon's quarters, Government Ophthalmic hospital.	Temporary Civil Assistant Surgeon.	24	9,585	..	..

* Information as to the capital cost is not available.

Item number.	Name of building.	By whom occupied.	Rent paid by the occupant.	Capital value.	Amount of capital expenditure. During 1920-21.	Amount of capital expenditure. Probable during 1921-22.
	North Presidency Division—cont.					
	PROVINCIAL—*cont.*					
	MEDICAL—*cont.*					
	Government Ophthalmic Hospital —cont.		Rs.	Rs.	Rs.	
67	Sub-Assistant Surgeon's quarters, Government Ophthalmic hospital.	Sub-Assistant Surgeons.	Free.	4,202	..	..
68	Nurses' quarters, Government Ophthalmic hospital.	Nurses	,,	12,220	..	..
68A	Quarters for the House Surgeon and House Physician.	House Surgeon.	,,	9,849	..	..
	Government Maternity Hospital.					
69	Superintendent's quarters .. .	Superintendent.	80	21,861	187	..
70	Resident Assistant Surgeon's quarters.	Resident Assistant Surgeon.	Free.	14,157	..	..
71	Assistant Superintendent's quarters.	Assistant Superintendent.	,,	12,081	..	..
72	Sub-Assistant Surgeon's quarters ..	Sub-Assistant Surgeon.	,,	2,282	..	..
	Halliburton's gardens.					
73	Quarters for ten European nurses ..	European nurses.	,,	34,054	..	..
74	Quarters for 36 Military pupils or probationary nurses.	Probationary nurses.	,,	57,117	..	..
75	Quarters for eight nurses	Nurses	,,	6,272	..	..
76	Quarters for 36 Military pupils ..	Military pupils.	,,	7,570	..	..
77	Women and Children's hospital, Apothecary's quarters.	Transferred to the Corporation of Madras.	,,	3,388	..	..
77A	House Surgeon's quarters, Government Maternity hospital, four numbers.	House Surgeons.	,,	16,476	..	..
77B	Quarters for the Nursing Sister, New hospital, Rayapuram.	Matron ..	,,	5,892	..	..
78A*	Quarters of the Superintendent, New Leper hospital.	Assistant Surgeon.	,,	..	..	..
78B*	Quarters of the Sub-Assistant Surgeon, New Leper hospital.	Sub-Assistant Surgeon.				
	MISCELLANEOUS.					
79	Old Subdivisional Store-room, Wall Tax road.	Contractor ..	10	1,000	..	..
79A	West Bastion room, old Town wall.	Conservancy overseer.	6	1,359	..	..
	ECCLESIASTICAL.					
	Old Cemetery, Washermanpet.					
80	Quarters for Superintendent ..	Superintendent.	Free.	7,098	..	..
80A	Quarters for watchmen	Watchman ..	,,			
81	Superintendent's quarters, Kilpauk cemetery.	Superintendent.	,,	2,317	..	..
81A	Watchmen's quarters, Cassimode cemetery.	Watchman ..	,,	322	..	..
82	A-1, A-2 Police station quarters occupied by the motor driver of the Commissioner of Police.	Vacant	,,	2,640	..	..

* The accounts for the construction of these quarters have not been closed.

Item number.	Name of building.	By whom occupied.	Rent paid by the occupant.	Capital value.	Amount of capital expenditure. During 1920-21.	Amount of capital expenditure. Probable during 1921-22.
	North Presidency Division—cont.					
	IMPERIAL.					
	POSTAL.		Rs.	Rs.	Rs.	Rs.
83	Presidency Postmaster's quarters ..	Presidency Postmaster.	Free.	38,636	..	..
84	Quarters of the Mail Superintendent, General Post office.	Mail Superintendent.	,,	5,057	..	..
85	Quarters for Syces	Syces	,,	3,607	..	..
	TELEGRAPH.					
86	New Telegraph office four rooms in the basement floor and six in the upper floor, occupied by the Eastern Extension Telegraph Company.	Eastern Extension, Australasia and China Telegraph Company.	110 0 0	40,385	..	..
87	Quarters of the Superintendent, Government Telegraph office.	Superintendent.	Free.	28,175	..	..
88	Quarters of the Superintendent (Deputy), Government Telegraph office.	Deputy Superintendent.	,,	15,898	..	..
89 *	Holy Emanuel Church School-room used as Church clerk's quarters.	Church clerk ..	,,	..	..	..
90	Clerk's quarters, St. Andrews Kirk.	Do. ..	,,	3,265	..	..
91	Clerk's quarters, St. Mathia's Church.	Do. ..	6 0 0	785	..	..
92	Superintendent's quarters, Preventive service, Sea Customs office.	Superintendent.	Free.	8,256	..	..
	South Presidency Division.					
1	Principal's quarters attached to late Engineering College, Chepauk.	Principal, Presidency College.	145 0 0	14,058	..	..
2	Married Military students' quarters of late Engineering College, one-third of Block No. 5 and Block No. 6 quarters.	Subdivisional Officer No. I, South Presidency Division.	7 8 0	5,624	..	..
3	Quarters for the Inspectress of Girls' Schools, Nungambakkam.	Inspectress, Central Circle, Madras.	60 0 0	10,963	..	..
4	Late office of the Registrar of Co-operative Societies, Chepauk.	Subdivisional Officer (Government House).	24 9 2	10,197	..	..
5	Lady Ampthill's Nurses Institute, quarters for 8 additional nurses attached to.	Nurses	137 0 0	29,788	305	..
6	Quarters for the Superintendent, Government Brickfields.	Overseer ..	8 0 0	1,581	..	..
7 †	Walajah Bagh bungalow	Chief Engineer, Public Works Department.	85 0 0	12,573	..	4,805

* Information as to the capital cost is not available.

† Rent will be enhanced proportionately after the expenditure in "probable during 1921-22" is incurred in full.

Item number.	Name of building.	By whom occupied.	Rent paid by the occupant.	Capital value.	Amount of capital expenditure. During 1920-21.	Amount of capital expenditure. Probable during 1921-22.
	South Presidency Division—cont.					
			Rs. A. P.	Rs.		
8 *	Adayar House, Adayar	Council Member.	257 0 0	43,861	..	..
9 *	Brodie Castle do.	Chief Secretary.	225 0 0	65,722	..	..
10 *	Bridge House do.	Secretary, Separate Revenue.	150 0 0	31,439	..	..
11 *	The Grange do.	Member, Board of Revenue.	200 0 0	60,153	..	..
	CLASS II. *Free quarters for which no rent is recovered from the occupant.*					
12	Madras Observatory main building occupied as quarters.	Meteorologist and Deputy Director.	Free.	22,052	..	..
13	Quarters for the Conservancy sergeant occupied by Assistant Superintendent, Government Gardens.	Assistant Superintendent, Government Gardens.	,,	2,152	..	..
14	Government Branch Press, Mount Road, quarters attached to the.	Superintendent.	,,	23,974	..	..
15	Old fire engine shed occupied by Conservancy sergeant.	Conservancy sergeant.	,,	2,036	..	..
16	Quarters for the European Sub-Inspector, D Division Police station.	Sub-Inspector .	,,	3,068	..	..
17	F. Division Police station, Iyah Mudali street, Chintadripet, quarters for the sergeant.	Sergeant ..	,,	1,963	..	..
17A	Quarters for the Indian Sub-Inspector, E-3.	Vacant	,,	3,281	..	..
18	Quarters for the European Sub-Inspector, F-3 Police station, Nungambakkam.	Sergeant ..	,,	5,128	..	..
19	Quarters for the European Sub-Inspector, E-3 Police station, Teynampet.	Sub-Inspector ..	,,	6,077	..	..
20	Quarters for the Inspector, F Division Police station.	Inspector ..	,,	9,626	..	..
21	Quarters for the European Sub-Inspector, E-1 Police station, Mylapore.	Sub-Inspector ..	,,	12,295	..	..
22	E-1 Police station quarters for the Sergeant, Mylapore.	Sergeant ..	,,	12,648	..	..
23	Quarters for the European Sub-Inspector, D-2 Police station, Mount Road, Madras.	Sub-Inspector ..	,,	7,212	..	..
24	Quarters for the Indian Sub-Inspector, D-2 Police station.	Do. :	,,	2,526	..	..

* Cost of land has been excluded in the capital cost of building as new houses are proposed to be built on the land.

Item number.	Name of building.	By whom occupied.	Rent paid by the occupant.	Capital value.	Amount of capital expenditure. During 1920-21.	Amount of capital expenditure. Probable during 1921-22.
	South Presidency Division—cont.					
	CLASS II—*cont.*					
	Free quarters for which no rent is recovered from the occupant—cont.			RS.		
25	Quarters for the Indian Sub-Inspector, F-3 Police station, Nungambakkam.	Sub-Inspector .	Free.	3,289	..	..
26	Quarters for the Inspector of E Division Police station.	Inspector ..	,,	12,763	..	..
27	E-1 Police station, Mylapore, quarters for the Indian Sub-Inspector.	Sub-Inspector ..	,,	3,336	..	..
28 *	House No. 76 acquired for constructing quarters for the sergeant, etc., of D Division Police station, Wallajah Road.	Inspector ..	,,	..	..	..
29 *	House No. 74/75 acquired for constructing quarters for the sergeant, etc., of D Division Police station, Wallajah Road.	Sub-Inspector ..	,,	..	..	..
30 *	House No. 77 acquired for constructing quarters for the sergeant, etc., D Division Police station, Wallajah Road.	Sergeant ..	,,	..	..	..
31	Sextons quarters, St. George's Cathedral, Madras.	Cathedral clerk	,,	4,269	..	..
32	Tailor's yard upper storey	Vacant	,,	2,766	..	..
33	Madras-I-Azam quarters for the headmaster.	Do.	,,	11,101	..	..
34	Quarters for the headmaster attached to Government Training School for Muhammadans.	Headmaster ..	,,	2,321	..	..

* These buildings are to be demolished as soon as quarters are built. For the present they are retained and ordinary repairs done to them to make them habitable for temporary occupation by those noted against each as rent-free residences.

APPENDIX XV.

[Vide answer to question No. 701 asked by M.R.Ry. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 12th October 1921, page 863 supra.]

Letter from the Collector of Bellary, dated 18th August 1921, Ref. C. No. 2653/A.-7 of 1920.

[*Reference*.—Government Memorandum No. 625-B/21-1, dated 11th July 1921.]

The test work at Joladarasi was started by the Local Fund Department on the 20th December 1920 and it was carried on by that department till the 18th

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January 1921 when it was handed over to the Public Works Department. During this period the Local Fund Department worked the Joladarasi quarry situated in miles 13/8 and 14/1 of the Western Trunk Road whereas the Public Works Department who took over this road afterwards worked the quarries (field metal) in Chellagurki village limits in miles 15 and 16. The field metal collected by the Public Works Department differed from that collected by the Local Fund Department. It was a little bit harder and far superior to that collected by the latter department. It was picked up or pulled up with a crowbar or pickaxe close to the spots where the breaking went on. This was classed 'easy' by the Public Works Department authorities. Of course there were also various ways in which the task could have been made easier; but as it was only a test work, the conditions had to be so regulated as to enable the authorities to discover positively whether the condition of the people was really such as to force them to take to unattractive work at a low wage as required by section 49 of the Famine Code. This fact was also reported to the Board by the Superintending Engineer, III Circle, in his No. 1446, dated 13th February 1921, in reply to a newspaper (*New India*) cutting dealing chiefly with the work at Joladarasi. The Commissioner in his notes of inspection, dated 28th February 1921, also remarked that the stone was rightly classed as 'easy.'

APPENDIX XVI.

[Vide answer to question No. 712 asked by M.R.Ry. K. Sadasiva Bhat at the meeting of the Legislative Council held on the 12th October 1921, page 867 supra.]

Years.	Burnt by the department in the course of burning fire lines.	Burnt by the public either maliciously or carelessly.	Total.
	ACS.	ACS.	ACS.
1915-16	17	3,179	3,196
1916-17	59	6,323	6,382
1917-18	26	7,088	7,114
1918-19	244	5,411	5,655
1919-20	221	5,767	5,988
Total ..	567	27,768	28,335

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APPENDIX XVII.

[Vide answer to question No. 730 asked by M.R.Ry. T. Somasundara Mudaliyar at the meeting of the Legislative Council held on the 12th October 1921, page 874 supra.]

Serial number and name of district.	Actual cost districtwar of the establishment employed for the acquisition of house-sites for depressed classes from the time the special staff was sanctioned till the end of February 1921.	Number of acquisitions made districtwar.			Number of villages in each district.		What the extent of land acquired villagewar is in each of the following.		
		For Panchamas.	Indian Christians.	Other classes.	Where acquisition work has been completed.	Where it is still incomplete.	Wet.	Dry.	V. natham.
	RS. A. P.						ACS. CTS.	ACS. CTS.	ACS. CTS.
1. Tanjore	64,871 0 0	116	3	12	75	78	42 38¾	64 16½	27 26
2. Gōdāvari	26,238 12 0	70	..	34	69	24	56 83	46 63	53 cents and 27 square yards.
3. Chingleput ..	5,446 1 9	No acquisition of land for Panchamas or other depressed classes has yet been made as organized work commenced only at the close of 1920.			Nil.	10		Nil.	

APPENDIX XVIII.

[Vide answer to question No. 747 asked by M.R.Ry. C. V. Venkataramana Ayyangar at the meeting of the Legislative Council held on the 12th October 1921, page 882 supra.]

Number of applications received from non-Brahmans for posts in the Secretariat in (1)			Number of applications rejected (2)			Reasons for rejection. (3)
1919.	1920.	1921.	1919.	1920.	1921.	
167	176	286	30	46	55	Of the 131 applications rejected, one was rejected as the applicant was not prepared to fulfil all the conditions required for appointment in the Secretariat, 87 either for bad handwriting or because they did not possess the prescribed educational qualifications, 20 because they were over age and the remaining 23 on account of their failure to supply complete particulars on the various points specified in the standard application form. The remainder have been registered for appointment as vacancies occur.

The information in columns (2) and (3) is not exact. All the applications received are not registered as a matter of course. In some Secretariats only those applications are registered that are received from candidates who are considered suitable for appointment as clerks.

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MADRAS RECORDS

APPENDIX XIX.

[Vide answer to question No. 758 asked by M.R.Ry. P. Venkatasubba Rao at the meeting of the Legislative Council held on the 12th October 1921, page 886 supra.]

(1)

Order in Mis. Case No. 6 *of* 1921.

The accused (Unnara Lakshminarayana), upon information received from the Police of Macherla, has been called upon to show cause why he should not enter into a bond for Rs. 250, with two responsible sureties of Rs. 250 each, to keep the peace for the space of one year.

2. The information against the accused is that he has recently come to Macherla and has been preaching there, and inciting the people to disregard and break the rules of the Forest Department, and to boycott the subordinates and that his action is likely to disturb the public tranquillity.

The information against the accused is embodied in the order under section 112 served on him and has been read and understood by him. He makes no defence as a matter of principle, and states that he has been engaged in helping the people to carry on their agitation against the Forest Department in a peaceful way.

3. Seven witnesses were examined. Accused declined to take any part in the proceedings or to cross-examine any witnesses. Among those examined are the Sub-Inspector, the Sub-Magistrate, and the Forest Ranger, who speak to the nature of the lecture delivered by the accused, in company with another man, not now before this court. The general trend of the lecture was to the effect that the rules should be disobeyed, and the officials boycotted, i.e., no help was to be given to them, nor were they to be supplied with food or housing. It is evident that such action is bound to lead quickly to breaches of the peace, and in fact an assault, directly caused by the boycotting, is spoken to by two of the witnesses. It is the subject of another case. There is thus no doubt of the really provocative nature of the teachings, however much it may be urged, the violence is not actually advocated.

4. I find that the general grounds upon which the order under section 112 was based are amply proved. The accused is not, I understand, a rich man, but the security asked from him is not excessive. I find that it is necessary that he should execute a bond as specified therein, and under section 118, I order accordingly.

H. S. SHIELD,
District Magistrate.

22nd July 1921.

The accused was called upon to furnish security. He refused to do so. He is committed to the Central Jail to undergo simple imprisonment till security be furnished or the period of one year expires.

H. S. SHIELD,
District Magistrate.

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(2)

Order in Mis. Case No. 7 of 1921.

The accused (M. V. Narasimha Achari), upon information received from the Macherla Police, has been called upon to show cause why he should not enter into a bond of Rs. 250, with two responsible sureties of Rs. 250 each, to keep the peace for the space of one year.

2. The information against the accused is that he has recently come in to Macherla from Guntūr to preach and that his preaching incites the people to break the forest rules, defy the department and to boycott the subordinates, and that this action will lead to breaches of the peace and disturbances of the public tranquillity. The accused declines to plead (under the orders of his Congress) and declines to cross-examine any of the witnesses. He says that the lectures, which he admits, would have a calming not exciting effect.

3. Five witnesses were examined and they testify to the nature of the lectures delivered, that the accused advocated disobedience to rules and boycott of the forest and other departments of the Government. Though the witnesses are all in Government service, they are of different departments and some of high position, and I do not see any reason to believe that their testimony is false. The effect of the accused's preaching has evidently been such opposition to Government departments as would soon lead to breaches of peace.

4. I find the information on which the order under section 112 was based is well founded, and I find it necessary that the accused should execute the bond as specified therein. Under section 118, Code of Criminal Procedure, I order accordingly.

22*nd July* 1921.

H. S. SHIELD,
District Magistrate.

The accused, when called upon to furnish security, declines to do so. He is committed to the Central Jail, Rajahmundry, to undergo simple imprisonment till the security is furnished or till the expiry of the period named in the order, viz., 12 months.

H. S. SHIELD,
District Magistrate.

II

THE HON'BLE THE PRESIDENT'S SPEECH REGARDING QUESTIONS.

The Hon'ble THE PRESIDENT :—" Before proceeding to the next order of the day, I wish to say a few words to honourable members in regard to the rules and standing orders on the subject of questions, as I fear that in some respects they are not understood as they should be. The rules relating to questions are 7 to 10 and the standing orders on the subject are 10 to 19. Under rule 8 (1) a question may be asked for the purpose of *obtaining information* on a matter of *public concern* within the *special* cognizance of the member to whom it is addressed.

" Thus firstly, when a question is put to a member of the Government, the object should be to *obtain information* from the Government. Where the questioner is himself in possession of information, which he wishes to convey to the Government, putting a question is not a suitable method of doing so. Where, however, the questioner has information about the truth of which he is not certain and he wishes to have it verified by a reference to the Government, the question must be put in a form such as would indicate that wish clearly. In no case can a

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question be a suitable vehicle for making a suggestion to the Government to take action of a particular kind. Such a suggestion should ordinarily assume the form of a resolution.

" Secondly, the expression *public concern* should ordinarily be taken to exclude individual cases of hardship ; such a case will, however, become a matter of public concern if it is shown that some question of principle is involved.

" Thirdly, the information sought must be in regard to a matter within the *special* cognizance of the member concerned ; when, therefore, the information is to be found easily in public documents which are as available to the questioner as to the member of the Government, it would hardly be appropriate for the former to question the latter for such information.

" In cases in which the subject-matter of a question is not primarily the concern of the Local Government, rule 7 gives the President the discretion to disallow it. I would in such a case advise the questioning member to write to the Secretary and give the reasons why the discretion should be exercised in favour of admitting the question.

" I have next to refer to a class of questions which assume the form of an inquiry whether the attention of the Government has been drawn to a specific article in a specific newspaper. I do not think that the fact that a particular member of the Government has or has not read a particular article in a particular newspaper can always, or even ordinarily, be deemed to be a matter of ' public concern ' within the meaning of rule 8 (1). What in such a case *is* a matter of public concern is presumably the truth or otherwise of the allegations made. And that being so, standing order 12 (2) comes into operation which requires that the questioner has to make himself responsible for the accuracy of his allegations. He does not do that when the question is in the form whether the Government have perused the article : by putting such a question the questioner makes himself responsible only for the fact that the article has appeared in the newspaper. I would suggest to honourable members that, where it is proposed to interpellate upon allegations contained in a newspaper, the questioner should embody the allegations in his question instead of merely quoting the newspaper. The allegations will then cease to be those of the newspaper and become those of the member who questions.

" I have also to invite attention to some of the other provisions of standing order 12 ; a question must not contain any argument, inference, ironical expression or defamatory statement ; it must not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition ; it must not be of excessive length. The time has come for enforcing the rules and standing orders in regard to questions somewhat strictly and I confidently appeal to all honourable members to help me in doing so.

" While on the subject of questions, I may mention that the attention of the honourable members of the Government has already been invited to standing order 10 which prescribes a period of notice of seven clear days for a question to be asked : if an honourable member of the Government wants more time in any case to give his answer, he has to apply for an extension under the proviso to that standing order. I understand that this rule is not being strictly observed ; there are questions which have been with the Government for a much longer period than the statutory time and to which no answers have been sent, nor have the honourable members of the Government concerned applied for extension of time. I have no doubt that the provisions of standing order 10 will hereafter be strictly complied with."

III

Mr. O. TANIKACHALA CHETTIYAR :—" Mr. President, I ask for leave to move the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, viz., the present disturbed state of a considerable part of the City of Madras." 11-15 a.m.

The Hon'ble the PRESIDENT :—" Under Standing Order 22, I have now to read to the Council the motion made by the Honourable Member Mr. Tanikachala Chettiyar. The motion is this—

'I ask for leave to move the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, viz., the present disturbed state of a considerable part of the City of Madras.'

" Has the Honourable Member the leave of the Council to do so? (After a pause) No honourable member having objected, I hereby declare that the Honourable Member has leave of the Council, and the motion will be taken up at 4 p.m. to-day."

IV

ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

The Hon'ble the PRESIDENT :—" I have to inform the House that the Madras District Municipalities (Amendment) Act, 1921, which was passed at the meeting of the Council held on the 3rd September 1921, received the assent of His Excellency the Governor on the 9th September 1921."

V

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

The Hon'ble the PRESIDENT :—" I have to inform the House that the undermentioned Acts received the assent of His Excellency the Governor-General on the dates noted against them :—

The Madras District Municipalities (Amendment) Act, 1921	20th September 1921.
The Madras Cattle Disease (Amendment) Act, 1921	28th September 1921."

VI

COMMUNICATION TO THE COUNCIL.

With reference to the answer given to question No. 397 at the August meeting of the Legislative Council, the Secretary laid on the table a statement regarding supply of prophylactic vaccines to dispensaries in the Kurnool district and of magic lantern demonstrations on public health.

VII

THE MADRAS CITY TENANTS' PROTECTION BILL.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Mr. President, I present the report of the Select Committee on the Madras City Tenants' Protection Bill. I now move that the Bill as reported by the Select Committee be taken into consideration."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I beg to second it."

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The Hon'ble the PRESIDENT :—" The motion before the House is that the report of the Select Committee on the Madras City Tenants' Protection Bill and the Bill as amended by the Committee be taken into consideration "

The motion was put and carried.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I do not know, Mr. President, if I should move the title now or reserve the title until the clauses are over. It would be more convenient, I thought, that the title should be discussed after the material provisions are over, because there may be some difficulty in discussing the title of the Bill."

The Hon'ble the PRESIDENT :—" I will say in a minute."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" If I am permitted, I will draw the attention of the President to Standing Order No. 47 which says: 'Amendments shall ordinarily be considered in the order of the clauses to which they respectively relate.' The title is not a clause."

The Hon'ble the PRESIDENT :—" I propose to take the Bill as amended by the Select Committee clause by clause, and as each clause is taken up, the amendments relating to that clause will be considered. The title and preamble will come in the end."

Clause 1 *of the Bill.*

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I will now move, Sir, that clause 1 of the Bill be taken into consideration."

'1. (1) This Act may be called the Madras City Tenants' Protection Act, 1921;

(2) it extends to the City of Madras; and

(3) it shall come into force at once'

The Hon'ble the PRESIDENT :—" No formal motion like that appears necessary."

Amendment No. 3 *to clause* 1.

Mr. T. ARUMAINATHA PILLAI :—" Sir, I beg to move—

'3. *In sub-clause* (1) add *the word "land" between "City" and "Tenants"*.'

" Sub-clause (1) of clause 1 reads like this: 'This Act may be called the Madras City Tenants' Protection Act, 1921,' and by my amendment this clause would read: 'This Act may be called the Madras City Land Tenants' Protection Act, 1921.' In the City of Madras and also other cities there are two sets of tenants, viz., tenants residing in houses called house tenants and also tenants who have built superstructures upon lands belonging to others. But it is only the latter class of tenants that this Bill is intended to deal with and to benefit. In order that there may be no difficulty at all in distinguishing to which sort of tenants this Bill applies and also in order not to create any sort of ambiguity, I thought it was quite necessary that this word 'land' should be introduced into this clause. It might be said, Sir, against this amendment that the whole thing would not read very well, that it is not æsthetic, or that the reading of it does not sound well. But I submit, Sir, that the mere reading of the Act as 'The Madras City Land Tenants' Protection Act' is as good as reading it as 'The Madras City Tenants' Protection Act'. Moreover, by adding the word 'land' we have the advantage of making this Bill clear to what portion of the tenants this Act would apply. I therefore submit that this word 'land' is quite necessary for addition in sub-clause (1) and I beg to move my amendment."

Mr. M. C. Raja seconded the motion.

[The Hon'ble Mr. K. Srinivasa Ayyangar] [12th October 1921

Amendment No. 3 *to clause* 1—cont.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Sir, there is no question of substance in it and I do not think it is necessary to change the language which has come up from the Committee. The introduction of the word 'land' there, as pointed out by my Hon'ble friend Mr. Arumainatha Pillai, would make the title somewhat inartistic and there is no particular advantage in introducing the word 'land' there, because, ordinarily, the lawyer would understand by 'land' everything which is above it down to the bottom of the earth. So if you want it for the purpose of defining more clearly the object of the Bill, the use of the word 'land' by itself there would not be of much importance. As a matter of fact, he will go by the actual provisions of the Bill and it is possible with regard to one section it might apply even to cases where the landlord is owner of the building alone. In these circumstances, I do not think, Sir, it is of great advantage to introduce the word 'land' there and the clause is clear enough without its addition."

Mr. T. ARUMAINATHA PILLAI :—" Sir, the Hon'ble the Law Member has not advanced any reason why he objects to make this Bill clearer than what he has drafted. Surely the Hon'ble the Law Member concedes, I think, that by using the word 'land' the Bill and the object of the Bill are made clearer, and if that be so, I do not see any reason why the Hon'ble the Law Member should object to the amendment going in. Anyhow, I leave it to his House to pass it or not."

The amendment was put and lost.

Amendment No. 4 *to clause* 1.

Mr. T. ARUMAINATHA PILLAI :—" Sir, my next amendment is—'

'4. Add *the following as sub-clause* (4) :—

" *It shall apply only to buildings used for residential purposes.*" '

" This, Sir, is intended just to restrict the scope of the Act. The Bill states that it applies to all tenants who have built superstructures upon lands belonging to others. By my amendment I want this Bill to be restricted to those tenants who have built superstructures upon lands belonging to others only for the purpose of residence and to no others. I submit, Sir, that there are cases where lands have been let out to others only for the purpose of building small stables and where no houses have been built for residential purposes or where lands are leased only for the purpose of erecting small bazaars. So far as this Bill is concerned, we take it from the introductory speech of the Hon'ble the Law Member that this Bill is intended to remove, if possible, the difficulties to which these tenants, who would be deprived of their houses but for this Bill, would be put to and the consequent congestion and insanitation which the ejection of these tenants would lead to and that that was what prompted the Hon'ble the Law Member at the request of various persons to introduce this Bill. But if that be so, one does not see any reason why this Bill should be introduced and made to apply to buildings which are not used for residential purposes, and by the removal of which there would be no increase of congestion, there would be no increase of insanitation, etc. I submit, Sir, that in this case simply because the landlord allows the tenant to build a stable upon a portion of his land, he ought not to be allowed to come within the range of this Bill and the tenant ought not to be enabled to ask the landlord either to pay compensation or to buy him out. It is admitted, Sir, that, so far as the terms of this Bill are concerned, it is a thing which is quite out of the ordinary run, but if you are going to make a measure outside the ordinary run, you should restrict it within some definite limits. I submit, Sir, therefore, that

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Amendment No. 4 *to clause* 1—cont.

this Bill being intended only to protect the tenants who have built houses upon lands for their own residential purposes, should be restricted to such tenants and not be allowed to influence or to bring within its purview landlords who have let their lands for other purposes also. Therefore, Sir, I beg to move the amendment standing against my name."

Mr. A. T. Palmer seconded the motion.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I am afraid, Sir, that I must object to this. In the first place, the Bill as now amended does not apply merely to buildings but there are provisions for the compulsory purchase of land itself. It would not be accurate to say that this Act shall apply only to buildings, because there is section 9 which has been newly introduced by the Select Committee which applies to lands on which buildings are erected. Then there is another trouble. It will be very difficult to find what the term 'residential purposes' means. I again ask the attention of the House to the exact wording of the amendment as given, 'it shall apply only to buildings used for residential purposes.' The question arises at the outset at what time 'used'. Supposing it was kept as a stable and owing to congestion the man drives out the cattle and lives there himself. Is it to be at the timewhen this investigation is to take place or at the time of the letting or at the time when the building was constructed? These enquiries will raise practical difficulties. I do not believe in using words which may give rise to a long argument or to a long investigation in courts. That is my objection. After all, primarily, the Act will apply to residential houses; there can be adjuncts to them in the shape of a stable, latrine and in the shape of various other buildings; when we come to define the word 'building' I shall deal with another amendment brought by my honourable friend. I think it is sufficient to leave it as it is without introducing words which may hamper the working of the Act."

11-30 a.m.

Mr. T. ARUMAINATHA PILLAI :—" I do not know if the Hon'ble the Law Member has not stated that the Bill shall apply to buildings used mainly for residential purposes."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I did not say so."

Mr. T. ARUMAINATHA PILLAI :—" Then, Sir, I do not see any reason why this word should not be introduced here. The main objection of the Hon'ble the Law Member is the uncertainty of what is meant by 'residential purposes' and what class you are going to apply it to. He puts the case thus: supposing a stable is converted into a house, it will create practical difficulties in the working of the Act. Sir, whether the land was let out for a stable or for a building for living purpose, any one can understand. I submit, Sir, it is rather strange that the Hon'ble the Law Member does think that the difference between a stable and a building for residential purposes will be readily understood. A building for residential purposes is a house where people do live. Other buildings like bazaars and stables are for non-residential purposes. A bazaar is not for residential purpose even supposing the man lives there in the night having no other place. So also a stable where you put in your horse, and where your coachman and your syce live also. That does not mean that the stable is converted into a building for residential purposes. I am sure the Hon'ble the Law Member, need not have brought this technical discussion into this matter. I would therefore submit that this thing is very necessary in order that this Bill may have a real effect. Moreover, if we are going to do justice as between the landlord and the

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Amendment No. 4 to clause 1—cont.

tenant, we ought not to impose too much stringency on the landlord. We should not prevent the landlord from leasing his land for building a stable or a wall by enabling the tenant under section 9 to ask the landlord to get out and receive only the amount fixed by the court under the section. That does not stand to reason, Sir, and I therefore press my amendment."

The amendment was put and lost.

Amendment No. 5 to clause 1.

Mr. S. SRINIVASA AYYANGAR :—Mr. President, I move this amendment.

"5. *Add the following as sub-clause 4 :—*

'This Act shall apply only to tenancies created before the commencement of this Act and to buildings erected by tenants on others' lands for residential purposes in the hope that they would not be evicted so long as they pay a fair rent for the land.'

"Of course, in consideration of the fact that the last amendment was lost I am quite willing to leave out the words 'for residential purposes' though the words are not identical. As regards the substance of this amendment, I wish to take up a little time to explain why it is that this amendment is necessary for the purpose of making the Bill really operative. Now, the preamble of the Bill says: 'Whereas it is necessary to give protection to tenants who in many parts of the City of Madras have constructed buildings on others' lands in the hope that they would not be evicted so long as they pay a fair rent for the land.' The object of this amendment is to make the preamble an operative part of the Bill. The preamble, as we all know in modern enactments is of very little effect in controlling the operation of the Bill. The result of the Bill as it stands, of the operative provisions of this Bill, putting aside the preamble which cannot govern it, is this: that even in cases where persons have not erected any superstructures on lands belonging to others in the hope that they would be paid compensation or that they would not be evicted so long as they paid a fair rent, even in these cases the tenants would be entitled to the benefit of clause 9 of this Bill, which says:

'Any tenant against whom a suit in ejectment has been instituted or proceeding under section 41 of the Presidency Small Cause Courts Act taken, may within 15 days after the service on him of summons or if that period has expired before the coming into force of this Act within 15 days after the coming into force thereof, apply to the court for an order that the landlord shall be directed to sell the land for a price to be fixed by the court.'

"So that if any honourable member in this House owns a house in Madras City and he lets that house to anybody and afterwards the man who is in possession will not give back the house and the owner of the house is obliged to bring a suit for ejectment, the tenant can at once apply for the compulsory acquisition of this land under section 9. There is nothing in section 9 to limit it only to cases where the tenant of a land upon which he has erected a superstructure wants to claim this privilege. Any tenant of any house in Madras City, whether it is a big building or a building of the kind that is contemplated by this Act will be entitled to acquire the land by paying the price fixed by the court. The word 'land' both in the definition of the word 'tenant'—any person liable to pay rent on land—and the word 'land' occurring in section 9 of the Bill would undoubtedly and as a matter of ordinary legal interpretation include buildings also and you cannot say that the tenant of a house is not the tenant of land. The result of it therefore is that the Bill as drafted travels far beyond the original scope as laid down in the preamble, viz., that it should give relief only to tenants who have built superstructures on land belonging to others in the hope that they would not be evicted so long as they paid a fair rent or without being paid reasonable compensation. It was thought by several persons who

12th October 1921] [Mr. S. Srinivasa Ayyangar]

Amendment No. 5 to clause 1—cont.

took tenancies of sites in Madras that they would not be evicted if they paid a fair rent or that they would not be evicted unless they were paid compensation for the buildings erected by them. But recently a Full Bench decision of the Madras High Court held the contrary view and it was in consequence of the change in the law as declared by the Madras High Court which was taken advantage of by the landlords in many of the cheris like Thousand Lights, and it was in consequence of that, that this Bill was thought to be necessary. The Bill is not necessary for the purpose of enabling any tenant of any building in Madras to acquire the land in case a suit for ejectment is brought against him. In the second place, I think that this Bill ought to be confined to tenancies created before the commencement of this Act because the law has now been quite sufficiently declared and if any tenant now builds a house or a superstructure upon land belonging to another he does so at his peril. The law before the Full Bench decision was uncertain and therefore it was found necessary for the purpose of protecting tenants who built under a different belief that this Bill should be brought. This Bill should not extend to new tenancies which may come into existence after this Act comes into force. My object therefore is to confine it to tenancies created before the commencement of this Act because in those cases only the relief which was promised by this Bill was required. In the next place, the Bill must apply to only what are called superstructures, buildings erected by tenants on other persons' lands and it must not be applied to cases of houses which any person may let to another on a monthly or annual rent or for three or four years where the tenant turns round and says he will not give up the house in which case the landlord will sue in ejectment and the tenant will apply for acquisition of the land under section 9. That I understand is the purport of section 9. I do not suppose it was so intended but it is specially necessary that the matter should be made clear. We cannot in these days depend upon the mere preamble for the purpose of appealing to the court to construe the sections of this Act with reference to the difficulties which arose in Madras and with reference to which this Bill was brought forward. We must have it in the operative sections of the Bill and the object of my amendment is to make this clear. And so far as the words 'for residential purposes' are concerned, I do not like to press them for acceptance because the previous amendment was lost, though at the same time I do not think that there is any technical difficulty. The previous amendment was 'buildings used for residential purposes' whereas this is 'erected for residential purposes.' At the same time I do not say that these words 'for residential purposes' are very necessary because these words are not in the preamble and I merely want that the words of the preamble should be an operative section of the Act so as to make the Act apply only to cases for which it was within the contemplation of this Government to bring this Bill. For these reasons, Sir, I move my amendment for the acceptance of the House."

Rao Sahib U. RAMA RAO :—"I second the amendment, Sir."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"Mr. President, two points were made with regard to this matter. I want the House to keep them apart. It was stated that section 9 was too wide and was capable of the interpretation that a person to whom an ordinary building was let might at the time of ejectment claim that the landlord should sell him the land. It is just possible to construe it in that way; but so far as this is concerned, there is another amendment given by my honourable friend which if accepted will clear that confusion. But I shall deal with it when I come to that amendment.

11-45 a.m.

[The Hon'ble Mr. K. Srinivasa Ayyangar] [12th October 1921

Amendment No. 5 *to clause* 1—cont.

"I strongly object to the introduction of the preamble in this place because we are introducing into it a positive enactment with a very great deal of indefiniteness. I shall deal separately with the question whether it should apply to tenancies created before the coming into force of this Act. Now, the clause 'to buildings erected by tenants on others' lands' does not matter. Then coming to the clause 'in the hope that they would not be evicted so long as they pay a fair rent for the land', how are you to decide that the buildings were built in that hope? There is a specific provision in section 12 of the Act excluding certain particular contracts when they are embodied in a registered instrument in writing. In other cases the tenant must be protected. In most of these cases, it is only the poorer classes of tenants who are generally ignorant of the law that are in occupation and they expect to remain on the land. It would create a very difficult situation indeed, if we introduce the preamble by positive enactment and lay the burden on the court to find out whether a particular person had a fair hope of remaining there and on his paying a fair rent, on meagre conflicting oral evidence. When a person is allowed to reside in a building for 30 or 40 years, what is the fair inference? How is the hope to be proved in a court of law when the expectation is coupled with recognition of liability to pay fair rent? These are not customary tenures, and rents have been changed by agreement. Is the court to go into the question whether the tenant has been paying a fair rent and decide if the rent paid by the present tenant or any predecessor in title of his was unfair, that the land was let only for a particular period, and the hope not proved or disproved? I suggest to the House that it will be almost hopeless to introduce by way of a positive enactment, such a vague provision, though no doubt the intention of the Bill is to afford protection only to such classes of persons. We will have to confine ourselves to a scrutiny of the various sections to see if the object of the Bill is carried out instead of putting in a vague clause like this and say that this Act shall apply to nothing else.

"Then, Sir, coming to the other point: my honourable friend stated that it was owing to a new declaration of the law or rather a positive declaration of the law of the Full Bench of the High Court that this Bill has become necessary. To some extent it is true. But I do not see much point in confining it to tenancies created before this Act comes into force because the same set of people will go on, acting in ignorance. It is really meant for the ignorant people who have not access to the Indian Law Reports or are unfamiliar with shifting opinions of courts. It is meant for persons who go in for small pieces of land and who imagine that so long as they pay a rent they will not be disturbed. Whether they come in under tenancies before the commencement or after the commencement of the Act, is not of consequence. There is specific provision in the Bill applying to cases both before and after the commencement of the Act. I therefore think it unnecessary to restrict it to tenancies created before the commencement of the Act because there is sufficient protection given to future tenants and future landlords and I again object to the introduction of this vague clause in the amendment. As I stated at the beginning, Sir, there is section 9 and this is what was intended by that section. The remedy does not lie in introducing a vague clause here but it lies in making the necessary amendments to that section."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I have heard with attention the remarks of the Hon'ble the Law Member while opposing this amendment. I feel constrained to remark that if only we are to take the object of the Bill as originally stated to be aimed at at the sitting of this Council on the 3rd August 1921, it will be clear that the amendment is absolutely necessary and that

12th October 1921] [Mr. A. S. Krishna Rao Pantulu]

Amendment No. 5 *to clause* 1—cont.

it ought to be accepted. I would draw the attention of this Council to the remarks of the Hon'ble the Law Member when he made a motion that the Madras City Tenants' Bill be read in Council. While referring to the objects of the Bill, he then stated: 'It is to give an immediate protection to the tenants who have built on other people's lands. It is, if I may say so, a piece of emergency legislation to meet the special crisis that has arisen now in Madras. It will be apparent that it is not the object of the Bill to bring in any comprehensive improvement in the position of the tenants generally in Madras nor is it proposed to give them occupancy rights even in suitable cases'.

"It has been pointed out that in the preamble to the Bill, the very words which my honourable friend Mr. S. Srinivasa Ayyangar now proposes to introduce in the amendment have been expressly provided for. It has not been so far suggested by the Hon'ble the Law Member that the presence of these vague words which he now objects to in the preamble will present any difficulty. I do not find any motion in the name of the Hon'ble the Law Member tabled to the effect that the preamble should be so amended as to exclude these words on the ground that the presence of these words would introduce an amount of vagueness and indefiniteness. Therefore I take it and the Council may take it that he is quite content to leave the preamble as it is.

"Now, Sir, I would ask why, if that is the object of the Bill and if there is no objection to these words remaining in the preamble, there should be any objection in that provision being made clear in the Act itself. I quite appreciate the difficulty pointed out by him that there is a certain amount of vagueness and indefiniteness which ought to be removed. I rather expected, Sir, that he would help us by suggesting something to make it more definite than by opposing the amendment which is calculated to bring the Bill into conformity with the original object itself. If the Hon'ble the Law Member should consider and find out now something which will make it clearer and more definite, then the Council would have no objection to accept the proposal. But the Council ought to object to any attempt being made to take it away far from the scope of the original intention to treat it as an emergency legislation intended to meet the existing situation created by the decision of the Madras High Court. We have to read the Bill carefully and consider whether it does or does not provide for any such contingency. If it provides for such contingency, it is essential for us to consider whether we ought to go further than we have done till now. Inasmuch as no reasons have been given for retaining the identical words in the preamble and for omitting the same in the Act itself, I feel constrained to submit that this Council ought to accept the amendment proposed by my honourable friend Mr. S. Srinivasa Ayyangar."

Mr. T. ARUMAINATHA PILLAI:—"Sir, the Hon'ble the Law Member raised two objections against the amendment moved by my honourable friend Mr. S. Srinivasa Ayyangar. One of them has been very satisfactorily answered by my honourable friend Mr. A. S. Krishna Rao Pantulu. His other objection to accepting this amendment was that clause 12 will be a sufficient safeguard against the evils which are intended to be protected by Mr. S. Srinivasa Ayyangar's amendment and therefore his amendment is quite superfluous. What do we find in clause 12? It reads: 'Nothing in this Act shall apply to tenancies created by writing registered containing specific stipulations as to the terms on which buildings are to be erected or the payment of compensation therefor.' Well, Sir, this clause 12 is considered to be a panacea against the evils adumberated by my honourable friend Mr. S. Srinivasa Ayyangar. Let us see whether it is really so.

[Mr. T. Arumainatha Pillai] [12th October 1921

Amendment No. 5 to clause 1—cont.

The question is whether clause 12 would apply to tenancies which would come into existence after the passing of this Act or whether it would apply to tenancies already existing which have been created by documents in writing registered. My submission, Sir, is that this clause is not clear upon this point. Surely the Hon'ble the Law Member has not tabled any amendment to make it more clear and hence it was thought necessary to bring forward this amendment. He has tabled this amendment in order to clearly define as to what this Act is and as to what sort of tenancies this Act would apply to. According to my honourable friend Mr. S. Srinivasa Ayyangar, and I am sure it is the intention of every honourable member including the Hon'ble the Law Member, that this Act should apply to tenancies which are in existence at the time of the commencement of this Act and not to tenancies which will be created after the commencement of this Act. Section 12 is ambiguous and I would only take a portion of the Hon'ble the Law Member's introductory speech: 'Sometime in the beginning of May, it was found that proceedings to eject tenants in a large area consisting of nearly three streets were about to be taken. I came down and inspected these places and the buildings were valued at about 7 lakhs of rupees.' The place to which the Hon'ble the Law Member refers in his speech is what is called Azimpet. There the people had built superstructures a long time ago and two years back the new landlord came and took registered writings from them and also put in a clause in every one of these lease-deeds especially that these people would have to vacate after a month's notice. Would such cases be governed by section 12? I submit, Sir, that such cases would not be governed by section 12. If the Hon'ble the Law Member's assurance in this Council were to carry the same weight as law even in a court of law, then most probably this amendment would be quite unnecessary. But with due deference, I must say that surely the Hon'ble the Law Member's assurance would only be confined to the Council Chamber and his words would not have very great weight in courts of law. Well in these doubtful circumstances, may I submit, Sir, that this amendment is quite necessary and that this ought to be accepted?"

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*):—"Mr. President, two objections have been taken with regard to this matter. All that I wish to say is that as the Hon'ble the Law Member stated, the various sections of the Bill have to be taken together to find out whether in the result what was aimed at in the preamble, namely the giving of protection to persons who have built superstructures on other people's lands has been achieved. The difficulties or the drawbacks of introducing such a preamble indefinite in its nature into the operative portion of the Act have already been detailed. But I would only say this in addition: that if in the Act itself a section like this occurs, namely 'to buildings erected by tenants on others' lands in the hope that they would not be evicted so long as they pay a fair rent for the land' there is no question but that the controversy that would range round the amendment as to the true import of the words would defeat the very objects of the Bill. I leave out the question whether the preamble will or will not cover the objects aimed at by this amendment. The question is whether it is preferable to have these words introduced in the operative part of the Act also and then leave it to the courts to construe these various indefinite expressions.

"The second position taken up by my honourable friend Mr. A. S. Krishna Rao is that the Hon'ble the Law Member in his introductory speech told the Council that this was an emergency legislation. No doubt it was an emergency legislation.

12th October 1921] [Mr. C. P. Ramaswami Ayyar]

Amendment No. 5 to clause 1—cont.

"Nevertheless, the underlying causes which led to the introduction of the legislation will continue even after the passing of the Act. Helpless tenants unaware of their actual rights sell away their rights in spite of the fact that they came in possession of the land on certain conditions. Let us take an instance. A tenant and his predecessors in interest have occupied a land for 40 or 50 years. Very often, the landlord exercising the pressure, which can be exercised by landlords, gets the tenant to consent to a stipulation by which the latter says, "I will clear out when required!" Such documents are executed helplessly and a number of suits have been instituted based on that state of affairs. It is in order to prevent that that this Bill has been introduced. The Bill has not been introduced in order to prevent the contingencies which have arisen in respect of buildings erected by tenants in the hope and expectation that they would not be evicted so long as they pay a fair rent to the landlord. In one sense it is an emergency legislation but the underlying causes are permanent. Therefore it is with reference to that class of cases that the Hon'ble the Law Member proposes to afford relief. No doubt Mr. Arumainatha Pillai points out section 12. It seems to me to be quite foreign to the discussion of this matter. Section 12 relates to contingencies in which with eyes wide open people construct houses. It seems to me that section 12 is an exception which is deliberately provided for. One object of section 12 is to make it abundantly clear that the operative portions of this Bill cannot be applied in cases where the houses have been built on specific and carefully thought-out conditions. Under these circumstances, I submit that the Hon'ble Law Member's attitude is the only one that could be taken."

12 noon.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I should ask the Hon'ble the Law Member to clear a few difficulties which I feel in regard to this amendment. My honourable friend Mr. Ramaswami Ayyar said that this legislation is not intended merely for the purpose of meeting an emergency but places the case more or less on a permanent footing. If that is the intention of the Government in pressing this legislation on this Council, I should like to ask the Honourable Member whether a person who came in possession of the land three years ago and has built a small hut or building on it would be entitled or not to the protection of this Act. Would he not come under section 3 and claim compensation or insist on purchasing the right of the landlord? Even assuming that after this Bill has come into force as law some person gets on to a land for a year under an oral tenancy, would that tenant be able to insist on his right on this sole ground? It seems to me that such a restricted clause as that proposed by the Hon'ble Mr. S. Srinivasa Ayyangar is absolutely necessary. If as has been pointed out by Mr. Arumainatha Pillai, this was intended to deal with contingencies which arose and which were created a year or two ago, it seems to me that a further extension of rights would be absolutely unjustifiable. Therefore to that extent the first clause of this amendment that this Act shall apply only to tenancies created before the commencement of this Act seems to be perfectly justified. There is no reason at all why a person who gets into possession of a land should be permitted to acquire occupancy rights. As regards the second clause the words 'in the hope that they would not be evicted so long as they pay a fair rent for the land' may create some difficulty in construction. I take it, Sir, that it is the intention of the honourable mover that he wants to take persons who have got some permanent occupancy rights as such in the other amendment. Therefore, so long as the preamble is framed with the words, 'in the hope that they would not be evicted so long as they pay a fair rent for the land' there will be no difficulty in construing this section otherwise than as placed in the preamble."

Amendment No. 5 *to clause* 1—cont.

Mr. P. SIVA RAO:—" When brilliant lawyers disagree, it is rather a difficult matter for us to make up our minds. Now, Sir, it is given out that the object of the Bill is to give protection mainly and solely to such of the tenants who have constructed buildings on others' lands with the hope that they would not be evicted so long as they pay a fair rent for the land. That appears very clearly in the preamble and I do not think the Hon'ble the Law Member is going back on that question. If that object is not going to be ineffective is it not desirable and is it not incumbent that we should introduce certain positive provisions in the Bill itself confining its operation only to such cases. We are voting for a certain principle. If it is not established that the superstructure was raised with that hope, I do not think the tenant is entitled to any protection at all. We have been told that, certain state of things having prevailed in the city of Madras, certain peculiar state of things whereunder the relations between the landlord and the tenant have grown to be very indefinite and tenants have been allowed to raise superstructures on the understanding that so long as the tenant pays a fair rent for the land he will not be disturbed, now the rapacity of the landlord is leading to litigation and that this Bill is intended to give relief to the tenant. If it is so said in the preamble and if it is also conceded that the preamble cannot possibly control the general provisionsof the Act, I respectfully ask the Hon'ble the Law Member whether the object stated by him in the preamble would not be rendered ineffective, unless we pass this amendment. Now, Sir, the courts have been deciding such questions under the Transfer of Property Act whether a tenant effected improvements *bona fide*. I do not think this is such a difficult matter and the courts have been existing for deciding such questions. There is another aspect of the question. If the tenant entered into certain stipulations with eyes wide open, is he to be entitled to the benefit of this provision? I do not think any more comment is necessary; if you are going to stick up to what is stated in the preamble, then it follows as a matter of inevitable consequence that you should introduce this provision in the Bill."

Rao Bahadur C. V. S. NARASIMHA RAJU:—" Mr. President, the amendment contains two principles. It wants to restrict the operation of the Act only to cases that came into existence in the past and not to future cases. The second object is to restrict the operation of the Bill only to cases where the tenants have built houses with the hope that they will be allowed to remain. Regarding the question of hope I think it is not at all desirable to drive the parties to litigation and have the issue settled in a court of law. The preamble is framed with a full knowledge of the existing state of things in the city. If I understood correctly the discussion in this Council at the introduction of the Bill, I was made to understand that there were good many cases where the simple tenants were led into the belief that they would be allowed to remain in the houses that were constructed by them. When that is the general state of things I think this Legislature will be justified in taking it as a general case and prevent further trouble in the matter by asking the parties to adduce specific evidence whether such a hope did exist in the mind of the tenant or not. Then coming to the second point whether the Bill is to be restricted only to the cases of the past or whether any help is to be given to the poor tenants in the future as well, I do agree with the Hon'ble the Law Member in saying that there is sufficient protection for the landlord under section 12. It is the business of this Legislature to consider and give relief to the poor and ignorant tenantry. I think these are the principles that ought to be determined by this Council and I do not think that any questions of interpretation are

Amendment No. 5 *to clause* 1—cont.

at issue. If the Council accepts these principles they may accept the amendment, otherwise they may reject the amendment."

Mr. S. SRINIVASA AYYANGAR:—" Mr. President, it is much too serious a matter to be disposed of in the way in which the Law Member and the Advocate-General disposed it of. It is perfectly plain that the actual provisions of the Bill do not in the least make the Bill clear as to what tenants the Bill applies to or to what buildings the Bill applies. It was suggested that my object would be achieved by the other amendment of which I have given notice in connexion with clause 9 of the Bill. It will not. For, that amendment of mine will only make a verbal amendment in order to make clause 9 co-extensive with clause 3. We come back to clause 3 even if that amendment is accepted. Clause 3 simply says:' value of any building which may have been erected by him . . .' Tenant is simply defined as a person liable to pay rent.

" If I let my house to-morrow to a person—may be a big house— not to the class of people for whom relief is intended, for a rent of Rs. 150, for only one month, if that person puts up any wall, any shed or any stable, he will be entitled by virtue of section 3 for compensation and under section 9 to acquire the property. That was not the intention of the Bill. It was intended to give relief only in cases of those tenancies which were created in Madras long ago owing to the fact that various unreclaimed sites were denied to the tenants; the leasing was only of the land, and the tenants went on dealing with the superstructure. There was thus a kind of dual ownership; the ownership of the land and the ownership of the building, the superstructure. It is for that class of cases that the Bill was intended to provide. Now, clause 3 will apply to any tenant of any building for as small a term and for as high a rent, however small a building he might have put up. He need not have built over any vacant land; even if he adds a wall, or puts up a kitchen, that will be included in the definition of the word 'building' and he will be entitled to compensation. That surely is altering the law of regulating the relations of the landlord and the tenant. Certainly that was not the object with which the Bill was originally framed. Clauses 3 and 9 are very loosely worded. My amendment is simply for the purpose of doing away with the loose expression and for confining relief to the cases for which relief was intended. Mr. Siva Rao referred to a section in the Transfer of Property Act according to which if a person erected buildings in good faith there would be no difficulty. It is the kind of thing implied in the preamble of the Bill. I take it the happy words of the preamble may well be included in section 3. The intention was to see that a tenant who was allowed to build in the faith that it would be a sort of permanent tenancy does not suffer. That is the real object of the Bill. The object was not to regulate the relation between any kind of landlords and any kind of tenants in the City of Madras, whatever may be the nature of the people, even in the case of richer tenants, and whatever may be the kind of building that may be put up. As clause 3 now stands for any building erected by any people, however high the rent may be, from any landlord in any part of the City of Madras, the tenant will be entitled to compensation. The amendment to the clause will really remove the difficulty in the application of the Bill. My objection to this is due to the fact that the Bill intended for the purpose of relieving the poorer class of people can be applied to confiscate the rights to property of the landlords. It is really a large order. If the House consents to it I have no objection.

12-15 p.m.

[Mr. S. Srinivasa Ayyangar] [12th October 1921

Amendment No. 5 to clause 1—cont.

"As for the second part of the amendment, section 12 is hardly an answer to me. The Advocate-General said that where there was a specific contract restricting the rights to the building this Act would be inoperative. Mr. Narasimha Raju's suggestion that people should study this Act for the purpose of protecting their interests may be excellent. But people do not generally read the provisions of Bills.

"Section 12 will apply only in cases where there are registered deeds. But in many cases tenancies are created orally without any writing registered. This section will compel people to register. The position of those who do not register will be precarious. In that state of things section 12 is really no protection to a landlord dealing with the tenant even richer than himself. I am not trying to restrict the scope of the original Bill which has my hearty support.

"My honourable friend objects to the first part of the Bill, and as regards the second part of the Bill, my honourable friend's assurance will be of no value. For these reasons I press my amendment."

Mr. O. TANIKACHALA CHETTIYAR:—"Sir, I beg to support the amendment moved by my friend Mr. S. Srinivasa Ayyangar. I agree that section 3 goes far beyond what is stated in the preamble to be the objects of the Bill, 'to give protection to tenants who in many parts of the City of Madras have constructed buildings on others' lands in the hope that they would not be evicted so long as they pay a fair rent for the land.' It was not intended to give relief to those who may hereafter erect buildings. I do not mean to enter into any legal disquisition, but I will illustrate from a concrete case the hardship likely to arise by retaining this clause as it stands. It is not unknown in Madras that many European gentlemen occupy houses. For their own convenience they put up a room or two at their own cost. But very seldom, not even 25 per cent of them enter into written registered documents with their landlords. Both landlord and tenant mutually agree, and are satisfied that each one will carry out his obligations. If, therefore, this section stands as it is, when misunderstanding arises between the landlord and the tenant, it is open to the tenant to say 'I have put up these sheds and rooms, and I must be paid compensation.' Thus a new right is given to the tenant which he did not possess. Therefore, I think, as the clause stands, it will give a right to the tenant which is not contemplated in the Bill. I have much pleasure in supporting the amendment."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Mr. President, I would have been immensely pleased if my honourable friend Mr. S. Srinivasa Ayyangar had given the benefit of his advice in the Select Committee of which he was a member. Now, in so far as any broad principle is concerned, I will leave it to the House. Here is the object with which I introduced the Bill and I stand by it. I wish first to deal with this question of hope or expectation. I daresay, if you put that burden upon the courts, they will try to discharge it as well or as ill as they can. The point is whether the Bill as it stands really carries out the purpose of the preamble. The point for the house to consider in regard to this matter is whether, in cases where a person builds on another man's land and the landlord allows this man to build, you can draw a fair presumption that the person who builds expects to live in the house so long, at least as the house stands. The presumption which I would draw is that he builds with a fair expectation of living in that house, and not with the idea of pulling it down. I want to make it an irrebuttable presumption in the cases covered by this Act.

"I have specifically put in an exception, so that the landlord may protect himself, in cases where buildings are to be erected upon his land, by a registered instrument

12th October 1921] [The Hon'ble Mr. K. Srinivasa Ayyangar]

Amendment No. 5 to clause 1—cont.

that he must make a specific provision as to buildings. In these cases there is no question as to any hope or expectation of remaining on land on which buildings are to be erected. The question is whether there should be a proof in every case as to the hope or expectation, or whether the principle which should be adopted is normally to assume that a tenant had such expectation, and that assumption should not be capable of being challenged by oral evidence as to an oral agreement but should only be done by an instrument which is in writing and is registered. That is the simple issue with regard to this matter. I consider, as I have repeatedly said, that the presumption ought to be made in favour of the tenant and if the landlord wants to protect himself, he can be allowed to do so only by a written registered deed which is not capable of being ordinarily challenged except on the ground of forgery.

"I believe that the Bill really provides only for the case of the poor tenants, persons who come in and build their houses on another's land. Clause 3 rightly construed does not go beyond it. And I do submit to the House that if the courts have to decide on questions of hope and expectation in this class of cases, you will not really be protecting these tenants. That is my objection.

"Then, Sir, objection was taken to section 3. Extreme cases can always be put. The proper remedy is to bring proper amendments to the sections. I do not apprehend any serious danger if the amendment brought by my honourable friend is not passed.

12-30 p.m. The amendment was put to the Council and a poll was taken with the following result:—

For

1. Mr. K. Adinarayana Reddi.
2. Dr. C. Appalanarasayya Nayudu.
3. Mr. C. Appaswami Nayudu.
4. Rao Bahadur V. Appaswami Vandayar.
5. Diwan Bahadur C. Arunachala Mudaliyar.
6. Rao Bahadur T. Balaji Rao Nayudu.
7. Rao Sahib S. Ellappa Chettiyar.
8. Rao Sahib P. C. Etirajulu Nayudu.
9. Mr. K. Gopalakrishnayya.
10. ,, K. P. Gopala Menon.
11. ,, J. Kuppuswami.
12. Diwan Bahadur Sir P. Tyagaraya Chettiyar.
13. Mr. T. A. Ramalinga Chettiyar.
14. ,, O. Tanikachala Chettiyar.
15. ,, B. Muniswami Nayudu.
16. ,, P. C. Muttu Chettiyar.
17. ,, A. Muttukumaraswami Chettiyar.
18. ,, M. Narayanaswami Reddi.
19. ,, C. Natesa Mudaliyar.
20. ,, V. Pakkiriswami Pillai.
21. Rao Bahadur A. Ramayya Punja.
22. Mr. K. Sarabha Reddi.
23. ,, S. T. Shanmukham Pillai.
24. ,, W. P. A. Soundara Pandiya Nadar.
25. ,, R. K. Shanmukham Chettiyar.
26. ,, T. Somasundara Madaliyar.
27. ,, N. A. V. Somasundaram Pillai.
28. ,, A. Subbarayadu.
29. ,, A. Tangavelu Nayagar.
30. ,, V. C. Vellingiri Kavandar.
31. ,, W. Vijayaraghava Mudaliyar.
32. Diwan Bahadur M. Ramachandra Rao.
33. Mr. S. Srinivasa Ayyangar.
34. Rao Bahadur A. S. Krishna Rao.
35. Mr. P. Siva Rao.
36. ,, S. Muttumanikkachari.
37. Rai Bahadur T. M. Narasimha Charlu.
38. Mr. A. Ranganatha Mudaliyar.
39. ,, K. Sadasiva Bhat.
40. ,, M. R. Seturatnam Ayyar.
41. ,, T. Sivasankaram Pillai.
42. ,, M. Suryanarayana.
43. ,, C. V. Venkataramana Ayyangar.
44. ,, S. Arpudaswami Udayar.
45. ,, T. Arumainatha Pillai.
46. ,, M. D. Devadas.
47. Rai Sahib E. C. Mascarenhas.
48. Mr. A. T. Palmer.
49. Raja of Ramnad.
50. Mr. K. Prabhakara Tampan.
51. ,, J. Richardson.
52. Abbas Ali Khan Bahadur.
53. Munshi Muhammad Abdur Rahman Sahib.
54. Mr. A. D. Maliyammal Bavotti Sahib.
55. Mr. V. Hamid Sultan Marakkayar Sahib.
56. Mr. Saiyid Muhammad Badsha Sahib.
57. Mr. Saiyid Ibrahim Ravuttar.
58. Khan Bahadur Muhammad Sadulla Badsha Sahib.
59. Khan Bahadur Muhammad Usman Sahib.
60. Mr. M. C. Raja.
61. ,, L. C. Guruswami.
62. ,, R. T. Kesavulu Pillai.
63. ,, M. C. Madurai Pillai.
64. ,, J. F. Simpson.
65. Rao Bahadur T. Namberumal Chettiyar.
66. Mr. A. E. Rencontre.
67. ,, T. Richmond.

[Mr. T. Arumainatha Pillai.] [12th October 1921

Against

1. The Hon'ble Sir Lionel Davidson.	9. Mr. R. Littlehailes.
2. ,, Mr. K. Srinivasa Ayyangar.	10. ,, E. Periyanakam.
3. ,, Mr. A. R. Knapp	11. ,, A. Ramaswami Mudaliyar.
4 ,, Mr. P. Ramarayaningar.	12. ,, C. P. Ramaswami Ayyar.
5. ,, Rai Bahadur K. Venkata Reddi Nayudu.	13. ,, S. Somasundaram Pillai.
	14. ,, T. C. Tangavelu Pillai.
6. ,, Rao Bahadur A. P. Patro.	15. Dr. Gilbert Slater.
7. Mr. F. J. Richards.	16. Rao Bahadur C. V. S. Narasimha Raju.
8. ,, C. W. E. Cotton.	17. Mr. G. Vandanam.

The amendment was carried 67 voting *for* and 17 *against*.

Clause 1 of the Bill as amended was passed and allowed to stand part of the Bill.

Amendment No. 6 (*a*) *to clause* 2.

Mr. T. ARUMAINATHA PILLAI:—"I beg to move—

6. *In sub-clause* (1), *clause* 2, insert *the word 'or' between 'stable' and 'latrine' and* omit *the comma between these two.*

"I want to move the amendment so that the word 'building' may not include isolated stables or latrines. If the latrine or stable is attached to a house where the tenant is residing he may pay compensation for it. But simply because the man has let his land for a latrine or a stable to be built, it is not proper to place the landlord under section 3 of the Bill and enable the tenant to say 'either pay me compensation or take money from me and leave me alone'. I therefore submit that this amendment is necessary. Moreover, the definition of the word 'building' is taken from the City Municipal Act. But the definition of the word in the City Municipal Act serves a different purpose and the same purpose is not intended here. Therefore we need not take it wholesale into this Bill. Further I want to omit the word 'wall' also. It means that simply because a man has put a wall or two on another man's land, therefore the man ought to be given the advantage of saying, 'all right I will purchase the house, I will pay you Rs. 100 or 200; I will drag you to court and I will purchase the land'."

Khan Bahadur MUHAMMAD SADULLAH BADSHA SAHIB:—"I second it."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I may say at once that I agree to the word 'wall' being omitted. The Bill as originally drafted merely provided for compensation and for fixing the rent. In the Select Committee a provision for compulsory sale was introduced. I do not think it is fair that a man merely because he put up a wall should compel the sale of the land though there may not be the slightest objection to his being paid compensation.

"The real difficulty with regard to amendment (*a*) is this. If the amendment is accepted, the clause will read thus: 'Building' includes a house, outhouse, stable or latrine attached to and forming part of a house' and so on. How are we to judge whether a particular latrine is attached to a house or not? Suppose it is opposite to the house. Is it then attached to the House? Does it form part of the house?"

Mr. T. ARUMAINATHA PILLAI:—"As the Hon'ble the Law Member agrees to the word 'wall' being omitted, I do not think it is necessary for me to press the other two amendments to a division."

The Hon'ble the PRESIDENT:—"The only justification for any honourable member to rise and intervene when another honourable member is speaking is to make a personal explanation or to raise a point of order; he cannot make a speech in the middle of another honourable member's speech. The Hon'ble the Law Member may finish his speech."

12th October 1921] [The Hon'ble Mr. K. Srinivasa Ayyangar.]

Amendment No. 6 (*a*) *to clause* 2—cont.

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I have finished."

Mr. T. ARUMAINATHA PILLAI:—"I do not press amendments (*a*) and (*b*), Sir."

The Hon'ble the PRESIDENT:—"As soon as a motion is made and seconded, I read that motion to the House so that honourable members may know what it is that is being debated on and on which they have to vote. The only amendment now before the House is:

"*In sub-clause* (1)—(*a*) *Insert the word 'or' between 'stable' and 'latrine' and omit the comma between these two.* I must ask the Honourable Member Mr, Arumainatha Pillai to speak on that amendment."

Mr. T. ARUMAINATHA PILLAI:—"I do not press that amendment, Sir."

The amendment was by leave withdrawn.

The following amendment standing in the name of Mr. T. Arumainatha Pillai was not moved and was therefore deemed to have been withdrawn:—

Amendment No. 6 (*b*) *to clause* 2.

"6 (*b*) *After the word 'latrine' add the following:—*
'attached to and forming part of a house'."

Amendment No. 6 (*c*) *to clause* 2.

Mr. T. ARUMAINATHA PILLAI:—"I formally move
"6 (*c*). *In sub-clause* (1) *omit the word 'wall'.*"

Mr. A. RANGANATHA MUDALIYAR:—"I second it."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I agreed to that."

The amendment was put and carried.

Clause 2, as amended, was passed and allowed to stand part of the Bill.

Amendment No. 7—*New clause after clause* 2.

Mr. S. SRINIVASA AYYANGAR:—"Mr. President, Sir, I beg to move the following amendment:

"7. *Add the following clause as clause* 3 *and re-number the subsequent clauses:—*

'Every tenant now in possession of land belonging to another upon which he or his predecessor-in-interest has erected a building prior to 1st *January* 1891 *shall have a permanent right of occupancy in such land but shall be liable to pay such rent as may from time to time be determined by the Presidency Small Cause Court in accordance with rules that may be prescribed by the Government in that behalf'.*

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"May I rise to a point of order, Sir? The sub-clause which my honourable friend desires to move seeks to confer permanent right of occupancy. I am afraid that this clause cannot be moved without the sanction of the Government of India, and I do not know whether the honourable member has got that sanction. Because, the Government of India Act, section 80-A (3) says: 'The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law (*e*) regulating any central subjects . .' and so on. If we take the division of subjects under the Devolution Rules on page 120, under clause 16 comes civil law, including laws regarding status, property, civil rights

[The Hon'ble Mr. K. Srinivasa Ayyangar] [12th October 1921

Amendment No. 7—New clause after clause 2—cont.

and liabilities and civil procedure. I may mention that before the introduction of the Bill as it originally stood, the sanction of the Government of India was obtained. Then when the Select Committee introduced a fresh clause we again went to the Government of India and asked for sanction. If my honourable friend who was a member of the Select Committee was desirous of introducing a clause of this sort, if he had proposed it in the Select Committee, and if it had been passed, we would have asked for the sanction of the Government of India. At present we cannot take this into consideration. That is the point of order I raise."

Mr. S. SRINIVASA AYYANGAR :—"I should like to say that this is no point of order at all. It is a question whether the sanction of the Government of India or anything of the kind is necessary. The proviso to section 80-A provides 'that an Act or a provision of an Act made by a local legislature, and subsequently assented to by the Governor-General in pursuance of this Act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this Act.' 12-45 p.m.

"It is no question of order really, but it is a question of the powers of the Legislative Council, and opinions apparently differ. As far as I am concerned, I have no doubt. This Bill has received the sanction of the Governor-General as stated in the preamble. Sanction has been obtained for the introduction of a measure affecting the rights of property, and no new sanction for every detail of it is necessary. If it is said that it is necessary, once the sanction of that description has been obtained it does not at all mean that every detail, every law dealing with any rights of property should receive the sanction. It may be the practice departmentally; but I object to this kind of curtailment of the powers of the Legislative Council. When we are dealing with the Bill as it is, we are entitled according to the rules of this House to bring forward any amendments. And every word or any particular provision of it does not need the sanction of the Governor-General. The Governor-General knows perfectly well that in the course of a legislation various details are put forward and various rules already there are struck off and new ones added. A Legislative Council is not to be obstructed at each stage because a particular portion is wanting the sanction of the Governor-General; the sanction is not deemed to be such a superior thing that it is absolutely necessary. Sanction in this case has been obtained for the law of the property, and I only beg leave to introduce my amendment.

"As to section 16, page 126, it simply applies to those where any legislation relating to property of this description as between landlord and tenant should be undertaken by the Legislative Council. Here the sanction of the Governor-General has been obtained for the legislation. Then where is the need for a further sanction? My amendment proposes to confer a permanent right of occupancy on a tenant, of over thirty years' standing. This is a legislation between the landlord and tenant, and I submit that such things should be governed by the Council rules and standing orders. An amendment of this character cannot be objected to on the ground of sanction.

"Again, objection should have been taken even earlier. The amendment has been allowed and has been tabled. The Hon'ble the President has allowed it and it is not in order to say now that it is out of order."

The Hon'ble the PRESIDENT :—"With regard to the second point of the Honourable Member Mr. S. Srinivasa Ayyangar, it is of course open to any honourable member to raise the objection at any time."

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Amendment No. 7—New clause after clause 2—cont.

Mr. S. SRINIVASA AYYANGAR :—"I accept that, Sir."

The Hon'ble the PRESIDENT :—"With regard to the other point I confess I feel some difficulty. Section 80-A (3) requires the sanction of the Governor-General with regard to any law regulating a central subject. But the preamble to this Bill says that it has received such a sanction. When an amendment is brought forward which is of such a character that it goes outside the law which it proposes to amend, then it will have to be ruled out. I should like the Hon'ble the Law Member to tell me if he contends that this amendment is of such a character that it is wholly outside the purview of the legislation."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I submit this is entirely subversive of the provisions of law. This clause attempts to give a permanent right of occupancy to persons who are not entitled to it under the law. Because if they are entitled to it under the law, this Bill does not affect that right at all. This is a case where the landlord is entitled to eject or is entitled to keep his land. The amendment proposes that he shall give up his land without compensation. As I told you, Sir, the sanction of the Government of India has been obtained to a particular Bill. Of course, all ordinary amendments can be brought in; but when you are bringing up a Bill by which you say you are going to legislate for giving compensation, and if you say 'I am going to confer permanent right' on a rent which some court has to fix, I submit, Sir, it is wholly subversive of and opposed to the original Bill."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I do not know whether it is the contention of the Hon'ble the Law Member that it is the duty of the Local Government in their administrative capacity to submit all important amendments to a Bill for the further sanction of the Government of India, or whether it is that the sanction already given is not enough for this Legislative Council, sitting as a legislative body to deal with this Bill. I think the Hon'ble the Law Member should keep these two things distinct from one another. There may be limitations under which Bills should be submitted back to the Government of India, but the powers of the Legislative Council seem to be such that such matters do not require their further sanction."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"May I mention, Sir, that it is not in an administrative capacity but purely on a consideration of the Act, that I raise the objection?"

The Hon'ble the PRESIDENT :—"The question has now narrowed itself to this, whether this amendment is entirely out of the purview of the Bill that has already received the sanction of the Government of India or whether it is within the scope of the Bill as defined in the preamble, the sanction given being in that case sufficient. Reading the preamble of the Bill and the amendment together, I am unable to say that the amendment is wholly outside the scope of the Bill. I must therefore admit it."

Mr. S. SRINIVASA AYYANGAR :—"The object of the Bill being to give protection, the question is whether the provisions of the Bill already before the Council give sufficient protection to the tenants. Now, there are two provisions of the Bill which give protection. Clause 3 says 'Every tenant shall on ejectment be entitled to be paid as compensation the value of any building, etc.' Another protection which is given to the tenant is contained in clause 9 of the Bill. It says: 'Any tenant against whom a suit in ejectment has been instituted or proceeding under section 41 of the Presidency 1 p.m.

Amendment No. 7—New clause after clause 2—cont.

Small Cause Courts Act taken, may within 15 days after the service on him of summons . . . . apply to the court for an order that the landlord shall be directed to sell the land for a price to be fixed by the court.' It provides for the compulsory acquisition of the land by the tenant. In the second class of cases, the Council will notice that the provision will be useful only to those tenants who can afford to buy and will have sufficient money immediately to pay for the purchase of the land. In the first class of cases, namely, cases governed by clause 3, compensation for the value of the building may not be, in many cases, sufficient protection to the tenant. The buildings must necessarily have depreciated in course of time and the value which you put upon a superstructure, erected years ago, especially when it was kept in the same condition, must be very much less. The Bill does not allow the tenant to have compensation for the building and also compensation for the value imparted to the land by the building being erected upon it, in which case there may be sufficient protection. But he is to get compensation only for the buildings, and in the majority of cases, buildings over 30 years old. Such compensation will, in the very nature of things, be of a very negligible character, and I submit it is not a sufficient protection.

"Now, the amendment proposed by me confers this right of permanent occupancy only in a very limited class of cases. Buildings must have been erected prior to 1st January 1891, that is, they must have been in possession for 30 years. It does not purport to confer any right of occupancy in respect of buildings erected five, ten or fifteen years ago. Thirty years is a reasonable period for the purpose of deciding whether permanent occupancy rights should be conferred on buildings. The second point is that this permanent right of occupancy is not sought to be conferred on the tenant while depriving the landlord of a reasonable augmentation of rent which he may be entitled to owing to rise in prices and increase of rental which in course of time may come to him. Because the amendment says: the tenant 'shall be liable to pay such rent as may from time to time be determined.' By whom? Not by himself, but by the Presidency Small Cause Court. The machinery for fixing the price and for determining the reasonable period is mentioned in clause 9. We know in many cases such rights are fixed by courts, as in Estates Land Act. It may be stated that the principles as to how this rent should be fixed are not stated in detail in this amendment. But these will be governed by the rules which may be prescribed by the Government in this behalf. Therefore the motion is complete in itself. It does the least possible injustice to the landlords. It gives protection to that limited class of tenants who require the minimum protection, and does not prevent the landlord from enhancing the rent. At the same time, it gives the tenant protection that the enhancement shall be controlled by the court, so as to regulate the relationship between landlord and tenant in such cases. Clauses 3 and 9 apply only in a few cases; they will not cover all the cases. Therefore if the Council is really of opinion that in such cases the protection is not adequate and a protection of the character which I have indicated is necessary and only what may be reasonably required by the tenants in the City of Madras, they should vote in favour of this amendment.

Diwan Bahadur M. KRISHNAN NAYAR:—"I second this amendment with considerable pleasure. As has been pointed out, protection is given to the tenant in this Bill in two ways, that is, by payment at the time of eviction of the value of the buildings, and secondly by giving him the option of purchasing the property by paying the value to the landlord. These two cases, I submit, Sir, will not afford adequate and complete protection to all tenants. This amendment seeks to

Amendment No. 7—New clause after clause 2—cont.

give the right of occupancy to tenants who had been in occupation of the land for more than 30 years. If a landlord allows his tenant to erect buildings on his land and to be in occupation of it for the period of a generation or 30 years, there is no reason why all on a sudden he should be allowed to cause considerable hardship to the tenant by compelling him to leave his land on receiving payment of compensation or by compelling him to pay the value of the land which he may not be able to do. The chances are that in the course of a generation, children and sometimes even grandchildren are born to these tenants. The children are born in that particular house, the grandchildren are born in that particular house; and all on a sudden, one fine morning, though the tenant and his children have been in occupation of that building for more than 30 years, the landlord wants him to go out on receiving barely the value of the superstructure or compels him to pay the value of the land. I think it is too unreasonable that the landlord should be allowed to do so. The amendment seeks to protect the interests of the landlords as well. Of course it would be extremely unfair to him if he were to part with his property for nothing. According to this amendment, at the time the tenant acquires the right of permanent occupancy, the landlord continues to have the benefits which he was deriving from the land till then, viz., the right of receiving rent, and, in addition, he also acquires the right of getting a higher rent as adjudged by the Presidency Small Cause Court. There is also the protection of rules to be prescribed by Government in favour of the landlord. So that, there are these two safeguards before the acquisition of the permanent right of occupancy by the tenant. I dare say the Government when prescribing the rules will take into consideration the hardship that may possibly befall the landlord, and it is in accordance with those rules that the Presidency Small Cause Court will fix the enhanced rent to be paid by the tenant. When a man has been in possession of land for more than a generation, considering that as his own property for all practical purposes, there is no reason why he should be disturbed all on a sudden or compelled to do something which he is not able to do."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I very much regret that I have to oppose this. Social legislation of this sort is very attractive indeed. But we have to consider the opposite point of view, whether any justification has been shown for interfering with the proprietary right of the landlords in Madras. I doubt not my honourable friend Mr. Krishnan Nayar has his own axe to grind. He heartily supports this motion because he wants to have it extended to Malabar kanam tenants. The introduction of this motion at this stage is a matter for grave consideration. I for one am strongly against, in that opportunity has not been given to persons who will be vitally affected to state their views. There is enough protection in the Bill as it is. I want the House to compare the present position under the law of these persons and the rights we are now conferring under the Bill. At present, as I understand the law, the tenants will have to quit their holding, take away, if desired, the superstructure and leave the land vacant for the benefit of the landlord. Years ago, a particular piece of land in a particular part of Madras might have been fit for occupation only by very poor classes of people. In course of time that land may have become extremely valuable. There may exist, in the midst of large plots, one or two huts belonging to lower classes of people, and if you give them occupancy right, you may be greatly injuring the landlord. Even from a public point of view, when the City Improvement Trust gets control, such a provision would be dangerous. At any rate, it requires very

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Amendment No. 7—New clause after clause 2—cont.

much more consideration than what the House can give to it, than what the outside public has given, than what the landlord vitally interested in the matter has been allowed to give it. With all these grave considerations, I say that if this principle be accepted it will lead to complications and endless difficulties. I for one am strongly opposed to the conferring of this gratuitous charity upon the tenants. I ask the House to deeply consider whether any justification has been shown for this drastic innovation. As it is, we have taken some drastic steps. We have introduced a clause when the Bill was in the Select Committee for the benefit of the poorer classes of tenants whose buildings may not be valuable, for whom compensation can only be in very small sums, allowing them to purchase the small bit of land on which their house is built. This amendment goes far, far beyond what it is possible for this House to go in that, a very much larger consideration of the question. Therefore I very strongly oppose the introduction of this forfeiture of the valuable rights of the landlord in favour of the tenant merely out of sympathy to the poorer classes."

Rai Bahadur T. M. NARASIMHACHARLU :—" Mr. President, I am sorry I have to oppose this amendment. In bringing this amendment I submit we are going a little out of the way. We forgot the occasion under which there was necessity to bring in this Bill. The occasion was that a number of persons were asked to go out of their land without any relief and in order to give them relief this Bill has been brought in. And the reliefs are amply provided for in clauses 3 and 9 of this Bill. I think, Sir, that though this amendment is ruled by you as coming within the preamble of the Bill, still I think it will be going out of the way to bring in the question of permanent occupancy rights, a right which the persons for whom this Bill is intended, the persons themselves never asked for. I therefore think, Sir, that it is quite out of place or rather quite unnecessary to give this gratuitous relief to the persons for whom this Bill is intended."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I have great pleasure in opposing this amendment. I will quote only one reason and it is this : that this clause is likely to increase litigation to any extent. In these days we want litigation to go down. This clause, if it is accepted as it is, will increase it to great extent and there will probably be excuses for increasing the Judges of the Small Causes Court. For, the amendment says that from time to time the rent may be varied. That means every month perhaps the tenant may put in a petition to reduce the rent and every next month the landlord may put in another petition to increase the rent. We have heard, of course in criminal courts, of convicting and acquitting judges. We may have perhaps in this country landlords' judges and tenants' judges, and if one judge is inclined to favour the landlord, then all the landlords will come in and put petition after petition for enhancing the rent. For, unfortunately, whereas there is some finality in the criminal courts for acquittal or conviction, there is absolutely no finality for enhancing or decreasing the rent. Therefore, from the point of view that we should avoid litigation as much as possible, it is very desirable that this amendment should not be accepted. 1-15 p.m.

" Secondly, it has been admitted, I think, by all people that this is a very important amendment affecting the question almost going to the root itself, and I think, apart from questions of points of order and other things, it is but fair that both the landlords and tenants should be given an opportunity of discussing such an amendment as this, which is a very important one, and as it has not been

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Amendment No. 7—New clause after clause 2—cont.

brought before the Select Committee, it will be very unfair to pass this amendment without giving any opportunity at all for the public at large.

" From the tenants' point of view also, some people seem to think that it is very much in favour of tenants. But, I would say, on behalf of the poor tenant, that this clause would work a great hardship on him also. For, a tenant may have to face a suit against a rich landlord. When there is no finality of rent at all, almost every month, or every quarter, or half-year, a landlord may like to file petition after petition, though not in the hope of succeeding, but at least with the idea of ruining his tenant by way of litigation so that he may purchase the right of the tenant. So, Sir, from every point of view, I do not think it is fair for us here to carry this amendment, and therefore I oppose it."

Rao Bahadur T. NAMBERUMAL CHETTIYAR :—" Sir, there seems to be a general opinion that the landlord should always be attacked and he is often depicted as a greedy and covetous individual. Mr. Krishnan Nayar observed that it would be indeed a very great hardship for the tenants to be evicted after thirty years' occupancy. Similarly, it would be a great hardship on the landlord who after waiting for several years and after getting only a very small percentage on his property, and after it rises in value, and when there is an opportunity for him to get better value for the land, that he should be deprived of his right of ownership. The landlord like any other business man has a right to put up his land for sale like any other commodity. The price of land rises or falls ; and by introducing this amendment, the freedom of the landlord to utilize the land to the best advantage is curtailed. I, therefore, oppose this amendment."

Mr. K. GOPALAKRISHNAYYA :—" Sir, I rise to oppose the amendment. I observe that there is a tendency on the part of the members who supported this amendment that they should draw an analogy between this amendment and the corresponding clause in the Estates Land Act. They are quite distinct. Because, the amendment here seeks to confer occupancy right upon people who are in occupation of certain lands in the City of Madras. There they relate to certain tenants who produce wealth and for whom in order to produce more wealth the legislation was intended. I think there the occupancy right is conferred so that the tenants may be more free in the use of land and that they may produce more wealth. But here, if this amendment were to be accepted, there may be certain cases where even very poor tenants who have not devoted any attention to the improvement of the land, but only by occupying it for some period, or by merely raising a shed or a mud wall in the compound of a landlord, become owners of lands. It is very dangerous to confer this occupancy right upon people of that sort. It may be applicable to some extraordinary cases where there may be a substantial improvement for which provision is made in the Bill in other clauses by way of compensating such a tenant who has materially improved the landlord's land. While there are certain measures in the Bill for affording relief to such tenants, it is very dangerous to introduce this sort of relief in favour of persons who occupy the land.

" In regard to the question that there will be unnecessary litigation, I certainly think that there will be a tendency for the occupant not only to put in petitions, but also to claim to have been in possession of the land not only from 1891, as the honourable mover's amendment suggests, but even prior to that period. There will thus be a tendency for endless litigation. For these reasons, I oppose the amendment."

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Amendment No. 7—New clause after clause 2—cont.

Mr. S. SOMASUNDARAM PILLAI:—"Mr. President, I rise to support the amendment. For it is always the case that the owner of a piece of land is unwilling to part with it. Generally, long periods of occupation confer a sort of right to the occupants. But the reasons adduced by honourable members for opposing this amendment are not sound. One honourable member said that litigation would be multiplied if this is allowed. But reducing the number of lawyers is the only way of reducing litigation (laughter). Another honourable member said these landlords were not like the other landlords under the Estates Land Act. I say 'No.' What is asked by this is more benefit to the tenant. The tenant, who is watching the land by not allowing it to be overgrown with prickly-pear, and who by living on it for a long time has made it attractive for other people and made it more valuable, ought certainly to have a right for the land. So it is very reasonable, and I think it is common-sense law, though it is not any other law. It is very desirable that we should give this right to one who has been in occupation of the land for such a long time as thirty years. In the case of adverse possession of others' land, twelve years are sufficient to deprive the landlord of his right. In this can thirty years' permissive possession aim at giving a certain right to the tenant, why not? So, I think this amendment is very reasonable and sensible. One eminent judge remarked: 'But for these legal quibbles, much miscarriage of justice will be avoided.' Very often legal quibbles are brought in by judges who are not well disposed towards any party and they find out some technical flaws. So, with these few words, I strongly support this."

Mr. T. ARUMAINATHA PILLAI:—"I rise to support the motion now before the House. For the Hon'ble the Law Member set forth only one point of view, namely, the landlord's point of view. If I may interpret him, his meaning is this. He said that the land belonged to the landlord and he gave it to the tenant to build a house thereupon. Is it not mere confiscation or the height of impertinence—as he perhaps thinks it—to ask the landlord to give up the land because the tenant has been there for the last thirty years? So, Sir, that is only one point of view. I would ask the Hon'ble the Law Member and all the other honourable members here who opposed the amendment to consider the other point of view. Thirty or forty years ago when these lands were handed over to the tenants for being built upon, what was the state of the lands then? If any one would look into the history of the Madras City, he would see that most of those lands upon which others have built houses or buildings were simply marshy tracts. For instance, Narayangadu paracheri was only a marshy plot. Only this morning, Sir, some people from Apparswami Kovil Street came and told me that all those lands they were occupying were low-lying marshy tracts, and they brought records to prove their statements. So, Sir, when these lands were handed over to the tenant for being built upon, the tenant worked upon the land, invested his money, invested his energy, labour and brain, invested his skill and raised it to the position of a building site which it is now. If the landlord coolly comes forward and says 'This site is mine; please hand it over to me,' the answer to it should be 'This building site is not yours, please; the site which you gave me was a low-lying site. That is the site which belonged to you and not the present building site.' That is the view which the Hon'ble the Law Member ought to take and he should go thirty years back and see what was the relation between the landlord and the tenant then. If he would go thirty years back, he will find that justice should be done to the tenant. For this reason, I will put this illustration

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Amendment No. 7—New clause after clause 2—cont.

before the House. We are all aware of what is called a 'working partnership'. If a man invests his money and starts a business, and if another man comes forward to run the business who uses his brain, energy and skill, the former is called capitalist partner and the latter the working partner. Now, after the business has become very profitable, would it be right, or would the Hon'ble the Law Member or anybody else allow the capitalist partner to come forward and say 'It is my money that purchased all this business; it is because of my money that you have had so much profit is got; please give it, Sir'? Would it be right on the part of any man here or the outside public, as the Hon'ble the Law Member put it, to say that apart from law the other partner has no interest in the business? In the very same light I will put this motion. The tenant has increased the value of the land and therefore has acquired a sort of interest in it. No landlord has come forward with the statement that when these lands were let to be built upon, they were the same as the present sites. Take house gardens, or take any of the other lands. Do the landlords of these lands say, or does the Hon'ble the Law Member say, that the present improvement of the land is not due to the tenant? When that is not so, it is not right to say that the tenant should be deprived entirely of the benefit which he has conferred on the land. Should not the tenant say to the landlord, 'Oh yes, you take the land paying me the present market value of the land, for all the improvement has been due to my own labour'? This amendment is for giving some concession to the tenant. What is the concession which the Hon'ble the Law Member gives to the tenant? There is no concession, Sir. He has gone further and said that to give permanent occupancy right to the tenant is preposterous. The amendment moved by my honourable friend Mr. S. Srinivasa Ayyangar is a very important one, and I have got similar amendments to move, and if you will allow me, Sir, to speak on those amendments also, I will do so at once."

The Hon'ble the PRESIDENT:—"The honourable member should do no such thing, but should confine himself to the amendment before the House."

Mr. T. ARUMAINATHA PILLAI (*continuing*):—"So far as the amendment by Mr. Srinivasa Ayyangar is concerned, my friend Mr. Venkataramana Ayyangar took objection pointing out that because it contains the words 'may from time to time,' therefore, to-day the law might give the tenant some concession, and to-morrow a landlord judge might give a concession to the landlord. I am afraid my friend Mr. Venkataramana Ayyangar has not really studied the amendment. It says 'as may from time to time be determind by the Presidency Small Cause Court in accordance with rules that may be prescribed by the Government.' If the Government department, presided over by an erudite Law Member, is going to pass such a set of rules as to say 'To-day you come in and to-morrow you go out,' thus increasing the whole litigation, then I say, Sir, that I am not envious of the opinion of Mr. Venkataramana Ayyangar with regard to the Government. I submit, Sir, it is a very good amendment. It restricts the case to one of thirty years' tenancy, and it also says that, so far as the rent is concerned, let not the landlord lose. The amendment suggests that the Government should also prescribe rules according to which the landlord's interest in the land may be protected, and therefore I submit, Sir, that this amendment is a very essential thing. I am afraid the Hon'ble the Law Member—if I may respectfully submit, Sir,—has led the whole discussion into an unexpected channel by raising the bogey of the ryotwari land tenants claiming some of these things, or by creating a laugh against my frien-

1-30 p.m.

Amendment No. 7—New clause after clause 2—cont.

Mr. Krishnan Nayar on account of his *kanam* tenants creating permanent occupancy rights. So far as the ryotwari tenants and others are concerned, their case is quite different, because the ryotwari tenants do not do anything for the land. Those tenants do not improve the lands, and if they are nanjai lands, they remain as nanjai lands, and if they are punjai lands, they are punjai lands only. They do not convert one class of land into another and, if they do, the Government get all the taxes, etc., from them. So far as these people are concerned, every year they get their profit and their living out of it. Therefore there is no harm either in the ryotwari tenants or in the other *kanam* tenants being refused a permanent occupancy right. But here, in the case of this man, he raised the level of the land, built his house upon it and then after a long possession he is asked to vacate simply because at the time the first tenant was put in, there was no specific agreement that he ought not to be ejected. The landlord now comes forward and says 'You go out.' I would put it to the House, Sir, whether it is right or proper to do that. Again, I ask the House, Sir, to consider this question. At the time the land was let, is it possible to imagine that a tenant however ignorant would build a pakka building on the land on such a precarious tenure liable to be ejected with a fifteen days' notice? Was the tenant such a fool; or was the landlord who gave him the land to build on such a knave, Sir, as to say: 'All right, you go on with your building; I will eject you'? Could it have been the intention at that time that these people should go out? Naturally, when a man puts up a structure upon another man's land without the permission of the landowner, it is quite right for the landlord to say 'You have put up your building upon my land without my permission; therefore clear out.' But having allowed him permission to build, and after he has built a costly structure upon it, after he has spent a lot of money upon it, and has for a number of years been in possession of it, after the land has passed from son to son for generations as hereditary land, after it has been enjoyed as an absolute right, after all this, what is the meaning of saying that it is only a temporary tenancy? If all this cannot be of avail to confer a permanent occupancy right, God alone knows, Sir, what else would amount to it. Under these circumstances, would it be right, or would it be equitable, to ask this man to clear out now? So, I support this amendment."

Mr. SAIYID MUHAMMAD BADSHA SAHIB:—"Sir, even after hearing all the adverse criticisms which this amendment has raised up, I feel I have no objection whatever to this amendment. The first objection taken was that it would give rise to an endless source of unnecessary litigation. To this I would reply that all these consequences can be averted only if the rules that are prescribed under the amendment are so distinct as to ward them off. If the period is prescribed during which only one suit can be brought, there will not be such frequency of litigation as is apprehended. The Hon'ble the Law Member has asked 'Why should we deprive the landlord of his proprietary rights.' The answer to that question, Sir, is, what justification was there for the framers of this Bill to deprive the landlord of his proprietary right by asking him to accept a price for the land from the tenant. Well, Sir, when you are prepared to make the landlord forfeit his proprietary right by accepting a price put upon it by some court and which the tenant is prepared to pay, I believe you are perfectly justified if you go further and say that the law in such extreme cases will compel the landlord to accept a fair rent for the land which is occupied by a tenant who has been long in occupation of the site.

Amendment No. 7—New clause after clause 2—cont.

"One word more, Sir, and I have done. The Bill as it is framed has got to carry out the spirit of the preamble and if the preamble has to be justified, we have got to provide this remedy also."

Mr. T. SIVASANKARAM PILLAI:—"Sir, this piece of legislation is a bit socialistic in nature. The preamble is that we ought to give protection to the tenants. The normal condition of a tenant is that he is poor. It is assumed that in this Bill the landlord is expected to make some sacrifice. The protection is provided for in two ways in the Bill. One is by section 3 by making the landlord pay the compensation to the tenant when he is ejected. There is another in section 9 which says that the landlord may be compelled to sell his land to the tenant if he is willing. Now I wish to place myself in the position of a tenant in Madras who is about to be evicted. He is poor; we have to assume that. He must find money equivalent to the price of the land that he wants to retain, or he must be able to find another house for the price that he is going to get for the improvements he made on the land out of which he is to be evicted. Now is this possible under the present circumstances? That is practically driving him away from Madras, from all that is dear to him and from all that belonged to him for over 30 years. Now the one clause or the one sentence which I would call the attention of the House to is that it only applies to tenants who have been in those premises for over thirty years. It does not require a great stretch of imagination to see what amount of hardship and inconvenience it causes to one who has been living there for many years with family and children to have to be suddenly turned out. My submission is that the two methods of protection that are sought to be provided by this Act are not at all sufficient and this amendment is merely intended to supplement those. The protection thus afforded is substantial and the landlord is not made to suffer, because he is going to have his rent fixed by the Presidency Small Cause Court on both parties being heard. With these remarks, I would support this amendment."

Mr. A. RAMASWAMI MUDALIYAR:—Sir, I rise to oppose the motion that has been made by my friend Mr. Srinivasa Ayyangar. I think we may take it that this piece of legislation is to a certain extent socialistic in its nature, but I think the amendment that has been proposed by my friend makes it frankly and rankly socialistic. Now, Sir, in considering this question of landlord and tenant, though we are prepared to extend a certain amount of sympathy to the tenant, I think we are equally to take into consideration the position of the landlord. My friend Mr. Arumainatha Pillai cited the example of the working partner and the capitalistic partner. I would take his own example and show how the proposition that has been put forward by my honourable and learned friend, the member for the University, works out on that principle. If you put money into a business, you are the capitalistic partner, and your friend who works the business is the working partner. He makes profit out of the business, develops the business and makes it a big business, and after a certain number of years comes and says: 'Here is the money which you have put into the business; take it back and leave all the rest to me.' That is frankly the position which the tenant is given by the amendment which has been moved by Mr. Srinivasa Ayyangar. He says he has come into the building, he has erected a structure, he has developed it and improved it and he will have a permanent right of occupancy over the land subject to a modicum of rent which we know is totally inadequate in these days. Sir, a very harrowing picture has been drawn of the tenant in

[Mr. A. Ramaswami Mudaliyar] [12th October 1921

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1·45 p.m. Narayangadu paracheri in particular, of how he developed the land, how he drained the marshy places and made them enjoyable, beautiful to live in. I have myself been in that paracheri and I must say that the picture is a little overdrawn. But granting that it is true and that a new elysium has been created in the paracheri by the brains, muscle and all the rest of all the tenants taken together, I do submit that even in that elysium a little nook or corner ought to be reserved for the landlord. Just consider for a moment the opposite point of view. You give the tenant the right of permanent occupancy. How does it work out? Under the Bill, the landlord can buy out tenant. Under the Bill as proposed, the tenant can buy out the landlord. You come to an intermediate position where there is no buying either by the landlord or by the tenant and the landlord is forced to give a right of permanent occupancy. We have had the anomalous position of a permanent right of occupancy under the Madras Estates Land Act. Hitherto this right has not been extended to residential quarters. It is a principle of which I certainly have not heard in any other country, the right of permanent occupancy in residential quarters. I am aware that during the emergency legislation created by the war in England, in London and in certain other places for a fixed time a sort of permanent right of occupancy was said to be created with respect to residential quarters. Barring that, I am not aware that in any civilized country an occupancy right has been granted for residential purposes. It amounts to say that by an Act of the legislature the relationship of the landlord and tenant is sought to be perpetuated for all time to come. It is certainly a most embarrassing position to the landlord and to the tenant as well. Then again, Sir, where does this question of a permanent right of occupancy come in? It means to say that a rent no doubt decided by the Court of Small Causes ought to be fixed which the tenant should pay to the landlord, but the tenant is at any time at liberty to transfer his permanent right of occupancy to any other person. Even under the amendment made by Mr. S. Srinivasa Ayyangar that right of transfer or sale is given to the tenant. How does it work out then? Land which in 1891 was perhaps worth about Rs. 25 a ground may be to-day worth about Rs. 2,500. The permanent right of occupancy will certainly carry with it the benefit of the enhanced value of the land. That is to say, the tenant in transferring his permanent right will get the benefit of the enhanced value and the landlord will merely get the 25 rupees value which obtained in 1891 in the shape of rent. This harrowing picture of the tenant who has, clung to this plot of ground and who has had such a holy interest in it, who has, as some honourable member has said, had his children and grandchildren brought upon it, that tenant may after all be not so much interested, so much attached to this piece of land and may after all sell it to some other person only if he benefits materially by the increased value of the land. You thereby deprive the landlord of the benefit. The tenant may occupy the land but the landlord is bound to keep that land as a rented land for the benefit of this tenant. That is certainly a most unfair position and though the House may have sympathies with the poor tenant, I do think that it must have some consideration also for the landlord. I therefore oppose this motion."

The Council adjourned for lunch at 2 p.m. and reassembled at 2-30 p.m.

2-30 p.m. Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, this amendment has been proposed with a view to confer occupancy rights on persons who have been holding lands or erected buildings prior to 1st January 1891. I feel very great difficulty, Sir, in voting for this amendment.

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Amendment No. 7—New clause after clause 2—cont.

In the first place, I must say that it is extremely unfortunate that this question, whether occupancy rights should or should not be conceded to these tenants, was not examined in the Select Committee. Unfortunately the reasons for which this proposition was not considered are not known and we have heard the statement of the Hon'ble the Law Member who was in charge of the Bill that no opportunity was given to those who were affected to put forward their views. Unless we have more definite information as to the extent to which property rights would be affected in this city, the extent to which occupancy rights would be conferred on tenants, and the extent to which the tenants would become owners, I for one am not prepared to vote for this amendment. After all we have to remember that any legislation that may be passed by this Council will be tested in the courts of law. I fully recognize that this legislation was introduced with a view to meet an emergency which has arisen by the conduct of the landlords who wanted to drive out persons who have been living on their premises from time immemorial. The way in which the Bill has proposed to deal with the situation is to confer the right on the tenants to purchase the right of the landlord under section 9 of the Act. It has been pointed out by my honourable friend Mr. T. Arumainatham Pillai and others who followed him that the tenants may not be in a position and in many cases are not in a position to pay the price. The question is whether, simply because they are not in a position to pay the purchase money, we should commit ourselves to a proposition like this by conferring occupancy rights on them without definite information as to the extent to which the people will be affected and without giving to the landlords the required opportunity to urge their views before the Select Committee or before this Council. Apart from it, Sir, there is also a question of principle involved in this amendment. It must be remembered that this amendment relates to urban land and it is quite likely that, if this amendment is accepted, questions similar to this might arise in other towns and I do not know whether without further consideration this Council will be justified in adopting this measure and in conferring occupancy rights on the tenants in urban areas and in municipalities.

"Well, the amendment so far as it goes says that every person prior to 1st January 1891 should get this occupancy right and I take it that this amendment will also cover cases of persons who have been in possession under express leases to vacate. There is no exception to this amendment excepting this case also from its operation. I am certain, Sir, that what has happened with regard to the Estates Land Act when it was passed into law will also take place if this amendment is accepted. There will be a scramble by both parties, by one to assert that he has been in possession prior to 1st January 1891 and by the other to say that he has not been similarly in possession. That is what happened as soon as the Estates Land Act was passed into law. A large number of persons began to assert that they were the persons in possession on the particular date mentioned in the Act. My honourable friend Mr. T. Arumainatham Pillai said that these persons might themselves have lent money to the landlords and if they have done so I think there are provisions in the Act to compensate them. Without further information on the general principles involved in this Bill, I do not see how we shall be justified in voting for this amendment. It seems to me, Sir, that neither the landlord nor the tenant is responsible for the general improvement that has come about in the value of most of the house sites in the City of Madras. It is due to the social amenities which followed in the wake of municipal administration and I do not think that either party can claim the value of the improvement. It is

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an unearned increment which ought to go to the State. I therefore find extreme difficulty in accepting this position mentioned in the resolution. I think further legislation should be brought forward to give definiteness to the Bill; but so far as I can see at present without further information, I am not prepared to commit myself to this."

Mr. S. T. SHANMUKHAM PILLAI:—"Mr. President, in connexion with the amendment now under discussion, I wish to press on the attention of this Council one matter of vital importance. As explained by my honourable friend Mr. Gopalakrishnayya, there is no analogy between the landlord and tenant in respect of the land dealt with in the present Bill and the landlord and the tenant under the Estates Land Act. The land dealt with in the Estates Land Act is a *ryoti* land. The landlord is not the owner possessing the saleable right or interest in the land."

The Hon'ble the PRESIDENT:—"Do I understand the honourable member to question my ruling?"

Mr. S. T. SHANMUKHAM PILLAI *(continuing)*:—"No, I do not.

"Even though the landlord purchases at a rent sale, he cannot dispose of it as a private property. The occupant of the land whether or not he possesses a permanent occupancy right is liable to pay rent to the landlord. The land referred to in the Bill is a private property of the landlord. He owns saleable right and interest in the land. It is a valuable property. The landlord can eject the tenant on payment of compensation for the improvements the latter has carried out and he would then retain it in his possession or sell it for a very high price. If the tenant wishes to retain the land for himself, he shall have to pay to the landlord the compensation or rather the price fixed for it, in which case the tenant becomes the owner and shall no longer pay rent to the landlord. The amendment proposed is inconsistent and unreasonable. So the course proposed in the Bill for the tenant to surrender or purchase the land is more beneficial both to the tenant and landlord than the amendment which proposes to bestow permanent occupancy right on the tenant and to continue him on the land liable to pay the rent to the landlord. I therefore oppose the amendment."

Mr. G. VANDANAM:—"Mr. President, when the Bill was read in the House, many people were under the impression that it was a Bill intended to protect, not the tenant but the landlord. Evidently this amendment is brought forward to help the tenant, so that the tenant who invests some money and devotes some labour and thought to improve it might get some benefit out of this. I really thought that to justify the title that had been given to this Bill the Hon'ble the Law Member would willingly accept the amendment instead of opposing it so vehemently; but in a way one thing is certain in this, that is, the tenant ought to be protected though not entirely at the expense of the landlord. The landlord has been getting an equitable rent fixed by the court and guided by the rules framed by the Government and there is no fear that the landlord is going to lose much in his rent. The Government can take care and the people interested in the landlord can take care to see that the rules prescribed are such as would not entirely take away the return that the landlord ought to get. But at the same time the tenant must be benefited because he is staying there for so long a time and had some interest in the improvement of the land.

"It was contended that this would increase litigation. I cannot see how it will increase litigation. If there is any litigation, it will be only in the first year.

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All those cases can be covered by certain rules. Even if there are such cases they can very well be disposed of in the very first year. Therefore the fact that this would create endless litigation is not true.

"Somebody said that it is not done in other countries. If the right of permanent occupancy is not given in other countries, that is no reason why it ought not to be tried in this country. It seems to me that it is exactly the reason why we should confer this right of permanent occupancy and thus set an example for the whole world showing that we are in favour of the tenant not unjustly but equitably.

"Then again it was said that the rents fixed would be inadequate. What makes us think that the rent fixed by the court would be inadequate? There is the public opinion, there is the precedent and there are the market rates to go by. If all these things are taken into consideration, there is no fear that the rent fixed on behalf of the landlord would be inadequate. Thus by accepting this amendment, we are only justifying the title given to this Bill, and are giving real protection that the tenant needs. If this is not conceded, the landlord would have all the protection and the tenant would only have our sympathy. The substance goes to the landlord and only the shadow remains to the tenant if this amendment is not accepted. Therefore to justify the title and to help the few cases that come up, this amendment ought to be accepted. In the city itself there would not be many cases and even if there are it would not be difficult to dispose them of equitably. I have therefore great pleasure in supporting this amendment."

Mr. K. V. RAMACHARI:—"Mr. President, I rise to oppose this amendment. Ample provision has already been made for the protection of the tenants in the Act. I find from the discussions that preceded that sympathy is allowed to play a great part in the deliberations on this matter. But I submit that justice ought to be the guide and not sympathy. Sympathy in these matters may be allowed to be exercised by individual landlords according to their free will and pleasure.

"Now, taking this question into consideration, I should think that it will work a very great hardship upon the poor landlords if this amendment is accepted. Generally these cases arise in respect of lands lying on the outskirts of the cities. When the landowners invested their money which could have been otherwise better invested, they did so in the hope that after the lapse of some years they would get better prices or they might get better returns for the money invested. Naturally we find that in course of time lands of this description rise in importance and value and when the landlords had invested in the expectation of getting such benefits it would be unjust on our part to prevent them from enjoying these benefits.

2-45 p.m.

"After all we should say that in such cases the tenants also enjoyed their benefit by the occupation of these lands. If such lands had not been allowed to be available to them, they should have been put to the necessity of living in some part of the heart of the town and they would have been compelled to pay higher rents and not to enjoy the same amount of comforts as they did in these cases. As a matter of fact, the landlords were not enjoying as much benefit as they should on their investments and they gave it up on account of the fact that they hoped to get better return on a subsequent day. So, as a matter of justice, we in this House should be guided in its deliberations not by feelings of sympathy but by justice. I hope the whole House will unanimously reject this amendment."

[Mr. A. S. Krishna Rao Pantulu] [12th October 1921

Amendment No. 7—New clause after clause 2—cont.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I hope that an impression will not get abroad that those who support this amendment are specially interested in guarding the interests of the tenants or that those who oppose this amendment are against the interests of the tenants. I agree with Mr. Arumainatham Pillai in stating that we should look into the question from the standpoint of the tenants and their interests. The very fact that at the last meeting of the Council we unanimously gave our assent to this measure, which is of an exceptional character, is proof positive, if proof were needed, that this Council is ready to do all that is proper and reasonable in the interests of the tenants. There was not one dissentient voice raised in giving them facilities and affording them protection. When the Bill was first introduced, it was provided that provision should be made for payment of compensation in the case of those who had constructed buildings. When that Bill was considered in the Select Committee, they went a step further and provided that the tenant should have an opportunity of purchasing the landlords' rights. Neither at the time when the Bill was introduced nor during the progress of the Bill in the Select Committee was the question of occupancy rights treated as one of the objects of the Bill. I quite agree that technically the question under consideration comes within the scope of the Bill. But it goes far beyond the objects the Bill had in view. Though it is open to the Council to discuss it, honourable members should realize that the amendment goes far beyond the object of the Bill. In this state of affairs and even in the interests of the tenants, this departure at the present juncture is inadvisable. Sir, I am one who believes that in the interests of the tenants, we must aim at a proper and good understanding between the landlords and the tenants. Legislative measures enacted for the purpose of granting occupancy rights, as it is proposed to do in this amendment, should be with the consent and the willing co-operation of both the parties. Without the consent and the willing co-operation of the landlords, such legislative measures are not likely to really benefit the people for whom they are intended. If these measures are brought forward with the consent of the persons whom it is proposed to affect or if there had been some mutual understanding between them, then they will serve far more beneficial purposes than otherwise. It might be that if this Council should during this session assent to amendments without the consent of the landlords, a serious friction might be created between the landlords and the tenants, which I am sure will not be in the interests of the tenants themselves. For these reasons, I oppose the amendment."

Mr. S. SRINIVASA AYYANGAR :—" Mr. President, discussion has travelled over a wide ground whereas the amendment proposed is quite specific. I made it clear in bringing the first amendment which was accepted that there was no special partiality in favour of the tenants because the amendment accepted was in favour of the landlords. In passing that amendment the House has committed itself to this position of restricting the Bill to cases of buildings erected in the hope that the tenants would not be evicted so long as they paid a fair rent for the land. I thought it followed as a matter of course that you must give effect to the hope that they will not be evicted so long as they paid a fair rent for the land. The principle was accepted when that amendment was accepted. My amendment does not propose to do anything other than what is contained in the preamble and section of the Act. Now it was suggested that this is a matter of social legislation. It is a mere matter of justice. Courts have differed as to the application of the principle of estoppel and how far estoppel has to be administered. One has never

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heard of that as being regarded as social legislation. Therefore so long as the tenant paid the rent for building the house on the land it is a matter of common equity, a well-known equity, that he should be entitled to a grant of permanent tenancy. There is no question of social legislation in this matter. I am not socialistic and I cannot agree to a socialistic legislation of that description. The next question alluded to was that this amendment would give rise to endless litigation. Mr. C. V. Venkataramana Ayyangar said that the rules can determine the principles upon which the land can be disposed of by the courts. On the other hand this amendment is for the purpose of minimising legislation and not for the purpose of maximising legislation. That was the most formidable argument, but Mr. Krishna Rao stated that I was going beyond the scope of the previous discussion. The question of permanent occupancy right was raised by a few members of this House including myself most clearly when the Bill was introduced."

Rao Bahadur A. S. KRISHNA RAO PANTULU (*interrupting*) :—" May I say a word of explanation, Sir? I stated that the amendment goes beyond the object of the Bill, and not what Mr. S. Srinivasa Ayyangar stated. The Hon'ble the Law Member was responsible for introducing the Bill and I was not referring to the statements made by individual members."

Mr. S. SRINIVASA AYYANGAR (*continuing*) :—" Mr. President, I do not think the Council is bound by what the Law Member has stated. I respectfully and emphatically differ. This question was discussed in papers, discussed by various persons concerned in the various meetings at Madras and they said that the Bill was insufficient and representations were made to the Law Member and others that they did want permanent occupancy rights. Mr. Ramachandra Rao referred as to where this question was raised. I myself raised it in the Council on the last occasion."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*interrupting*) :—" May I offer a word of explanation, Sir? What I stated was that it was not considered in the Select Committee. I never said as to what happened at a preliminary stage of the Bill."

Mr. S. SRINIVASA AYYANGAR (*continuing*) :—" The whole Bill was pushed through in one single meeting of the Select Committee. Members of the Select Committee cannot always attend all meetings and it is only at one meeting that the whole Bill was pushed through, in the Select Committee. If the question is a general question of public importance it is bound to rise at this stage. After all it is a question of mere technicality. We are dealing here with the broad question of permanent occupancy right. I said that this Bill was most inadequate in that respect and that it should provide for certain class of cases. People have assembled in large numbers, passed resolutions at public meetings and they demanded this both before and after the Select Committee met. After all the real question is whether we cannot come to some satisfactory solution of the present question. We can, because the Bill intends to provide relief for poor tenants. The Bill is confined merely to the poor tenants who have raised superstructures upon these lands in the hope that they would not be evicted so long as they paid a fair rent for the land. I thought it was common justice that I was entitled to demand that the hope that was raised in their minds should be materialized and that they should not be turned out of the land merely by being said that they are at liberty to clear the lands. How many will pay the reasonable price fixed by courts? When they find

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difficulty in paying the enhanced rents they are ejected by the landlords and therefore this Bill is brought to protect them. To imagine that they would be able to pay a lump sum to purchase the land is a thing which baffles my comprehension. Then as regards clause 3, I think the compensation provided is not sufficient, because in the case of old houses the deterioration is very considerable and naturally what they get will be very inadequate. I therefore venture to appeal to this House to look upon this amendment dispassionately and not to listen to the appeal which the Hon'ble the Law Member made while referring to the Malabar Kanam tenants. No such calamity is likely to arise and I should be the last person to talk of social legislation without carefully examining this matter. It has been agreed that the urban residents of particular localities belonging to the depressed classes deserve our help and once the principle is conceded the question is merely one of method. What is the right method of help? Two ways are proposed. One is out of reach to the vast majority, namely the protection of purchasing the land. So far as the other method is concerned no doubt it is available but is it possible to make it in a permanent way? This amendment provides for a permanent right of occupancy of land upon which the tenant or his predecessor in interest has erected a building thirty years ago. That circumscribes the limit to which the amendment provides. Really I cannot see what revolutionary idea is contained in this unpretentious little amendment. The amendment is said to be a socialistic legislation. These are the fallacious arguments which are naturally advanced for the purpose of votes. I hope the reason and good-sense of the House will prevail to accord this bare justice. It follows as a matter of legal consequence that it should do so. I quite agree with Mr. K. V. Ramachari that we cannot discuss questions of property law with sympathy. We must discuss with scrupulous justice for both sides. The second reason that I bring is that but for this second amendment there will be no justice done to the tenant who comes within the ambit of this legislation. For these reasons I would venture to submit to this House to put aside notions of landlords, not to allow to be alarmed by the fallacious considerations which have been adduced on behalf of the Government, to listen to the voice of reason, and to do the justice which I ask on behalf of the poor tenants of Madras.

3 p.m.

Mr. M. D. DEVADAS:—"Mr. President, I have great pleasure in supporting the amendment that has been moved. Sir, no doubt, the words 'occupancy right' convey an impression to people which, under the present circumstances, ought not to be conveyed. In the case of land which a tenant cultivates and gets what he could get out of it, if he is given occupancy right, it may be, the Legislature is doing an injustice to the landlord. But in this case, as has been well-expressed, people have put in labour and money, and have been there for a long number of years. We find that entirely owing to their efforts the land in value has risen considerably. People who have been allowed to live there not for a few years, but for a few decades should be allowed to continue to live on in the land, and the unearned increment must certainly go to the tenant and not to the landlord. This amendment, on the other hand, does not take away altogether the right of the landlord. It provides for periodical revision of the rent under certain conditions, and therefore the landlord cannot reasonably complain of having been deprived of property for which, no doubt, he has a right. Sir, in all countries land is considered to be a very valuable possession. No doubt, occupancy right is unknown to the Roman system, and is also unknown to the English jurisprudence. In England there is no such thing as occupancy right. You will find there instances of leases for 99 years. But in India the conditions are

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different, and according to the common-law of the land as observed by judges of eminence occupancy right can be claimed, and it is a well-known right. By one stroke of the pen, if I may say so, or by an act of the Legislature, occupancy right can be given. In sections 4 and 6 of the Estates Land Act the Legislature has given occupancy right to the tenants who have occupied ryoti land for a day provided the tenant is prepared to observe certain conditions. We are not legislating for persons who occupy houses on payment of rent, and they will never get occupancy right under this Act. But a person who has improved a marshy land, or land which was unoccupied, and which was not fit for cultivation, when it was occupied should be allowed to continue residing there so long as he likes to. The object of the Bill is to provide a remedy for people who believed that they would not be evicted as long as they would conform to certain conditions. The Bill having been intended to benefit these people, is it not right that the right of occupancy should be given them? No doubt a tenant cannot possibly enhance the value very much by bringing into cultivation land which was not cultivated before. That would not materially enhance the value of land. But here land which was not fit for cultivation and which could not serve any useful purpose was occupied by poor people who lived there for many years amidst insanitary surroundings, at great discomfort to themselves and their family, and in course of time owing to the introduction of sanitary arrangements and owing to the present state of things these localities have by a natural process improved in value. Is it therefore right to say that the landlord should get all the benefit? Is it justice to say so? We should see that the tenant gets a reasonable return for his outlay. In some of these places the land occupied by the people, was not worth five rupees an acre some fifty years ago. Now owing to the improvements effected by the municipality and owing to other causes, the land has improved in value. Is it right to say that the landlord should have the right to evict the tenant simply because he is now likely to get two thousand rupees per acre? We are not doing an injustice to the landlord. On the other hand, by allowing the tenant to continue under certain conditions we provide for the convenience of the tenant who has been there for generations, and allow the landlord to get a fair return for his outlay. Students of Law would remember this illustration:—Supposing a piece of canvas belonging to one person is taken by an eminent artist who paints a beautiful picture on it. The canvas may not be worth a rupee; the picture may be worth ten thousand rupees. The question is who is to be the owner, the painter who painted the picture, or the owner of the canvas? It is something like this. Here is land which was waste, which was absolutely useless—if it was useful it would have been cultivated. I am speaking of Madras. That land has been occupied by poor people for decades, and in some cases for more than a century. They put labour in it: in fact they have done everything for it. A lot of people have spent time and labour and money on them. And owing to these causes the land has improved in value. Now the honourable members say that the land belongs to the landlord and the tenant has no right to it. I ask: 'Is it right?'. We are not doing an injustice to the landlord. We are trying to do justice between both the parties.

"No doubt legislation, in some cases, will affect somebody. Legislation with regard to taxes must affect the people. Legislation of some kind or other must affect some vested interest or other. In such cases we should work in such a way that we take just enough from the vested interests to satisfy the people who richly deserve it. That is the way in which legislation should be looked at in matters of this kind.

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"This is not a socialistic legislation as said by the Hon'ble the Law Member. It is a piece of legislation urgently needed. Considering the circumstances, I submit it is but fair that these people who have been there for more than thirty years should be allowed to have the occupancy right. This amendment is not of a very far-reaching character. No doubt it has been urged that it would lead to litigation. But every piece of legislation is likely to lead to litigation. We can never prevent people from litigation if they could not be happy without it.

"The amendment fixes a period of thirty years. The difficulty provided against would be this:—In the case of poor people the landlord may say: 'I want you to go out of the place unless you are prepared to buy the land.' The tenant may be unable to find money enough to buy the land and to find another house. In such cases is it right that we should turn out a lot of people from their holdings simply because the landlord hopes to sell the land at a high profit? The whole difficulty comes in when the landlord wants to speculate on his land. It is a well-known fact that these troubles with regard to evictions of poor people have come about on account of the speculators buying land at exorbitant rates. I do not think that any injustice will be done by allowing this amendment to go in. With these few words I support this amendment."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Sir, the question has been discussed at great length. I do not propose to waste the time of the House by entering into the details. I merely wish to draw attention to one important consideration which was most emphasized by my honourable friend opposite because it gives the whole case away. He emphasizes that this Act is intended to protect persons who have erected buildings in the hope that they would be allowed to occupy on payment of a fair rent. Who gave that hope to them? If the landlord by his conduct or active interference allowed these people to infer that by constructing a building they would be allowed to remain permanently there, subject to the payment of a rent, they will be entitled by the law of estoppel to be there, and they will be there in spite of this Act. The trouble will arise if an indulgent landlord did not want to take steps against a particular person. He did not want to evict the tenants. The land has increased in value. Certainly you are penalizing such a landlord for his kindness. That is what this provision comes to.

"I submit that this is social legislation. What else is social legislation if not this? You want to take away the proprietary right of the landlord. When I introduced the Bill I distinctly said it was not the intention of the Government, and it would not be possible for us to give occupancy right. If the House did not like the idea, the proper course would have been to reject the Bill at that stage and then to bring in a new Bill for the purpose of conferring occupancy right. Therefore I still maintain that this particular amendment, though it is an amendment under the President's ruling which can be fairly considered now, is so vital that it materially alters the principle of the Bill and it has not been considered as it ought to have been considered.

"It may happen that one member of the Select Committee was unable to be present at a particular meeting. But the manner in which the honourable member opposite referred to his absence may lead to a possible misunderstanding. I wrote to the honourable member (Mr. S. Srinivasa Ayyangar) whether a particular day would suit him. I did not get a reply: I have yet to get a reply. I am not accusing the honourable member; I am not complaining at all; he might have had other work. I am merely pointing out to the House that this particular provision

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3-15 p.m.

had not been fairly considered in all its aspects and if we accept the principle of this recommendation, then whenever anybody believes that he is at liberty to occupy as long as he chooses, whether the landlord induced the belief or not, we must give occupancy right. I do not know how far it is going to be carried. So far as I am concerned it is a vital question of principle and I am not prepared to accept this position now without further carefully examining the question in the light of further materials which I may have. In these circumstances, I am bound to oppose this and I may say, Sir, if this is passed, the position of the Government will have to be seriously considered. I mention this for this reason: I started by saying that this is merely an emergency legislation in consequence of the decrees which have already been obtained or are about to be obtained. If this clause is passed it will take still further time. Already I am hearing that there is difficulty with regard to the decrees passed which owing to the kindness of the judges have been adjourned pending the enactment of this Act. We have tried to give as much protection as possible. I am not going to persuade persons who are not persuadable. I therefore oppose this."

The amendment was put to the Council and lost.

On the motion of Mr. S. Srinivasa Ayyangar a poll was taken with the following result:—

For.

1. Mr. R. Venkataratnam Nayudu.
2. ,, T. A. Ramalinga Chettiyar.
3. ,, V. Paokiriswami Pillai.
4. ,, S. Somasundaram Pillai.
5. ,, A. Subbarayudu.
6. Diwan Bahadur P. Kesava Pillai.
7. Mr. S. Srinivasa Ayyangar.
8. ,, M. Krishnan Nayar.
9. Sriman Biswanath Das.
10. Mr. A. Ranganatha Mudaliyar.
11. Sriman Sasibhushana Rath.
12. Mr. T. Sivasankaram Pillai.
13. ,, R. Srinivasa Ayyangar.
14. Mr. M. Suryanarayana.
15. ,, T. Arumainatha Pillai.
16. ,, M. D. Devadoss.
17. Rai Sahib E. C. M. Mascarenhas.
18. Mr. A. T. Palmer.
19. ,, G. Vandanam.
20. ,, Saiyid Md. Padsha Sahib.
21. ,, A. P. I. Saiyed Ibrahmin Ravuttar.
22. ,, M. C. Raja.
23. ,, L. C. Guruswami.
24. ,, R. T. Kesavulu Pillai.
25. ,, M. C. Madurai Pillai.

Against.

1. The Hon'ble Sir Lionel Davidson.
2. The Hon'ble Khan Bahadur Md. Habibul-lah Sahib.
3. The Hon'ble Mr. K. Srinivasa Ayyangar.
4. The Hon'ble Mr. P. Ramarayaningar.
5. The Hon'ble Rai Bahadur K. Venkata Reddi Nayudu.
6. The Hon'ble Rao Bahadur A. P. Patro.
7. Mr. F. J. Richards.
8. ,, C. W. E. Cotton.
9. ,, R. Littlehailes.
10. ,, P. Subbarayan.
11. ,, A. Ramaswami Mudaliyar.
12. ,, C. P. Ramaswami Ayyar.
13. ,, C. Adinarayana Reddi.
14. ,, S. R. Y. Ankinedu Prasad.
15. Dr. M. Appalanarasayya Nayudu.
16. Mr. R. Appaswami Nayudu.
17. Rao Bahadur V. Appaswami Vandayar.
18. Diwan Bahadur C. Arunachala Mudaliyar.
19. Rao Bahadur T. Balaji Rao Nayudu.
20. Rao Sahib P. C. Ethirajulu Nayudu.
21. Mr. K. Gopalakrishnayya.
22. ,, J. Kuppuswami.
23. Diwan Bahadur Sir P. Tyagaraya Chettiyar.
24. Mr. O. Thanikachala Chettiyar.
25. ,, B. Muniswami Nayudu.
26. ,, P. C. Muthu Chettiyar.
27. ,, S. Muthukumaraswami Chettiyar.
28. ,, M. Narayanaswami Reddi.
29. ,, C. Natesa Mudaliyar.
30. ,, K. Sarabha Reddi.
31. ,, S. T. Shanmukham Pillai.
32. ,, W. P. A. Saundara Pandiya Nadar.
33. ,, R. K. Shanmukham Chettiyar.
34. ,, T. Somasundara Mudaliyar.
35. ,, A. Thangavelu Nayagar.
36. ,, P. Venkatasubba Rao.
37. ,, W. Vijayaraghava Mudaliyar.
38. Diwan Bahadur M. Ramachandra Rao.
39. Rao Bahadur A. S. Krishna Rao.
40. Mr. P. Siva Rao.
41. Rai Bahadur T. M. Narasimhacharlu.

42. Mr. K. V. Ramachari.
43. ,, K. Sadasiva Bhat.
44. ,, M. R. Sethuratnam Ayyar.
45. ,, T. C. Srinivasa Ayyangar.
46. ,, C. V. Venkataramana Ayyangar.
47. Raja of Ramnad.
48. Mr. K. Prabhakaran Tampan.
49. Rev. W. Meston
50. Mr. Abbas Ali Khan Bahadur.
51. Mr. Saiyid Diwan Abdul-razak Sahib Bahadur.
52. Khan Sahib Muhammad Abdur Rahman Sahib.
53. Munshi Muhammad Abdur Rahiman Sahib.
54. Mr. A. D. M. Bavotti Sahib.
55. Khan Bahadur Muhammad Usman Sahib.

The amendment was declared lost, 25 voting *for* and 55 *against*.

Amendment No. 8 *to clause* 2.

The following amendment standing in the name of Mr. T. Arumainatha Pillai was not moved and was therefore deemed to have been withdrawn :—

" 8. Add *the following as clause* 3 *and* re-number *the present clause* 3 *as clause* 4 *and make the necessary arrangement of the other clauses* :—

' *Every tenant now in possession of a land belonging to another upon which he or his predecessors-in-interest erected a building prior to the* 1*st January* 1891 *shall have a right of permanent occupancy in such land*'.

" If the above amendment is not passed, *then* add *the following as clause* 3 *and* re-number *the present clause* 3 *as clause* 4 *and make the necessary arrangement of the other clauses* :—

' *Tenants who, by themselves or through their predecessors-in-interest, have uninterruptedly held the holding for a period of not less than* 30 *years prior to the coming into force of this Act, shall not be liable to be evicted except for the following reasons* :—

If the tenant uses or permits another to use the land for a purpose other than that for which it was let or fells trees not raised by him, or works mines or quarries or commits any other act, which is destructive or permanently injurious to the ' *land*'. "

Mr. A. Ranganatha Mudaliyar :—" With your permission, Sir, I beg to move the following amendment standing in my name :—

" 8-*A. In case amendments relating to conferring of occupancy rights of which notice has already been given are not accepted insert the following as a new clause between clauses* 2 *and* 3 :—

Tenants who by themselves or through their predecessors-in-interest have uninterruptedly held the holdings for a period of not less than 30 *years prior to the coming into force of this Act, shall on their application and on tender by them of a sum equal to* $2\frac{1}{2}$ *times the annual rent payable in respect of the land together with the cost of any instrument required for the purpose be given permanent rights of occupancy in respect of such lands.*"

The Hon'ble the President :—" Will the honourable member kindly explain how he contends that this does not raise substantially the same issue as the previous one ?"

The Hon'ble Mr. K. Srinivasa Ayyangar :—" I have not got a copy of the amendment. I do not know whether six days' notice has been given."

Mr. A. Ranganatha Mudaliyar :—" I sent this to you, Sir, yesterday as a special case and it is on the agenda paper."

Amendment No. 8 *to clause* 2—cont.

The Hon'ble the President :—" It is open to any honourable member to object at this stage if sufficient notice has not been given."

The Hon'ble Mr. K. Srinivasa Ayyangar :—" I am objecting to it for this reason : it is a detailed amendment and one will have to be very careful in dealing with it. As I told you, Sir, I have not got a copy of the amendment as yet. Probably it has gone to the office."

The Hon'ble the President :—" The honourable member is not bound to give reasons for objecting on the score of want of notice."

The amendment was then ruled out for want of notice.

Amendment No. 9 (*a*) *to clause* 3.

Mr. T. Arumainatha Pillai :—" I beg to move—

" 9 (*a*) *Between the words* ' *building*' *and* ' *which*' *insert the words* ' *or trees*'."

* * * * * *

The Hon'ble Mr. K. Srinivasa Ayyangar :—" Clause 3 intends to give compensation for the building erected. Along with the compensation given for the building, if the man planted any trees compensation might be given for them also. I believe, Sir, so far as this clause is concerned, it is taken from the Malabar Tenants Improvement Act. So far as that Act is concerned, it gives compensation for the trees planted by the tenants and after all it will be a very small compensation. Moreover it won't be a fixture which he would be entitled to move under the Transfer of Property Act. "

" When this was under discussion in the Select Committee and also when it was introduced in the Council evidence was given that there are practically no trees in the area to which this Act is to be applied. The further question was if compensation is to be given for stray trees in the backyard, etc., evidence will have to be let in for the purpose of proving by whom they have been planted. The object of this Bill is not to provide compensation on the same lines as the Malabar Tenants Improvement Act because the conditions are very different. My friends from Malabar know how compensation in Malabar is given for what is called Chanyam. It is one recognized form of improvement and so much so, if I remember right, compensation is given even for trees of spontaneous growth. I do not think it is necessary nor any good object will be served by introducing a question of this sort which will drag on litigation which I want to be finished as soon as possible in the interests of the tenants for whose protection this Bill is intended."

Diwan Bahadur M. Krishnan Nayar :—" I support the amendment. As has been pointed out by the honourable mover of this amendment as well as my friend the Hon'ble the Law Member, in Malabar compensation is allowed not only for trees that are planted but under certain circumstances even for trees which are of spontaneous growth, obviously on the principle that these trees, whether spontaneous or planted, add to the value of the holding ; and on principle it seems to me that no objection whatever can be taken to the value of compensation being given for trees. My honourable friend said that this question was raised both at the time when the Bill was introduced in this Council and also in the Select Committee. My friend further stated that on an enquiry it has been found that there are very few trees in the area to which this Bill will be applied."

[The Hon'ble Mr. K. Srinivasa Ayyangar] [12th October 1921

Amendment No. 9 (*a*) *to clause* 3—cont.

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*interrupting*) :—"I was told, none. I was cautious in my statement."

Diwan Bahadur M. KRISHNAN NAYAR (*continuing*):—"For once in my friend's lifetime, I am inclined to think that this is incorrect. For, I do not know whether the enquiry that was conducted has been so thorough and exhaustive as to cover all the grounds in Madras within the municipal limits to which this Bill will be applied. At any rate, unless stronger assurances than the word of even my honourable friend are forthcoming to show that all available spots to which this Bill applies had been scrutinized, inch by inch, with the object of seeing whether there were trees there or not, it is difficult to believe that there is not even one square foot of ground on which a tree stands. In any case this Act applies not only to those tenancies that are already in existence but to those tenancies that will come into existence . . ."

3-30 p.m.

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*interrupting*) :—"No."

Diwan Bahadur M. KRISHNAN NAYAR (*continuing*) :—"Then I stick to my original proposition. As long as I am not convinced of the accuracy of my friend's statement regarding trees, I must support this amendment."

Mr. T. ARUMAINATHA PILLAI :—"So far as the objection of the Hon'ble the Law Member is concerned, the Select Committee's inquiries and investigations, lasted not for one day or two days, but only for a couple of hours. How could the Committee have made elaborate enquiries within those two hours and find out on an examination that there was not one single tree? I would respectfully suggest that it was impossible for any Select Committee, even though it was one presided over by the Hon'ble the Law Member, to have found out that there was no tree at all. Even so, why not introduce it for application to cases where there may be such trees? The court is g oing to go into the question of ascertaining the value of the land, it is going to issue a commission to find out the value of the bricks, the rafters, etc. And the introduction of this will involve a few more enquiries into one or two other matters. I am not sure that this is a formidable objection."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"May I rise to correct a mistake? The enquiry was not made within the two or three hours when the Committee sat; but it was made long before the introduction of the Bill."

The amendment was then put and carried.

Amendment No. 9 (*b*) *to clause* 3.

Mr. T. ARUMAINATHA PILLAI :—"I move :—

"9 (*b*) *that between the words* '*erected*' *and* '*by*' *insert the words* '*or planted*'.

"Sir, this is only consequential upon the acceptance of 9 (*a*). I formally move it."

* * * * *

The amendment was put and carried.

Amendment No. 9 (*c*) *to clause* 3.

Mr. T. ARUMAINATHA PILLAI :—"Sir, I move :—

"9 (*c*) *Number the present clause* 3 *as sub-clause* (1).

12th October 1921] [Mr. T. Arumainatha Pillai]

Amendment No. 9 (*c*) *to clause* 3—cont.

"*Add the following new sub-clause to clause* (3) *and call it sub-clause* (2):—

'*The court in awarding compensation mentioned in sub-clause* (1) *shall order to be paid to every such tenant the cost of the improvement of the land made by him or by any of his predecessor-in-interest. Such compensation shall in no case exceed one-third of the market value of the land at the date of the suit.*'

"My submission is this: It is to some extent similar to what we discussed just before in another amendment as to permanent occupancy right. I wanted if possible to give the tenants that have been living for over thirty years a right of remaining on the land by paying a certain rent to be fixed by the court. But that has been lost. I now want to see that the tenant is compensated sufficiently, for he has invested so much money and labour and energy, especially when he is asked to leave the land. It is true that under section 3, this man is entitled to have compensation for the building. He will be entitled to compensation, of course. Is it right or proper to ask this man to go out without any compensation for the improvement that he has made? Therefore I wanted to move this amendment. In the course of the discussion on the previous amendment I stated that it was the tenant that was responsible for improving the land. But when the landlord is so very hard as to remove him, it is necessary that he should be paid something for his labour and other things, as well. Section 4, clause (*f*) to the Malabar Tenants Improvements Act defines 'Improvements'. What is meant by improvements is stated in five or six clauses. In the Malabar Tenants Improvements Act clause (*f*) of section 4 deems reclamation and clearance of land for agricultural purposes as an improvement. So any reclamation by a tenant under this Bill to improve the building site must also be an improvement. If a tenant is able to prove in a court of law—I am not going to take anything for granted—but when it is proved in a court of law that he has spent so much money for improving the land it is but right to pay him back. Therefore, Sir, I submit that this amendment is necessary.

"One other thing is this, with regard to my suggesting one-third. I submit, Sir, that where a tenant is asked to go out of a land where he has been living for some generations—for two or three generations—it is but right and honourable—and that is also the Hindu sentiment that that man should go without cursing the landlord. The Hindu sentiment,—is that when we purchase a land or anything we pay something that he may go blessing us. Therefore, Sir, from a sentimental point also, I press this. As regards the one-third, being the maximum limit, Sir, we know that in certain other contracts for partnership entered into in the Madras City and in other places, one part of the profit is set apart for the capital, another for the capitalist partner and a third for the working partner. That is the reason why I suggest one-third as the maximum to be allowed.

"I therefore move that the amendment just now moved be adopted."

Mr. S. ARPUDASWAMI UDAYAR :—"I second it."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"Mr. President, I had some difficulty in understanding what this amendment actually means. I am going to read it along with clause 1, as it stands, 'Every tenant shall on ejectment be entitled to be paid as compensation the value of any building, which may have been erected by him, by any of his predecessors-in-interest or by any person not in occupation at the time of the ejectment who derived title from either of them and for which compensation has not already been paid.' This amendment reads 'The court in awarding the compensation mentioned in sub-clause (1) shall order

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[The Hon'ble Mr. K. Srinivasa Ayyangar] [12th October 1921

Amendment No. 9 (*c*) *to clause* 3 —cont.

to be paid to such tenant the cost of the improvement of the land made by him or by any of his predecessor-in-interest. Such compensation shall in no case exceed one-third of the market value of the land at the date of the suit'.

"I thought that that was a proviso to clause 1 and as I read it, was intended to prohibit an award of more than one-third of the value of the land as compensation for the building. Building is an improvement. But now I find that the mover wants an extra sum to be paid to the tenant apart from the compensation which he has paid for building. It is, I consider, almost impossible in the circumstances to find out with regard to a particular piece of land, what its condition was, whether there has been any improvement other than building and if there has been any, who improved it and brought it to its present condition. It would really be wasting the time of the court, for an enquiry of this sort would lead nowhere. The Malabar Compensation Act is often times quoted; but you must remember that in Malabar by long custom, particular rules have been long ago settled and you can trace the history of a land from time to time by the various kanams, and their renewals. They show the improvements made and who has been improving. But here there are no such materials. These are practical difficulties. The theoretical perfection may be a different matter. I want you to look at it from the practical point of view. If it is impossible, at any rate not easy, to find out if there has been an improvement, who improved and when, the proposed amendment if accepted, is likely more to hamper than to help the tenant and merely prolong procedings—which I am anxious should be short and simple—without any benefit to the tenant, at the end. Further a clause worded as this is would only lead to confusion and unnecessary litigation."

Mr. T. ARUMAINATHA PILLAI:—"I am afraid that simply because it would lead to some trouble as between the landlord and the tenant in order to prove what sort of improvements were those that were made or what was the amount spent on them therefore it is far better to drop this amendment of mine from the Bill; that I am sorry to submit, does not appeal to me at all. I do not believe that anything is gained without taking some trouble. It will not be controverted, and I do not believe it is controverted even now by the Hon'ble the Law Member that those cheris or places where they have built their tenements or houses were at any time in the same state in which they are now. Such being the case, and it also being an admitted fact that the tenants were regularly let into possession of the property originally and that since that time the landlord has been collecting his rent from those tenants month after month or annually, it is clearly a positive proof to show that the improvements have been made by the tenants and not by the landlord. That the improvements have been made by the tenants is an established fact. Therefore whether you have got to let in evidence either on this side or on the other side to show what improvements have been made or what is the cost of the improvements, it is not a thing which ought to scare us from accepting this amendment. Moreover, we can very well meet the difficulty, which the Hon'ble the Law Member pointed out, if I understand him aright, as to how to assess the amount that has been spent upon these improvements. To take a concrete example, suppose a tenant is in possession of a quarter of a ground; we could very well ascertain how much earth was brought in to fill up the pits, what would be the cost of the earth, and so on. Now you take the cost of the earth, and you know what it would have cost ten years ago or fifteen years ago. I am not prepared to say with any mathematical precision that so many rupees annas and pies have been spent

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upon it. All I say is, these improvements have been made, why should not we give some compensation to the tenant. This man is able to prove what amount has been spent, and whether the Court accepts it in full or not, let the amount which the Court will accept, whatever it may be, be given to him. I do not want the tenant to be deprived of the fruits of his skill and energy. That is the reason why I press this amendment."

Mr. S. T. SHANMUKHAM PILLAI:—"I do not understand on what principle it is proposed to limit the compensation to one-third of the market value of the land. The land belongs to the landlord and it has to go back to him. All the improvements carried out by the tenant are taken into consideration by the court in fixing the compensation. Then I do not understand why compensation should not exceed one-third of the value of the land. The tenant has to be ejected only on condition of being paid the compensation fixed for the improvements he has carried out, whatever may be these improvements. The land is the absolute property of the landlord and has no bearing on the question of compensation to be paid for the improvements that have been effected thereon. I oppose this amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I think this amendment has to be split up and considered before this House can give a decision as to the proper course to be adopted. So far as the first portion of this amendment is concerned, I do not think that any exception can be taken to the principle underlying the amendment. The Hon'ble the Law Member has also not taken any exception to the principle underlying it while he objected to the language and the practicability of it. I will first refer to the practicability to which the Honourable Member has adverted. He pointed out that at present there is no existing machinery to inquire into such cases as in the case of the Malabar Compensation Act and that it will lead to considerable trouble. I think the House will agree with Mr. Arumainatha Pillai and accept the principle, notwithstanding the trouble involved in making inquiries for that purpose. If once this House is agreed that special relief ought to be afforded to those persons who had to construct their buildings on marshy lands at considerable expense, at considerable sacrifice and at considerable expenditure of labour, it is but fair that definite provisions ought to be made in the Act itself so as to place them on a better footing than at present. I will therefore strongly support the first portion of the amendment.

"So far as the second portion is concerned, I think it is difficult to lay down or pass rules in the manner suggested by Mr. Arumainatha Pillai. The second portion suggests that 'such compensation shall in no case exceed one-third of the market value of the land at the date of the suit.' It is not possible to impose any such limitation as has been suggested, though the principle underlying the first portion of the resolution deserves the acceptance of this House. The first portion states that 'the Court in awarding compensation mentioned in sub-clause (1) shall order to be paid to every such tenant the cost of the improvement of the land made by him or by any of his predecessor in-interest.' It is true, as has been pointed out by the Hon'ble the Law Member that it will fit in as a proviso to the previous clause. But is it not desirable that even as a proviso it ought to be retained so long as it is calculated to expressly provide for cases where tenants incurred considerable expense to improve the land and deserved special treatment for that reason. Therefore, Sir, I crave permission to move at this stage an amendment suggesting that the second sentence may be deleted."

[The Hon'ble Mr. K. Srinivasa Ayyangar] [12th October 1921

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The Hon'ble Mr. K. SRINIVASA AYYANGAR.—"I am sorry, Sir, I have to object to it, because the second sentence is part of the same principle."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I quite notice the objection stated by the Hon'ble the Law Member. I have given reasons for suggesting that while we are in agreement with the principle underlying this amendment the hands of the officers are not to be fettered by inserting a proviso with the second sentence in it. I shall hand over a copy of the amendment I propose at this stage." (The amendment was handed in to the Deputy President.)

The DEPUTY PRESIDENT:—"The objection prevails under Standing Order 46 (1)."

Mr. C. P. RAMASWAMI AYYAR:—"It is necessary before this House considers this amendment to say what meaning it seeks to convey. Let us read clause (3) in the present Bill which is to be renumbered as sub-clause (1). 'Every tenant shall on ejectment be entitled to be paid as compensation the value of any building etc., etc.' The present amendment says 'The court in awarding compensation mentioned in sub clause (1)' which means the value of any building, 'shall order to be paid to every such tenant the cost of the improvement of the land' I am only reading it for the purpose of showing how, as pointed out by the Hon'ble the Law Member, these two things, the Bill as it stands and the amendment, cannot be read together so as to make a logical or coherent whole. Further, there is a practical difficulty in working out the scheme of the amendment. Suppose at some period, 30 or 40 years ago, a certain structure had been demolished or reconstructed or another structure has been raised; suppose the landlord and tenant had collaborated for that purpose; how is the Court at this present juncture to find out what the cost is of the improvement made by the tenant, and so forth. To place all these facts before the House is, I submit, to secure a rejection of the amendment."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I am also opposing this amendment for just one or two reasons which I will mention. First of all I may say there seems to be some mistake if you read the amendment as it is. Probably the proposer of the amendment wants to have the word 'also' there. Otherwise, as it is, it may not have a very good meaning. Whatever it may be, this amendment also will lead to intolerable difficulties and litigation. We are to help the tenant as much as possible. As far as the tenant is concerned, he gets the present value of the building he has put up. It may be that he has put up the building at a very low cost years ago and he will have the present market value of the house. Supposing the land was marshy and supposing he had spent large sums of money over it, that will also go to increase the price of the building. Therefore, so far as that point is concerned, there is no grievance at all for the tenant. Secondly, we have almost unanimously agreed to give him the valuation of the trees. Therefore, no tenant can have a reasonable objection to be satisfied with these two things. If, for instance, this amendment is passed the result will be, while we are able to give him the market value of the house and the trees as they are, it will also lead to a good deal of trouble to find out as to what the value of the land was 30 years ago, in what condition it was then, how much mud was used in that, how much money was spent, and all the trouble will arise. Therefore, I think it is better to be satisfied with the Bill as it is, instead of adding amendment after amendment and adding to the difficulties and litigation. This seems more

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or less a summary matter intended for the immediate relief of the tenants and it is better that we have it done with as quickly as possible. For these reasons, I oppose this amendment."

The further discussion of the Madras City Tenants' Protection Bill was adjourned to the next day, as it was 4 p.m. then and the special motion for the discussion of the Madras disturbances had to be taken up.

The business of the House was then adjourned for discussion of a matter of urgent public importance under Standing Order 22 (vide page 962).

III—*cont.*

Madras Disturbances.

Mr. O. TANIKACHALA CHETTIYAR:—"Mr. President, Sir, the object with which I asked for an adjournment of the business of the House is to draw attention to the insecurity to life and property which exists in a considerable part of the city round the mill area; how the situation has been handled by the Police Department, by the Labour Department and by the Executive Government, and to ask whether the respective departments have discharged the respective duties expected of them. As is well known, the mill strike began about the fourth week of May 1921. About 10,000 to 12,000 labourers were thrown out of work; with their dependants, wives and children all number about 50,000, i.e., one-tenth or one-eleventh of the City population. With such a number of daily labourers without income for maintenance there is likelihood of disorders. The Labour Department should have looked after the interests of the labourers as a body, as a whole, to get the entire body readmitted into the mills or none at all. In the capacity of the Protector of Depressed Classes the Labour Department got the Adi-Dravidas out themselves away from the rest, namely, caste Hindus and Muhammadans, and took them daily to the mills. The Labour Department officers and the Police men escorted the Adi-Dravidas to the mills. When Adi-Dravida, caste Hindu and Muhammadan labourers were until about the end of June a united body as Labour Union members, the strike was sought to be broken by setting up caste differences amongst labourers as the line of cleavage, and one caste alone going to the mills much friction and misunderstanding arose. These led to disorders and riots. Since the 28th June, owing to these disorders several huts have been burnt, curiously-fashioned swords and knives were being used by either party for inflicting personal injury not merely on labourers but on innocent wayfarers not connected with the mills."

4 p.m.

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"May I rise, Sir, with your permission, to ask if the Honourable Member has received the information sent to him that the word 'curiously' in the expression 'curiously fashioned swords' was a printer's mistake for 'crudely fashioned swords'."

Mr. O. TANIKACHALA CHETTIYAR (*continuing*):—"Sir, we are not very much the wiser for this description, whether they are curiously fashioned swords or crudely fashioned swords."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"May I say, Sir, that I should not have intervened, had it not been that the honourable member requested me to arrange for the production of these swords in the Legislative Council. I thought it conceivable that he was anxious to see their 'curious' fashion."

Mr. O. TANIKACHALA CHETTIYAR (*continuing*) :—"I was anxious that the House should see the swords that were being used by the rioters. I was not anxious how they were described, whether curiously or something else. They were used for inflicting personal injuries on the people passing by in those parts.

"The burning of huts took place by night, and by day, during absence of the police, in the very presence of the police and at places where the police were keeping watch. This has gone on from June, about the 28th, until the 5th of October, and yet the authors of the fire, the persons who caused the fire, have not yet been detected by the police and brought to trial. While swords and knives were found from the 30th June (vide Press Communiqué) even up to the 5th October when shooting of about 15 persons took place at Kosapet, the police have not detected where these swords are manufactured. The Labour Union premises, houses of Hindus and Muhammadans have been searched, and nothing has been found. The crudely fashioned swords—I adopt the amendment of the Home Member—look like the metal used as hoop iron band for bales of cotton or cotton goods which have been converted into swords. It does not require much imagination to guess that these swords may have been made with materials available in the mills. Did the police look through or search the mill premises to see if the swords were manufactured there? Did the police search the residences of Adi-Dravidas to find out those swords?

"With reference to the observation made by the Hon'ble the Home Member, I may say that on the 9th of this month I asked the Hon'ble Member in charge of Law and Order to kindly cause these swords which were preserved by Inspector North in the fire station referred to in the Press Communiqué to be produced for the inspection of the members of this House so that they may see for themselves where these swords may have been manufactured. But the authorities have willed it otherwise. I got a letter at about half-past one that they cannot be produced. It involves only a few minutes' talk over the telephone to arrange for their production here. But the authorities have said, 'no, you shall not have that satisfaction'. All the members of this House have been by the kind offices of the Home Member deprived of the opportunity of seeing for themselves those swords which could have been got by a few minutes' conversation on the telephone.

"Sir, swords do not fall from heaven like manna. They must have been made by men. By whom and where? The ordinary Madras police, the reserve police, the additional police, the punitive police, have not made the discovery. Speaking of the failure of the police to do their work of detecting the authors of the crime and bringing them to justice, soon after the last sitting of this Council in September, a caste Hindu snuff bazaarman was brutally murdered and his body was thrown on the roadside in Lauder's Gate street, the scene of occurrence being near a cheri, the Swami Nayakan cheri. Though over a month has elapsed, nothing so far as the outside world knows has been done to trace the offender or offenders. Similarly after the last sitting of the Council a number of huts belonging to Muhammadans and others were burnt down and an old man, a Muhammadan, was burnt alive and no one has been brought to trial. Do not these systematic failures on the part of the police stamp them with the hallmark of incompetency? Have they not failed both in the detection and prevention of crime? In almost all the huts and houses burnt except those at the beginning, no property appears to have been destroyed. All had been removed. It may not be out of place to mention that within five weeks of these fires and commencement of disorders, on the 5th August 1921 there was a proposal made to the Standing Committee (Finance) that four lakhs of

rupees may be utilized in starting town improvement work by building houses in Puliyantope to provide accommodation for those rendered homeless by these fires. The Committee sanctioned only Rs. 2 lakhs, and refused to sanction the other two lakhs. Of course what is spoken in closed places becomes known to people as if proclaimed from hill tops. It is said by many that these fires have been caused by the owners themselves in the hope of getting pucca built houses built at Government expense and to force the hands of Government to invest the further two lakhs which the Committee refused to sanction in building additional houses. Can it be said that this belief has no foundation?

"In the course of these $3\frac{1}{2}$ months there have been shootings by the police on the crowd. It is urged that there was rioting which justified the shooting. In every riot, there are always two parties opposed to each other. How does it happen that in every one of these shootings the persons injured by the police shooting have been caste Hindus and not one Adi-Dravida. I will not refer to incidents prior to the sitting of Sir William Ayling's Committee. There was shooting on the morning of the 28th August, Monday; about 30 persons were injured by gunshot wounds, six men and one woman killed, all caste Hindus and no Adi-Dravidas. On the 5th October at Kosapet about 15 persons were injured and one or two died. All of them were caste Hindus and no Adi-Dravida was injured. On the 19th September shooting was resorted to. One Rajaratna Mudaliyar was shot in the chin at Purasawalkam. Is it only incompetency on the part of the police? Do not these facts, particularly the shooting on all occasions only of caste Hindus, the failure to trace the authors of the murder committed near a cheri, the failure to record complaints made by caste Hindus against Adi-Dravidas in respect of which some evidence was given before Sir William Ayling's Committee, and the failure to trace the authors of incendiarism, all give rise to a feeling on the part of the people that the police have a partiality for the Adi-Dravidas by shutting their eyes to the faults and the lawlessness on the part of the Adi-Dravidas?

"What else can be expected from the police in the circumstances in which they were placed? The person in charge of the police station near the mills is an inspector of police, probably on a salary of Rs. 200 to 300. Time after time he receives visits from the Commissioner of Labour drawing a salary of over Rs. 2,500 and his assistant drawing Rs. 600 or more. They give instructions to him in the interests of the Adi-Dravidas in whom they are specially interested as Protector of Depressed Classes. The police inspector is thus practically placed under the orders of the Commissioner of Labour or the Protector of Depressed Classes."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*) :—"Sir, I rise to a point of order. I suggest that these remarks are directly intended to imply defamation of Mr. Moir. The implication is that his presence was for the purpose of preventing the police from doing their duty against Adi-Dravida breakers of the law. If that is the implication which the Honourable Member intends, I should like to repudiate it at once and ask whether or not it is defamatory and not admissible under our standing orders."

Mr. O. TANIKACHALA CHETTIYAR (*continuing*) :—"Sir, I do not propose to submit myself to any cross-examination. My Honourable Friend will have the right of reply at the end."

The Hon'ble the PRESIDENT:—"It is not a question of the Honourable Member submitting himself to cross-examination by the Home Member. The Home Member has raised a point of order and has asked me to rule out certain remarks which the Honourable Member Mr. Tanikachala Chettiyar has made on the ground

that they are defamatory. It is open to the honourable member to say that they are not defamatory. But the Hon'ble the Home Member is entitled to press for a ruling on the point. So the Honourable Member will be well advised to deal with the point."

Mr. O. TANIKACHALA CHETTIYAR *(continuing)* :—" Sir, here are undoubted facts from which I am entitled by way of criticism to draw my own inferences. They would not constitute defamation.

" The caste Hindus and Muhammadans have shown no willingness to seek the help of the Commissioner of Labour or his guidance. He has been practically a mere Commissioner of the Adi-Dravida section of the labourers and Protector of the Adi-Dravidas. Would the police inspector have the courage to find fault with or punish the Adi-Dravidas who on their way to the mills might annoy, insult or throw stones at the caste Hindu labourers assembled on the roadside and not going to the mills, most of them angry with their fellow labourers for having betrayed the united cause of the labourers?

" Speaking of the shooting on crowds at alleged riots it appears from evidence recorded at the inquest on deaths caused on the 29th August and 5th October that Mr. Moir, the Labour Commissioner, was at the time of shooting with the inspector of police. The police are in charge of law and order and the preservation and restoration of peace. Why should the Commissioner of Labour or the Protector of Depressed Classes be with them? Is such presence not calculated to interfere with the discretion of the police in punishing or shooting all those whom they find causing disorders? Would a police inspector on Rs. 200 or Rs. 300 fire at an Adi-Dravida who is under the special protection of Mr. Moir in the presence of Mr. Moir? Is not the presence of Mr. Moir at these disorders and the handling of them by the police calculated to give the Adi-Dravidas protection against their lawlessness? The questions that suggest themselves in connexion with the frequent shooting are, who is the person ordinarily to direct shooting? Has the Chief Presidency Magistrate or any other magistrate been called to the scene of riots when they were in progress? If a message could be sent to Mr. Moir and he came down when riots were in progress on the 29th August and 5th October, could not similar messages be sent to the Presidency Magistrate? Was it done? If it was not done, why not? Even if the Commissioner of Police is a magistrate in some cases, he holds powers inferior to those of a presidency magistrate, and those of a chief presidency magistrate. It is the rule and practice to get a magistrate of higher standing to give orders for shooting. Was this practice observed in these shootings? At least was the Commissioner of Police present when the shooting was resorted to? The most scandalous of the shooting cases appears to be the one on the 5th October. It was reported in the newspapers the previous day that Mr. Hankinson was under orders of transfer and yet, after that and on the 5th October, about 15 people were shot, one or two of whom died. At the inquest held, the evidence disclosed a scandalous state of affairs. Well, Mr. Moir came in a lorry with constables, inspectors and sergeants. Shooting began after his arrival."

The Hon'ble SIR LIONEL DAVIDSON *(interrupting)* :—" Sir, may I ask the authority for this statement that shooting began after their arrival."

The Hon'ble the PRESIDENT :—" That is not a point of order."

The Hon'ble SIR LIONEL DAVIDSON :—" I beg your pardon, Sir."

Mr. O. TANIKACHALA CHETTIYAR *(continuing)* :—" You find it in the report of it in the *Hindu*, Sir.

" Shooting began after their arrival. Mr. Moir says he did not hear orders for shooting being given by anybody. Constables say Mr. Hankinson and the sergeants gave orders. Mr. Hankinson denies giving orders. One constable says it was Mr. Moir and Mr. Hankinson who gave orders. That people should be shot and some killed, and that it should be wrapped in mystery, as to who gave orders for firing, and who fired—is the sorriest episode in the whole of these transactions. These incidents happened after the imposition of additional and punitive police. These incidents after a period of three and a half months of disturbances disclose a highly unsatisfactory state of affairs, which, if we heard of as prevailing elsewhere, we would not have believed, but which we see with our personal experience and test by examination of what the inhabitants of the affected area tell us and by proof furnished to us. The question is asked why is the Executive Government unable to realize that the Police Department have failed to do its duty, that the Commissioner of Labour's activities have not contributed to peace, or impartial handling of the situation by the Police? May I hazard an answer? To realize the defects is to admit failure of these departments, to pass a condemnation on the heads of these departments, and the Government cannot get rid of its old notions of preserving the prestige of its officers. Is Government entitled to continue not to see the failure of the departments of Police and Labour to come up to a proper standard of efficiency and impartiality? Have not recent events in high places given the necessary lesson to Governors of provinces as to which way their duty lies? Does not the fact that the quandom Lord Chief Justice of England, now Viceroy of India, His Excellency Lord Reading, found it necessary to induce resignation from a highly respected colleague of his in his Cabinet, notwithstanding his distinguished past record and his services to his King and country, the moment he committed an error of judgment, indicate the course which His Excellency ought to pursue when the advice which was given to him and which he hitherto followed has tended to bring discredit on the administration, and to shake the confidence in the justice and impartiality and efficiency of the administration?"

The Hon'ble Sir LIONEL DAVIDSON *(interrupting)* :—" I rise, Sir, to a point of order. Are not the implications in this last sentence intended to cast a reflection on the conduct of His Excellency the Governor?"

Mr. O. TANIKACHALA CHETTIYAR *(continuing)* :—" In the exercise of the right of public discussion, I am entitled to give my suggestions."

4-15 p.m. The Hon'ble Sir Lionel DAVIDSON *(interrupting)* :—" I refer to Standing Order 28 (2) (iv)."

The Hon'ble the PRESIDENT :—" I do not think that the honourable member has reflected on the conduct of His Excellency. The honourable member has found fault with the administration of a particular department of the Government."

The Hon'ble Sir LIONEL DAVIDSON :—" Pardon me, Sir. If I may be permitted to explain, I understood the honourable member to refer to the enforced resignation of Sir Thomas Holland and to ask this Council to draw the lesson that His Excellency the Governor should take warning by what happened to Sir Thomas Holland. I certainly understood that to be the implication; otherwise I should not have risen, Sir."

Mr. O. TANIKACHALA CHETTIYAR *(continuing)* :—" I think we can leave the matter alone there for the Hon'ble the Home Member to deal with in replying

afterwards. The hundred and odd days which have elapsed since the disorders broke out constitute the darkest period in the history of the administration of the Madras City for a long time, and the sooner this chapter is closed and a new one begun, the better for the reputation of all concerned. How to begin the new chapter is the question. The suggestion I make is to make an open investigation to inquire into the circumstances attending the shooting on several days referred to already, whether the usual and proper precautions and preliminary safeguards were taken before resorting to shooting, whether there has been impartial treatment of all classes of offenders, whether the association of the Labour authority with the Police department has not impaired the efficiency of the latter and unduly interfered with the discharge of their duties, to mete out just punishment to all those whose inefficiency or partiality or both contributed to the insecurity of life and property and to the distrust in the administration."

Mr. C. NATESA MUDALIYAR :—" Mr. President, every one of us in Madras know in what panic-stricken condition a considerable portion of the city is to-day. People residing in those localities have no sleep at night, nor do they go out in open day-light without fear of being molested. Hurling of stones, cutting with swords, throwing out bombs and stabbing with knives are the ordinary violences of the day. Recurrences of series of offences like these prove either the negligence or the insufficiency or the inefficiency of the police. Similar conditions prevail even after the reinforcement of the police force. Representations were made, representations by responsible citizens of Madras headed by no less a person than Sir P. Thyagaraya Chettiyar, President of the Corporation of Madras, and the leader of the City, were submitted, but the representations were not replied to properly, rather they were misconstrued and misinterpreted. Sir P. Thyagaraya Chettiyar in the political field has no distinction between caste and caste, creed and creed, and man and man. In the political field he is the boldest and the most selfless champion of the Adi-Dravida and other depressed classes, and so his memorandum was not to favour this party or that, but was simply to restore peace and order, and then to cement the differences among the communities. The public of Madras were seething with rage and, as they thought that they were unheeded, humiliated, insulted and unheard, were growing despondent. We know, Sir, what the consequences of despondency would have been. The memorandum of Sir P. Thyagaraya Chettiyar calmed the atmosphere. Public meetings were to have been organized, but we have every reason to believe that His Excellency is very well-intentioned and very sympathetic towards the people, and his wisdom and statesmanship are evidenced everywhere, and so our leader, Sir P. Thyagaraya Chettiyar, tried his best to avoid such public meetings. Now, Sir, for the information of the Council, I may say that the strikers were persuaded to resume their work. Their memorandum containing their conditions in detail is submitted to Rao Sahib Muttiah Chettiyar, and he will most probably place it before the Simpson Committee, and I hope some good will result from it. Sir, we request His Excellency to make the Mill authorities understand that they ought not to lock out thousands of people who have settled in Madras from the mufassal and cause forced starvation leading to sympathetic strikes and chaos in the city."

Rao Sahib U. RAMA RAO :—" Mr. President, Sir, as one who is living in the disturbed area, my experience will be of some use to this Council. Sir, ever since the strike in the mill began, that particular mill area is in a very, very disturbed condition. Before this strike we had a number of other strikes, but during that time no such disturbances had occurred. It was all the while attributed to

political agitators, and it was said that a handful of political agitators, who were connected with the Labour Union, were the cause of all this trouble. In those good old days when Mr. Wadia was the head of the Labour Union, the labourers did strike a number of times, but nothing of this sort had happened. The main cause for this present state of affairs in that mill area is, that the authorities—I mean the Police and the Labour Commissioner and his assistants—have been found to actively help the Adi-Dravidas, one particular section of the strikers, out of 4,000 or 5,000 strikers against caste Hindus and Muhammadans. It was the Police Commissioner and the Labour Commissioner and the leaders of the Adi-Dravidas that went round and told these Adi-Dravidas to go back to work. If they had not done so, all this trouble would not have arisen. And it appears that when His Excellency came down from the Hills and went and inspected the locality and came out with a big donation, an impression went round that His Excellency the Governor also was inclined to favour the Adi-Dravidas. I will only say that that impression has got into the minds of the Adi-Dravidas and their supporters; and with this help and support, and with the promise that if their houses were burnt, new houses would be built for them—all these atrocities were caused. Sir, as one who is living in the locality, I can say that night after night, day after day, steam engines and fire engines are coming to the area to extinguish fire, and not an hour passes either in the day or in the night without hearing a case of some murder somewhere, some intimidation somewhere and throwing of stones or bombs somewhere. It is impossible for ladies or children to go out of their houses. Most of the people who are living in small houses keep their doors shut for fear of any of these rioters coming into the house. In fact, most of the residents of that particular area could not send their children to schools. They have no means of sending even their servants to market, for fear of being molested. It is not quite certain when a gang of rioters will come into their premises and disturb them. All these are due not to the attempt of the political agitators as it is alleged to be, but it is due to the authorities helping a particular section of the strikers against other sections. If they had not done so, nothing would have happened in the locality. In addition to these things—I do not want to repeat all that my friends have stated before me—the behaviour of the police is anything but satisfactory, and they are not able to find out the culprits for the last so many months. It shows either that they are perfectly incompetent, or that they do not want to find out the culprits. Unless and until the strike is settled, there is no chance of this trouble coming to an end. Either you must settle the strike, or close the mills, the one or the other; and if that is not done, all this trouble may not come to an end. I attribute the main cause of this trouble to the inactivity of the police, the Government's calm attitude, and the unsound advice of the leaders of the Adi-Dravidas, who all appeared to help the mill owners against the labourers.' "

Mr. M. C. RAJA :—" Sir, as one who has suffered considerably during this recent trouble, I think I have a right to give my opinion on this subject. I welcome this opportunity of having the matter discussed in this Council. My community have no newspaper at their disposal, no means of expressing their grievances, and the few leaders of the community capable of speaking on their behalf are intimidated, calumniated and subjected to oppression and coercion, I myself having been driven away from my house in Royapetta. I suppose all the honourable members in this Council know this, and also that that was the reason why I was not able to come out of my house to attend the Council meeting last month.

"It is not necessary for me here to recapitulate the events of the past. It will be sufficient if I say that there are over two thousand Adi-Dravida families in Madras, and the suggestion was recently made that these families should be packed like rats and put in trucks and deported out of Madras. Countless assaults, innumerable attacks have taken place, and every member of my community in the vicinity of Madras has spent many sleepless nights during the last four months. I have no desire here to palliate any act of my people going beyond the right of defence; there have been indeed very few such instances. It is due to the constant endeavours of the leaders of the community—as I said, even if they were not allowed to go to that area and they had to shut themselves up within their houses for fear of being assaulted—who induced the Adi-Dravidas to look to the law for protection. As regards the Labour department, I wish to say here that it has done the minimum that any civilized Government in this world can do to these poor homeless Adi-Dravidas. They did nothing more than that. As regards work in the mills I would like to say a few words. The Adi-Dravida worker in the mill did not join the strike at all. I want that to be impressed on the minds of honourable members here. It was, I think, on the 19th of June this year, it was a Sunday, that a meeting of the Adi-Dravida labourers was held in Pulianthope, and I was present there. In my presence the Adi-Dravida labourers unanimously decided that they could not join the strikers. There was no strike then; the workers were only contemplating a strike at that time. The reason for their decision was this: the Adi-Dravida labourers there told me expressly that during the previous strike, the one towards the end of last year, it was a strike continuing for about three or four months, during that strike the men of my community suffered considerably, and they had to part with the little jewels they had and even with their clothes. Mr. Natesan knows it, and Sir P.Thyagaraya Chettiyar knows it. And so, they said that after the three or four months strike—that was Mr. Wadia's strike—(laughter) what happened was that these labourers surrendered actually to the Mill authorities and my men on the 19th of June expressed that they could not submit themselves to any more strike like that. And they in a body wrote a letter to the President of the Labour Union stating that they were extremely poor, that they had no means of livelihood except working in the mills, and that they could not afford to join the strike since they had suffered considerably during the last strike when even the little property they had, had to be placed in the hands of the Marwaris. I state this plainly so that honourable members may understand the situation clearly. That letter was sent to the President of the Labour Union on the 19th June and no reply was received thereto. That was flouted, I suppose, and then the other members of the Union went on strike. But my men continued to go to work. They did not stop at all and for that they are suffering like this. My people only exercised their rights to give or withhold their labour as they thought best in their own interests. That right my community has maintained against the non-co-operators whose object, both manifest and avowed, is, as is well known to all here, simply to render Government impossible. That right my community intends to assert and to maintain in the future. My friend Mr. Tanikachala Chettiyar has said that not one Adi-Dravida was shot. For my part I am extremely sorry for the caste Hindus who have been killed. From the fact that no Adi-Dravidas have been shot, it is clear that these Adi-Dravidas were not in the disturbed areas; they were not the rioters and therefore they escaped shots. That is quite clear. If they had been with the rioters in their rioting, they would have certainly lost their lives. The very fact that no one Adi-Dravida was shot clearly indicates that the Adi-Dravida was not creating the mischief.

He was aloof on the one side. But my friend Mr. Tanikachala Chettiyar has said nothing about the throwing of bombs, which has become the fashion of the rioters. How many lives have been lost by the throwing of bombs, who threw them, and who manufactured them, these are questions which my honourable friend ought to have put before the Council. I am sorry he has forgotten this aspect of the case. And then my friend Mr. Natesa Mudaliyar has said that certain representations by the champion of the Adi-Dravidas were made to His Excellency the Governor regarding the disturbances. I want to know what the representation is. I suppose he refers to the famous memorial, that partisan memorial, Sir, I say here, signed by Sir P. Tyagaraya Chettiyar and others. Sir, I should like to point out that it was said in that memorial that on a certain morning I was present at the Vyasarpadi camp with my friend Mr. Sundaracharlu. I say here that I was not there at all at the time. I think that morning, I was talking with a friend of the Hon'ble Mr. Venkata Reddi Nayudu, one Mr. Gnanaprakasa Rao. This person came with an introductory note from the Hon'ble Mr. Venkata Reddi Nayudu and asked me for a recommendation to Mr. Schmidt (laughter). And that day, Sir, as I was a little indisposed, I did not leave my house at all. But I used to go to Vyasarpadi camp to advise my men to be careful and to restrain themselves. Unfortunately or fortunately I do not know, I was not there that day at all. I did not leave my house that whole Sunday. From this, Sir, you will understand what sort of a memorial that famous memorial is. And then my friend Dr. U. Rama Rao has said that the Adi-Dravida leaders advised their men to go to work. I suppose there is no harm in that. The leader of any community has got a right to advise his people to the best of his judgment; and if Mr. Rama Rao, as the leader of his community, is afraid to tell his constituents what his views are on any particular and pressing question, I do not know what to say about his right to be their leader. I am astonished, Sir, at a section of the party which claims to stand for the depressed and the oppressed classes countenancing the persecution and the reign of terror to which my community is at present subjected. I do not believe that this section voices the real opinion or attitude of the Council nor of the non-Brahman party throughout the Presidency. The position of my community is simply this. We believe at present the view of Mr. Tanikachala Chettiyar that the Government are siding the Adi-Dravidas is not shared by the members of the wide non-Brahman party in this country. If however they are, we have no option but to cut ourselves aloof from that party; and in doing so, I appeal with all the force at my command to all the moderate members of this House, to the non-Brahmans, the Brahmans and the Europeans alike in this Council to say that this campaign to excite public feeling against my community, to deprive them of their legitimate rights and to reduce them once more to the political, social and economic bondage of ages, shall cease."

4-30 p.m.

Mr. J. F. Simpson:—"Mr. President, I fail to see what good effect this debate is going to have on the peace of Madras. When Mr. Tanikachala Chettiyar obtained the consent of the House this morning to make this motion, I expected something good from him. But I have been disappointed. I have heard him say, we want a new Commissioner of Police, a new Commissioner of Labour, a new Governor in Madras. The only man who can do all these things is Mr. Tanikachala Chettiyar! That is the impression I have got from his speech. Mr. Tanikachala Chettiyar belongs to a party which goes by the name of 'Justice' and I think my friend Mr. Raja has sufficiently explained what justice is to be received at the hands of that party. Mr. President, I tremble to

[Mr. J. F. Simpson] [12th October 1921

think what would happen in England if the Lord Mayor, or in any town in Scotland if the Lord Provost, had deliberately proposed to export the poor of the city out of the city. Yet that happened in Madras, that was proposed to be done by the head of the Madras Corporation. If you go to the very foundation of this trouble, no one can deny the right to strike. That is admitted. On the other hand no one can deny the right to work and if a section of this community desires to pursue its work, I maintain it is the bounden duty of the Government to allow it to go to work, protect them in going to work against those who are endeavouring to prevent them from going. I might say a great deal on this point, Mr. President, but my friend Mr. Natesa Mudaliyar has mentioned my name as associated with a certain committee. I belong to no party in this House and I keep no party in any lobbies but I would like to inform the House that some two days ago a representation was made to me saying that if certain things were guaranteed, promised by the mills, the strike would be over, and no adjournment of this House would be moved. I am strongly of opinion that this debate will not tend to the peace of Madras. If people who have some influence with the strikers will advise them to have their interests in the hands of the committee who have no axe of their own to grind, who are neither for Adi-Dravidas nor caste Hindus, then peace will result in the city. The strike has been going on and the strikers have been beaten. Work is waiting for practically all of them if they will return to work. There will then be no unemployment. I appeal to the honourable members here not to deal with the question in any passionate way."

4-45 p.m.

Mr. M. C. MADURAI PILLAI :—" ஐயா, இந்த சபையோரெல்லோருக்கும் என் பணிதலான வந்தனத்தையளித்து தெரிவிப்பது யாதெனில் கடந்த மூன்று மாதங்களாக இந்த சென்னையின்கண் புளியந்தோப்பு கலகத்தில் ஆதி-திராவிடர்கள் சம்பந்தப்பட்டவர்களென்று சொல்லுவது வாஸ்தவமே. அதற்காக முகம்மதியர்களும் தமிழர்களும் ஆதி-திராவிடர்களுக்கு நேர் விரோதமாய் கலக்கம் செய்துகொண்டு வந்ததற்குக் காரணம், பக்கிங்ஹாம், கர்ணடிக் மில்களின் ஸ்டிரைக் (strike) என்று சொல்லக்கூடிய வேலைநிருத்துதலினின்று உண்டாகி இவர்கள் ஒருவருக்கொருவர் சண்டைசெய்துகொண்டு வீடுகளையும் குடிசைகளையும் கொளுத்திக்கொண்டார்கள். அன்று சாயங்காலம் அவ்விடம் நான் சென்று தீயால் எரிந்துவிட்டிருந்த வீட்டுக்காரர்களாகிய ஆதி-திராவிடர்களுக்கும் முகம்மதியர்களுக்கும் தமிழர்களுக்கும் வேற்றுமையிலலாமல் தக்கவிதமாக தேருதல் சொன்னேன். இரவு 8-மணி வரையில் அவ்விடமிருந்து பிறகு திரும்பி வந்தேன். அன்று மறுநாள் அவர்களுக்கு சோட்டி பழம் முதலியவைகளும் அரிசி மூட்டைகளுடன் காய்கறி தினுசுகளைக்கொடுத்து வியாசர்பாடியில் கொண்டுபோய் சேர்த்ததின் பிறகு அவர்களுக்கு நமது கவர்ன்மென்டார் உதவி புரிந்தார்கள். இவ்வாறுக இருக்க சிலர் ஆதி-திராவிடர்களுக்கு மாத்திரம் கவர்ன்மென்டின் உதவி அதிகமாக இருக்கிறது என்று சொல்லுகிறார்கள். இவ்விதம் பலவாறுக சொல்லுவது சரியல்ல. ஆபத்துக்காலத்தில் கவர்ன்மென்டு யாராயிருப்பினும் ஒத்தாசை செய்வார்கள் என்பது யாவருக்கும் தெரிந்த விஷயமே. அத்தாக்ஷியாக பத்துபேர் சேர்ந்து ஒருபக்கமும் ஒருவனுக இருந்து ஒருபக்கமும் சண்டை செய்துகொண்டு, அந்த ஒருபக்கம் சண்டை செய்தவன் கீழே விழுந்துவிடுந்தால் கவர்ன்மென்டு பார்த்துக்கொண்டு இருக்குமா.

12th October 1921] [Mr. M. C. Madurai Pillai]

" ஆதி-திராவிடர்கள் என்று சொல்லக்கூடிய மதஸ்தர் யாவருக்கும் அடிமைத்தொழில் புரிந்துக்கொண்டு வருகின்றார்கள். எப்படியென்றால் சாஸ்திரயுக்தமாக சொல்லியுள்ள பிரஹ்மா, க்ஷத்திரியா, வைசியா, சூத்ரா என நான்கு மேன்மக்களாய் உள்ளவர்கள் தாய்தப்பன்மார்கள் போலவும், ஆதி-திராவிடர்கள் பிள்ளையைப்போலவும் ஒவ்வோர் பட்டணங்களிலும் ஒவ்வோர் கிராமங்களிலும் உழைத்து வருகின்றார்கள். அஃதெவ்வாறெனில், ஆள்வார் கூரியுள்ள சுருதியை சொல்லுகின்றேன் :

' ஸ்ரீ சைலே சதயாபாத்ரம் தீபக்ஷியாதி குணார்ணவம்
யதிந்த்ர ப்ரணவம் வந்தே ரம்மேஜாமாதர் முனிம் '

இதைப்போல் மற்றொன்று :

' பழுதிலாவொழுக்கலாற்றும் பல சதுர்போதிமார்கள்
இழிகுலத்தவர்களேனும் மெய்மடியார்களாகில்
தொழுமினீர் கொடுமின்கொன்பி னென்றுனின் றோதுமொக்க
பழுத்திரு வறங்கத்தானே.'

" பூர்வகாலத்தில் உலகத்தை சீர்திருத்தவேண்டுமென்று அவதாரம் எடுத்து உலகத்திற்கு வந்து ஆழ்வார்கள் என பெயரை வைத்துக்கொண்டு சாஸ்திரங்களையும், புராணங்களையும், கிரந்தங்களையும் எழுதிவைத்தவர்கள் இவ்வாறு சொல்லியிருக்க மேற்சொல்லிய சாஸ்திரங்கள் யாவையும் வாசித்துணர்ந்த பெரியோர்களாகிய நீங்கள் ஆதி-திராவிடர்களை கீழ்மையாக நினைப்பதின் காரணமென்ன ? ஆதி-திராவிடர்கள் அங்கங்களில் ஏதேனும் குறைகள் இருக்கிறதா ? தவிர தற்காலத்தில் நடந்த கலக்கத்தில் மில்களின் தொழிலில் சேர்ந்த ஆதி-திராவிடர்கள் மாத்திரம் கலக்கம் செய்திருப்பார்களே யொழிய மற்றத் தொழில்கள் செய்யும் ஆதி-திராவிடர்களும் சுற்றுபக்கங்களில் உள்ள ஆதி-திராவிடர்களும் கிராமங்களில் உள்ள ஆதி-திராவிடர்களும் கலக்கம் செய்தவர்களல்லர். ஆதி-திராவிடர்கள் என்று மொத்தமாக சொல்லுவது சரியல்ல.

" ஆகையால் கவர்ன்மென்டார் அவர்களும் இச்சபையில் உள்ள பெரியோர்களும் கீழ்மக்களாகிய ஆதி-திராவிடர்களை பிள்ளைகள்போல பாதுகாத்து வரும்படியாய் கேட்டுக்கொள்ளுகிறேன்."

Mr. S. SRINIVASA AYYANGAR :—" Mr. President, I have considerable pleasure, though of a melancholy nature, in associating myself with the remarks which were made by my honourable friend Mr. O. Tanikachala Chettiyar as regards the administration of the Police and the Labour departments. I do not, however, think that I would be justified in saying anything about the feelings between the two communities—the Adi-Dravidas and the caste Hindus. I rather think that the fault has been on both sides, and I do not wish that anything that I should say should be productive of any kind of feeling in either. I desire to impress on both the communities that members speak here solely with a view to promote concord and good-will between them. I trust all are united in condemning the departments concerned in their having signally failed to preserve peace and order and in tackling the labour problems. I have been informed by very many persons and also by some Adi Dravidas, whose names I do not want to mention, that the Labour department helped to a certain extent in recruiting labour for the mills. It was extremely reprehensible on the part of the Labour department to have done so. When the Adi-Dravida section of the labour population was fed and maintained and was encouraged to go to these mills against the unwritten law of the

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Labour Union, the necessary result was that there was a division between the Adi-Dravidas and the caste Hindus—the two sections of the labour party. When that came about, the natural consequence was there was disturbance. It does not matter who was responsible for the breach of peace at the outset, whether it was caste Hindus or whether it was Adi-Dravidas, it is all the same. It is perfectly clear that the Government ought to have kept itself absolutely neutral and ought not to have interfered for the purpose of recruiting labour for the mills. I feel I am on firm ground with regard to this matter though it is not possible to give within the brief space of time at my disposal all the detailed information at my command. Equally do I feel that the action of the police was absolutely reprehensible and I do not think there was any justifiction for the shootings that were indulged in. It somehow got abroad that they were trying to make the Adi-Dravidas go into the mills and were trying to protect them at the expense of other people. That was the unfortunate impression created; but it is unnecessary for me to say whether that impression was well-founded or ill-founded. I have no personal knowledge about it but I have heard a great deal about it and I do believe that here and there police officers might have done it. I have always had considerable sympathy generally with the police of the Madras Presidency, and I was therefore very much surprised to find that the police in the Madras City was unable to cope with the situation. I was wondering why it was, but I could not get any satisfactory reason. Even now I am unable to fathom the mystery why the police so badly bungled the situation in the Madras City. The Government ought to have seen that the situation was handed wisely so as to have ensured peace and order. When once the people got out of hand it was impossible for the police to ensure peace and order in the city. I confine my observations only to the maladministration of these two departments and I hope that this will lead to the abolition of the Labour department. The Labour department ought to have rendered help to all sections of the community and not to Adi-Dravidas alone who form only a section of the community. The conflict of interests between the two sections of labourers that are entrusted to the same hand is obvious and this naturally led to the Labour department being regarded as partial to one section of the labour population. The department was liable to be misunderstood. It is impossible to say whether the police was more responsible or whether the Labour department was more responsible. I do believe that the Labour department was responsible at the beginning for the origin of this trouble and the police were responsible for not being able to control the situation later.

"Of course a great deal has been said both here and elsewhere as to the political agitation and as to the various kinds of persons that interested themselves in these subjects. True, but we cannot trace the causes to these factors. To say that because a certain propaganda is being carried on, that is responsible for the outbreak of every kind of disturbance is really useless talk. So far as labour is concerned, I know perfectly well that the propaganda known as the non-co-operation movement is not responsible for the trouble. It is perfectly true that some of the leaders in the labour movement are non-co-operators, but I do not think they did not want that these people should not go to the mills and work. I therefore submit that this motion which has been made by my honourable friend Mr. O. Tanikachala Chettiyar, apart from the controversy which it raises as between Adi-Dravidas and the caste Hindus, is a motion which deserves the most anxious and careful consideration of every member of this House and it should receive the widest possible support and there cannot be two opinions on the matter.

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"I feel that the Adi-Dravida members of this Council are by no means disposed to take sides in the matter, but they have shown that the leaders of the Adi-Dravida community had not been able to bring their own community in order with the rest of the community. Though I am delighted to hear the speech of Mr. Madurai Pillai I do feel, if I may be pardoned for saying so, that the leaders of the community were somewhat ill-advised in throwing in their lot with the Labour department. They ought not to have split themselves in the way they did. Beyond that I will not be justified in saying anything further. The only other observation which I should make is that whatever difference of opinion there may be there is no difference of opinion on this point. Undoubtedly members of the public in the city feel—it is not a political feeling, it is a real feeling—that there is no safety for life or property. Undoubtedly that feeling is maintained by the sort of attention or no attention which the subject receives. I am particularly glad that this motion is not found on this occasion detrimental to public interest and I feel that the Government must take care to bring the right solution which is to compel the mill authorities to close them down or to cease to look after these Adi-Dravidas as a separate community so far as the mill labourers are concerned. The Adi-Dravidas of the mill should certainly not be maintained by any department. No doubt enquiries have been made. I do not want the result. I suppose further enquiries will be made. I am particularly concerned at the present moment not so much with the punishment but with the solution. The only way is to appeal to men like Mr. Simpson, and I am sure he will regard this with considerable interest and sympathy and compel his mil friends to admit the whole lot of men. They do not want bonus or strike pay. Undoubtedly the mill disturbance was the origin of the mill trouble. It has spread to a considerable section of the population. The sooner the right solution is applied the better for all concerned. I should only in conclusion associate myself, as I said, with the very courageous criticism levelled by Mr Tanikachala Chettiyar against the Government, against the police and against the Labour department."

5 p.m.

Mr. C. V. VENKATARAMANA AYYANGAR:—"I want to say, Sir, a few words on the points which seem to me to be important. I speak more as one coming from the mufassal and therefore my remarks are disinterested in the so-called communal differences that have been raised in this case. So far as the motion to consider the situation in Madras is concerned there can be no difference of opinion. We have heard four non-Adi-Dravidas, two Brahmans and two non-Brahmans. We have also heard two Adi-Dravidas. I must admit that Mr. Raja's words that they have no press to publish their case have had some effect on me. Till we came to Madras we were under the impression that the Adi-Dravidas were to blame completely. But after Mr. Raja had put the case of the Adi-Dravidas we are inclined to think that after all the Adi-Dravidas are not to blame as much as they seemed to be wrong at first. But whatever that may be, this one point is clear. So far as the peace of Madras is concerned I do not think it is reasonable to blame any one party only, especially when we remember the Tamil proverb that only when two hands come in contact there is noise. There is no doubt whatever that every party—the mill, the Government, the Labour Union, the non-Brahmans and the Adi-Dravidas—have all contributed towards this trouble. But as one who has been in the mufassal who expects peace and order everywhere, my anxiety is this. We have been saying that so far as the British Government is concerned, whatever might be the state financially, economically, religiously and other things, we are always

proud to proclaim that under the British Government we have one thing, viz., the liberty of person and property, safety of person and safety of property. But unfortunately recent events both in Madras and Malabar have shaken that confidence to a great extent more in the illiterate classes than in the educated classes. Therefore it is the duty of the educated classes and those who cannot wield weapons and other things to just tell the Government that so far as the villagers are concerned they are losing confidence in the safety of person and safety of property. Well, Mr. O. Tanikachala Chettiyar has referred to several departments of police. He might have included the Military and the Criminal Investigation Department. I do not know why the Criminal Investigation Department who shadow respectable people and political leaders in Madras for the last three months have not been able to bring out the real offenders for punishment. That is a very serious thing to blame. So far, the non-Brahman side and the Brahman side through Mr. Rama Rao have been placed, and it is clear that there is no safety in the affected area. The non-Adi-Dravidas come and say that the Government is not impartial. The Adi-Dravidas say 'We are not safe. Our leaders are not safe. Mr. Raja himself is confined to his house.' We are told that crude swords are raised by Adi-Dravidas and that the non-Brahmans are using bombs. Therefore, so far as we are able to see, it is clear that the Government have not been doing their duty or have not been able to do their duty. That is the one thing which in the interests of the public I am bound to say. The contagion may spread to the mufassal towns. It is reasonable for us to think so, if in the presence of the large armed police, the large military police, under the very nose of His Excellency the Governor and all high officials of the Presidency, in a place where arms and other things including motor busses could be had, the disturbances have not been quelled day after day. The police have only caused some murders, let me not say murders, but I will say deaths The Adi-Dravidas have not been blamed for murders and if there had been murders or deaths they seem to have been due more to police action. It may be justified or not. We are here to say nothing about that. Mr O. Tanikachala Chettiyar's one prayer was that it was high time that a committee should be appointed. We are surprised to see that the Government should not have appointed a committee, any responsible committee, in which all communities interested in the matter would have confidence. As for the committee of three already appointed, I do not want to mention names and two of them are Members of this Council. One party at once expressed that they had no confidence in that committee. What is the use of appointing a committee in which a large portion is not interested? It is usual to say that the non-co-operators are at the bottom of everything. Unless there is some fire there won't be smoke. Unless there is some reasonable apprehension on the part of these communities they would not be unwilling to get the support of the Government. We have got this fact that non-Brahmans investigated into the matter and therefore the implication is that they are trying their best in their own self-defence. Then, Sir, in the interest of the Government, in the interest of the peace-loving subjects of His Majesty it is high time that some committee is appointed, some committee in which every community and every party of the community will have complete confidence and then go into the whole matter carefully, publicly and openly and then come to a conclusion. The sooner that conclusion is arrived at the better. There is no use in appointing a committee, then waiting for three months for the report, then shelving it for some time and again taking it for discussion in the Cabinet for months and months. Something definite should be done and this is not the time to say what

that thing should be. I accept the recommendations or suggestions contained in the memorial except one. It is not fair nor very kind to deport the whole lot of the Adi-Dravidas outside Madras. The mill was bound to give protection to its workmen. On the other hand the police must be blamed for going on with the labourers in motor busses. The police are bound to help all communities. The police would have done better to have posted police men at short distances so that these busses might not be molested. It is certainly too much to suppose that the police should have gone in those busses thus escorting the Adi-Dravida workers. My own idea is so far as regards what has been said by Mr. Raja the Adi-Dravidas cannot be very much blamed for not joining the strikers It may be true that what little they possessed was lost in the previous strike. We know the difficulties the Adi-Dravidas may suffer from. It may be that the non-Brahman and Mussalman mill workers beg in respectable citizens, houses or work inside their houses. In spite of Mr. Madurai Pillai's statement it is difficult to say that everyone could get work under the circumstances. The police must however be blamed if it is true that they are escorting these people. All that we want is that Government should show that they are impartial. They may be impartial; but Caesar's wife must be above suspicion. There is no doubt that suspicion is attached to the officers concerned. There is absolutely no reason why Government should care for prestige and not transfer the various officers concerned and get new people imported in their places.

"Sacrifices ought to be made in times of emergency. Therefore a committee will have to be appointed, and in order to begin friendly negotiations officers who are not wanted there should be transferred from the locality. Every effort should be made to put down the troubles and friendship between all the communities might be resuscitated so that we can have peace not only in the city of Madras, but also in the various mufassal towns. People have very good reasons in the mufassal places to be afraid of the consequences. The suspicion that the British Government is not after all so strong as it was believed to be should not gain ground, and all the possible causes for the suspicion should be removed at any cost. For all these reasons I support Mr. Tanikachala Chettiyar's motion that it is very necessary that something should be done at least now that it is already very late."

5-15 p.m.

Mr. S. SOMASUNDARAM PILLAI: —" Mr. President, it is a very serious question and requires deep consideration. If a man is prejudiced and has not a balanced mind, he is likely to misjudge. If a man has a leaning towards one side or another he will not be able to find either the truth or the falsehood. In this question of Puliantope troubles I have got an interest. I have lost one of my day schools; it was burnt down. Fortunately I had removed my furniture in time (Laughter). Another school was broken open during night. Was it the Adi-Dravidas who broke it open? In these fires and disturbances there are four or five parties concerned, the mill-owners, the Adi-Dravidas, the caste Hindus, the Government and the public at large (Laughter). The mill-owners have come to earn their profit; they must do their duty. Who are you to question them? By hook or by crook they will earn (Laughter). Secondly there are the Adi-Dravidas. Consider the position of the Adi-Dravidas in the Hindu society. They are a despised lot occupying the lowest position, ill-treated and despised. They occupy a position worse than that of the animals. Animals are allowed into your houses, but Adi-Dravidas are not allowed to go there. Animals are allowed to bathe in the common river, but Adi-Dravidas are not. They are worse than the

slaves of old. In their own interest the slave-owners cared for the health of the slaves, and even married their slave women. But here the Adi-Dravidas are not allowed to go even through the streets. We look at their actions with prejudice. If they commit a little mistake it is magnified. If a casteman commits the mistake it is viewed with leniency. That tendency must be given up We must look at both sides without partiality. At the time of the strike, the Adi-Dravidas could not earn their livelihood even by begging. Have you heard of a Pariah going from house to house to beg? Caste Hindu strikers come to my house with a box in the hand. I am obliged to give them some money. If I advise them to go back to the mill they say 'No.' They say they will take to *charka*.

"The Adi-Dravidas are despised and ill-treated and naturally they retaliate. Whatever was done in these quarters is thrown on the head of the Pariah. Do you mean to say that all the murders were committed by the Adi-Dravidas? Is there any proof? Did Mr. Tanikachala Chetti say that caste Hindus were killed by the Adi-Dravidas? I am really sorry that the caste Hindus suffered much and some lost their lives. It may be on account of the scuffle between the police and the people. Those who are in the front of the battlefield will die in large number. It is for the purpose of poor Belgium that Germany suffers (Prolonged laughter). I mean it is for the purpose of helping Belgium which was invaded by Germany that the Allies joined together and made Germany suffer.

"Caste Hindus wanted to oppress the already despised classes, and then they suffer. I am very sorry for our caste Hindus. Perhaps this might have been due to the incapacity of the police officers posted there. But on the last day of the Muharram in Broadway a matter which would have ended in very serious trouble was peacefully settled by two able police officers, Mr. Upshon and Mr. Singaravelu Mudaliyar by their timely interference and tact. If individual police officers use their tact there will be no trouble.

"It is said that swords are in the possession of the Adi-Dravidas. Even supposing they had swords what harm is there? They had them for protecting themselves. I do not say that these Adi-Dravidas do not do any mischief. It is only a matter of retaliation If you ill-treat the Adi-Dravida, his feelings will be inflamed, and he will retaliate. I have considered all these matters. There is no use of blaming one man or another. There is no use of blaming the Labour Commissioner or his assistant. They are suffering under great difficulties. They themselves have to depend upon the subordinates. Government must take care to see who is a capable officer for the post and must appoint him to the post. Now recently I was told that there is no trouble in the disturbed quarter as a competent officer has been appointed. Considering all these things I do not think that there is any necessity to press this matter further. I am very glad of the enthusiasm of Mr. Tanikachala Chettiyar. I feel for all, for I belong to all the parties. Do you mean to say that I do not feel for my own community?

"What is the root of all these evils. Doctors diagnose the disease of their patients, and so let us do the same with regard to this disease. Where are the ring-leaders who have misled the caste Hindus? Where are they? They have brought these people into trouble and they have vanished. My friend there, Mr. C. V. Venkataramana Ayyangar, says that non-co-operation has nothing to do with this trouble (Laughter). It is the non-co-operators that have done the mischief; non-co-operation with the mill, non-co-operation with the Pariahs, brought

about this trouble. That is the truth and there is no use blaming the other people. I may say in conclusion that though I sympathise with Mr. Tanikachala Chettiyar I strongly oppose the motion."

Dr. GILBERT SLATER:—"I think, Sir, that this debate will be useful in proportion as we concentrate our minds on the remedies for the present unhappy state of affairs. And with regard to that it appears to me that it is remarkable and even extraordinary, that Mr. S. Srinivasa Ayyangar should have suggested that pressure should be put upon the owners to close the mills. A procedure which would result in an additional number of 6,000 men being turned out of work is, surely, the worst line of action that can be taken. I think it is necessary for us to remember that the trouble arose from a strike which was entirely foolish and hopeless from the beginning. In the circumstances it is clear that the Adi-Dravidas were entirely in their right in continuing to work, and that they took the proper and honourable course when they informed their fellow workmen of their intention to go to work. We all have the right to go to our respective places of work and we all have a right to be protected by the Government as we go along the public high road from our homes to our offices or wherever we are employed.

"Again, I should like to touch on the statement that the Labour Commissioner has recruited labour for the mills. That statement is entirely without foundation. Now the question before us is what is the cure for the evil. It is perfectly clear that as the cause of the evil was an ill-judged and hopeless strike due to bad advice given to the strikers, the remedy is for these strikers to return to work under the influence of advice from better advisers. I believe there are in this Council men who have influence with the strikers, and if they use their influence it is very likely that we shall arrive at the real remedy for the disease. As I understand the situation there are more vacancies available in the mills than there are ex-mill hands still remaining unemployed in the city of Madras. In these circumstances I believe that people who can exert an influence on the strikers should recommend them to drop the very remarkable, and I may say the unparallelled demands which they have put forward and unless they have other work which they prefer, return to their employment in the mills on the terms which are offered them. By all means let them take instead to hand-spinning and hand-weaving, or any other available occupation, if they prefer it; but if not, let them go back."

Sriman BISWANATH DAS:—"Mr. President, the continuous troubles and disturbances that are prevalent in certain parts of Madras and the inability of the Government to cope with the situation has given rise to great misunderstanding in the mufassal. We in mufassal could not make ourselves believe that the Government with the help of the ordinary police, the punitive police, the military police, and if necessary the military were not able to cope with the situation. The natural inference therefore is that the Government, in a conflict between the labourers and the mill-owners, sides with the latter, and the Labour Department therefore gives some sort of help to the Adi-Dravidas to go on working in the mills. In countries, where the Government is responsible to the people it is the labourers that are given all sorts of help by the Government. Only the other day the British Cabinet has sanctioned £15 million in aid of the suffering labourers, and look at the piteous sight of a Government helping the millowners of Madras to bring back the labourer who only pleads for a higher wage!

"We are not at present in a position to say whether the Adi-Dravidas are at fault or the caste Hindus are at fault. We are sorry that the committee that was appointed has not yet submitted its report or

5-30 p.m.

[Sriman Bisvanath Das.] [12th October 1921

if at all it has submitted the report to the Government, it is not made available to us for our use. However, the Adi-Dravida case has been represented by our honourable friend Mr. M. C. Raja that they are feeling themselves insecure and they complain that their rights and interests have not been properly safeguarded and equally our honourable friend Mr. O. Tanikachala Chettiyar very clearly puts forth the case of the caste Hindus and the Muhammadans and I think unless the points that are raised in his speech are clearly answered, we shall have every reason to complain against the inadequate measures and unjustifiable steps that are taken by the Government. When both the Adi-Dravidas, the caste Hindus and the Muhammadans say that their interests are not properly safeguarded, and that the safety of the people in that part of the city is at stake, the Government stands self-condemned. It is, therefore, necessary that urgent measures should be taken and a representative committee of this House be appointed to make a thorough investigation and to enquire into all that has been going on and that has been done in the matter. It is on these grounds, Sir, that I very heartily support the motion made by my honourable friend Mr. O. Tanikachala Chettiyar."

Mr. B. MUNISWAMI NAYUDU :—"Sir, I would first of all observe, that this is purely a question of strikers and non-strikers that we are talking about. Unfortunately a large number of non-strikers happen to be Adi-Dravidas and this is not a question between Adi-Dravidas and caste Hindus but it is purely a question of mill workers. A number of mill hands continue to be out of work. It is possible that such of the people who are going on with the work in the mills are being molested by those who are out of work. In these circumstances whether it be Adi-Dravida non-strikers or caste Hindu non-strikers, such a thing is sure to occur when there are two bodies, a large section out of employment and other section going in for employment. Under these circumstances the main question is whether the situation has been properly handled and whether it has been properly managed by the Government. The object of the resolution, therefore, is to bring to the notice of the Government prominently the unsatisfactory way in which the whole thing has been dealt with. It has been practically brought out that there is insecurity to property and life. This is being complained of not only by the caste Hindus but by the Adi-Dravidas also. What has been done to alleviate this difficulty, is the whole question. There have been allegations that swords were found, there have been cases in which bombs were thrown and nothing seems to have been done to find out who are responsible for all this. This is a thing going on for the last three months and therefore all that I submit is that this is a matter in which the Government must consider whether a change of hands may not be absolutely necessary.

"Secondly, nobody would object to protection being given to that section of the labourers who do not want to strike and who want to continue to work. It is perfectly justifiable. Government should also see that protection is given to that section who have struck work and it is their duty to see that there are no occasions given for disturbances. It was suggested that such of those who have made up their minds to continue in the mills may be kept out of the danger zone. I submit, Sir, that this is a wise suggestion. Under these circumstances without thinking whether the Adi-Dravidas or the caste Hindus are at fault, we have to consider that this is purely a question in which the strikers and the non-strikers are concerned. It is the primary duty of the Government to see how to end this trouble and also to see how the non-strikers can go back to the work without any trouble and that peace is restored."

12th October 1921] [Mr. A. S. Krishna Rao Pantulu]

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, it is no doubt a striking feature that we are now discussing this question of public importance without knowing exactly what the Government propose to state on this subject. There are some issues which have been raised but which it is necessary for the Council to concern itself with at present. It is not necessary to consider whether in the various incidents which have now been placed before the Council, the Adi-Dravidas are to be blamed or the caste Hindus. The only point which has been strongly placed before this Council and regarding which there is no difference of opinion is that there has been for some months past a state of insecurity of life and property in the city of Madras, which has necessarily created a consternation throughout the Presidency. Every one here is anxious to see that all possible steps are taken to bring such a bad state of affairs to a termination as early as possible. On a former occasion in this Council a motion was made, I believe, by my honourable friend Mr. Ranganatha Mudaliyar for an enquiry regarding the mill strikes and the Honourable Member for Labour assured us that the question of placing the working of the trades unions on a firmer basis was receiving his attention and that definite steps would soon be taken in that direction. What has been done during these months has been more discouraging than encouraging. We have witnessed the various steps taken by the members of the Corporation. We also know that punitive police have been placed in the disturbed area and that the Government have come to a decision to collect taxes from the people concerned. But it is unfortunate to notice that no improvement has been effected in restoring peace and order in the locality. We do not want to enter into further details before we now call upon the Government to satisfy the Council and through this Council the public at large as to whether adequate and effective steps have been taken by the Officers of the various departments concerned to restore peace and order in the city in the manner in which we all wish and desire they should be. There is no use of anyone of the Government officers trying to throw the responsibility on this individual or on that individual or upon this body or upon that body. The Government may always take it that the people will always be willing to co-operate with them in all matters concerning the restoration of peace and order ; and so far as this question is concerned, whatever the Hon'ble the Home Member may state, no attempts which have been so far definitely made have failed to evoke a proper response from responsible sections of the people. There was a definite offer made by the Madras Corporation some time ago asking for an enquiry and offering help in that direction. We cannot imagine a more responsible body than the Corporation of Madras in a matter of this kind. But even for that offer, there has not been a hearty response as the public expected there would have been. I may point out that when definite assertions have been made that owing to the working of the officers of the Labour department or the Police department it has not been possible to restore peace and order in such an effective manner as people desire, nothing would have been easier for the Government than to take the people into their confidence and take effective steps and, if necessary, to transfer the officers concerned and replace others in their places. Sometimes it is said that the transfer of an officer who is trusted by the Government and who is held in very high esteem by the Government may cast a sort of slur or reflection on the officer concerned. But there is even a more important aspect of the matter that the Government should take into consideration. Whether rightly or wrongly, if any officer of any department does not inspire confidence in the people in the manner in which he should, I think it will only be wise, rather than unwise, to accede to the wishes of a responsible section of the people, to effect such changes as

are necessary and to put another officer who can really inspire confidence. Sir, it is also well known that when once people begin to have confidence in any officer, they are prone to excuse small errors or blunders on his part. But if they have no confidence, there is difficulty in condoning even small errors and blunders. Therefore when the situation has become grave and serious, it behoves the Government to take the representatives of the people into their confidence and make such changes as are necessary, so that in whatever steps they take, they may have the full support of the people."

The Hon'ble Sir LIONEL DAVIDSON :—" Sir, I have deliberately abstained from taking part in this debate until a late stage because it seemed to me that the main purpose of it was to elucidate an expression of opinion from the different sections of this House. I did not this morning raise any objection to the motion for adjournment. On the contrary, I was glad that Mr. Tanikachala Chettiyar had brought forward this motion. I thought it well that there should be a discussion of the general issues in regard to the disturbances—the disturbed condition of the City of Madras—particularly if that discussion could be carried on without heat or passion. I observed with surprise that neither in August nor in September nor in October was any resolution tabled before this House on what undoubtedly is a matter of great public interest, viz., the disturbed condition of the City of Madras. No notice of any such resolution has reached me till now. I thought, Sir, that a discussion of the issues would be profitable if relating to precise recommendations, especially if the discussion were focussed on possible remedies. Such recommendations under our rules are essential in the case of resolutions on matters of general public interest. At one time I supposed that the same principle applied to motions for adjournment of this House, but on further consideration it did not seem to me that view was correct.

" The generality of the terms of this motion has this advantage: that it makes it possible to cover the whole field, so to speak, and to let off steam generally. But there are different ways of letting off steam; and I cannot say that I quite approve of the method followed by the honourable mover of this resolution, because in his remarks there was a little too much fire as well as steam. I am bound to admit that they caused me, Sir, to feel some warmth and to rise on one or two points, which if his speech had been more friendly and even in its tenor, I should not have thought of raising.

5-45 p.m.

" Now, Sir, as I have expressed surprise that these issues were not raised earlier, I must take care to safeguard myself against the argument that this statement is unjustifiable seeing that the Hon'ble the Deputy President endeavoured to move for an adjournment of the House in the beginning of September. If it is asked why that opportunity of discussion was not taken, I would answer, Sir, that at that time the general condition of Madras was so full of heat and feelings were running so high that any discussion in this Council would inevitably have tended to aggravate rather than to smooth matters. It will be remembered that only the night before, on the 31st August, the Government had found it necessary to divert half a battalion of British Infantry, the Suffolk Regiment, which was on its way from Jubbulpore to Wellington, and to arrange that it should halt in Madras, the reason being that there was undoubtedly at that time a very grave danger to the public peace, so grave that the presence of additional British troops was considered to be absolutely necessary by those who were responsible for the maintenance of law and order. I am glad to say that it has since been found possible to let one company proceed to its destination at Wellington. But the other company remains and is divided between temporary

barracks at Perambur and regular barracks in the Fort. I hope, Sir, that we shall very soon be able to let them go also. But whether we are able to do so or not depends entirely upon the extent to which the inhabitants of the affected quarter of Madras will co-operate with us. It has been said that responsible inhabitants are always willing to co-operate in regard to the maintenance of law and order. I hope and believe that this is true. But unfortunately large numbers of the inhabitants of the area and of those who go through it on their way to the mills are not responsible persons. They are human beings subject to evil passions and apt to answer a blow with a blow.

" I have been much interested, Sir, in the discussion that has been taking place to-day. I had hoped that in the course of it some specific suggestions for remedy would come up which might assist the Government in putting an end to the undoubtedly unsatisfactory condition of what is commonly known as the mill area but in fact now covers a much larger area than the immediate vicinity of the mills. I am afraid, Sir, I cannot say that any suggestions have emerged from the discussion which are likely to help the Government. So far as I can gather, only three concrete suggestions have been made. One was to the effect that a committee of this House should be appointed to investigate the state of affairs. I myself only heard two honourable members specifically mention this, but one of them I understood to say that it was Mr. Tanikachala Chettiyar's own proposal. I do not know if that is his suggestion. If so, I would answer that the appointment of a committee of this kind might conceivably be of use, if it were possible to incorporate representatives of all parties and to create a committee the personnel of which would undoubtedly command general confidence. Now, Sir, when we appointed a similar committee presided over by Sir William Ayling in August, our great difficulty was to choose a committee representative of all parties whose personnel would certainly command confidence and whose findings were at all likely to be unanimous. I am very sorry that the report of Sir William Ayling's Committee has not been made available to the House before to-day. As a matter of fact I have received a personal copy and it is published in a Government Order, dated the 7th October. It would have been in the hands of the members of this House but for the fact that intervening public holidays—Ayudha Puja and Sunday—held up the printing. Now that report consists of three sections. All the three gentlemen who composed the committee have subscribed to the main report. There is then a brief note, hardly a note of dissent—I should rather say, a postscript or addition—from Mr. Narasimhacharlu, on which I have no comments to make. But this is followed by a very long ' personal note ' by Mr. Venkataratnam Nayudu, on which at the proper time and season I should like to make a good many comments; because, it seems to me, Sir, that this personal note is very seriously inconsistent with the conclusions to which the writer subscribes in his capacity as a party to the main report. I think, Sir, that, if he had had the advantage of discussing the subject of his personal note personally with the President, Sir William Ayling, and Mr. Narasimhacharlu, a great deal of it would not have seen the light of day. I am sure that he would have been influenced by his colleagues. Now, Sir, I do not want to make much use of that report. But it does represent the outcome of an honest endeavour by the appointment of a committee to arrive at conclusions, unanimous conclusions, on the main matters in issue. The endeavour did not succeed though inaugurated under the best auspices. But we know, Sir, that these three gentlemen, dealing with the events up to, I think, the 16th July, agreed in the main findings."

[Mr. O. Tanikachala Chettiyar.] [12th October 1921

Mr. O. TANIKACHALA CHETTIYAR (*interupting*):—"Sir, we have not been furnished with copies of this report. Would it be relevant to consider this report of which we are all in the dark and of which we cannot say whether the criticisms are well-founded or ill-founded, especially when in the speeches made no reference has been made to the report?"

The Hon'ble Sir LIONEL DAVIDSON (*continuing*):—"I refer, Sir, to the report because it is directly relevant to the question of the conduct of the police."

The Hon'ble the PRESIDENT:—"Order, order. I must point out to the Hon'ble the Home Member that the other honourable members of the House are at a disadvantage when the Home Member quotes from a report which is not in the hands of other honourable members. I think, in fairness to them, it should not be relied upon for the purpose of this debate."

The Hon'ble Sir LIONEL DAVIDSON (*continuing*):—"I bow to your decision, Sir. But I did not look on this House as a mere debating society or expect that points of that description would be taken by the mover. I thought that his object in introducing his motion was to get full information of the facts. I shall not quote from the committee's report, but if I had received previous intimation of this motion, undoubtedly members would have been furnished with copies of it. As it was, I had no notice of any intention to discuss the subject until 11-15 to-day.

"I will now, Sir, go back to the three specific suggestions. The first, as I have said, was for the appointment of a committee. Sir, I cannot hold out any hopes of the appointment of a fresh committee to investigate the issues because of the extreme difficulty of constituting a committee the personnel of which would command the universal confidence. The second specific suggestion made was that the mills should be closed down. That of course would be a possible course to adopt. But, Sir, as has been forcibly pointed out by Dr. Slater, the closing of the mills would throw on the streets of Madras a large number of unemployed people with passions inflamed and only too likely to fight with others. I cannot therefore hold out any hope that the Government will attempt to put pressure on the management of the mills for the closure of the mills."

Sir P. TYAGARAYA CHETTIYAR (*interrupting*):—"May I ask the Home Member, the Hon'ble Sir Lionel Davidson, whether during the last five days there have been any disturbances?"

The Hon'ble Sir LIONEL DAVIDSON:—"I do not quite see the relevancy of the question. But I am quite ready to answer that according to the best of my information there has not been any disturbance since last Wednesday afternoon, when there was a serious disturbance."

Sir P. TYAGARAYA CHETTIYAR:—"Is it after the change of some persons there?"

The Hon'ble Sir LIONEL DAVIDSON:—"If the reference is to Inspector Hankinson, he was on duty after Wednesday."

Sir P. TYAGARAYA CHETTIYAR:—"If it is so, why do not people go in lots but by threes and fours?"

The Hon'ble Sir LIONEL DAVIDSON (*continuing*):—"I cannot say exactly what arrangements have been made by the new inspector, and it remains to be seen whether the improved conditions will continue. But police assistance to the mill hands has always been restricted to the extent necessary to protect them when

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going about their lawful avocation. Their hours of work begin and end at particular times and they must proceed to and from it—not in threes and fours—but in a steady stream, if police pickets and patrols are to be really effective. I have seen them myself on five or six occasions at such times. They must
6 p.m. go *en masse*. Otherwise police protection would be impossible.

"The third suggestion was that our officers should be transferred. A similar suggestion was answered in the communiqué published by the Government of Madras after Sir P. Tyagaraya Chettiyar thought fit to send to the press his confidential letter to His Excellency. This was what the Government then replied:—

"The Government have been unable to discover in the letter any ground "which can conceivably be supposed to support this demand. The Government "are always prepared to investigate any specific charges of misconduct made by "those aggrieved, against any of their servants, but they cannot condemn their "servants merely because they do not appear to have been able to please all parties "in the discharge of their duties.'

"That is the general attitude which Government must take up in regard to indiscriminate demands for transfers. It is a position which has been decisively affirmed during the past year in respect of proposals pressed upon them for the transfers of Europeans, of non-Brahmans, and of Brahmans. The pressure usually comes from opposing parties.

"I should like, Sir, having got to this point, to pay a personal tribute to the magnificent courage displayed by the city police, from the Commissioner Mr. Pelly down to the lowest constable, throughout the very trying period of strain which they have undergone since last June. Policemen in that area have to go out daily carrying their life in their hands. There have been repeated cases of bomb-throwing. And near the mill one poor fellow—Sergeant McGahan—met his end only the other day. It was in consequence of that tragic incident that the Government decided that the cost of the additional police must be defrayed by the inhabitants of the locality. There had been a very definite warning that if the general condition of affairs did not improve, it would be necessary to impose a levy on the residents of the area. I do not propose, Sir, to enter into the details of the justification for that. It will suffice merely to refer to those sections in the Madras City Police Act and in similar enactments which lay down that where a particular area is in a disturbed condition, it is a normal procedure to quarter additional police in the area and to make the inhabitants responsible for the cost.

"I have spoken of the magnificient conduct of the Police. I have been in the mill area myself five or six times and I know that throughout the day and throughout the night they have been constantly subjected to severe physical strain, sometimes for days together. I have not yet referred, Sir, to another officer to whom I am most deeply indebted, Mr. Moir. He has come in for a great deal of implied abuse, if not direct calumny. But I should like the House to know the opinion that the Government hold, namely, that the presence of Mr. Moir has been a steadying factor of the utmost value in the affected area. The Adi-Dravidas suffered much in the early days of these troubles, in the end of June and beginning of July. It is small wonder that some of them became apt to retaliate. Their inclination so to retaliate has been on countless occasions restrained by the personal influence of Mr. Moir. That was the reason why my honourable colleague, who will deal with the matter more fully in a few minutes, has never raised any question as to Mr. Moir's activities in the area. We know that he has been constantly

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going about there on foot, doing his utmost to restrain the inhabitants of the *cheries* from breaking out. It is not a surprising matter that at times they should break out".

The Hon'ble the PRESIDENT:—"I think the Honourable Member has exceeded his time. I hope he will finish soon."

The Hon'ble Sir LIONEL DAVIDSON (*continuing*):—"I will do so, Sir, especially as I am anxious that my honourable friend Mr. K. Srinivasa Ayyangar should have sufficient time to speak on this motion.

"I cannot therefore follow up and answer in detail Mr. Tanikachala Chettiyar's attack on the police. But one specific point I do wish to answer. He complains that Hindus only were shot. That is because the Adi-Dravidas have not tried to overwhelm isolated bodies of police, and because the Hindus have done so in their endeavours to attack and to engage in affrays with Adi-Dravidas for whose protection it was the duty of the police to intervene. That has been the normal condition of affairs. The trouble almost always springs up instantaneously. Those responsible for it do not send word in advance that they are coming to make trouble at a particular place or a particular time, and it is usually quite impracticable to arrange that a magistrate shall be on the spot to regulate the use of firearms. But you cannot possibly deprive the police of their right of private defence when suddenly attacked by riotous mobs. Think of the position in which that picket of the Ramnad reserve police found itself last Wednesday, bombs exploding at their feet and a howling crowd making for them. Under such conditions it is not in human nature to expect constables not to do their best to defend themselves against assailants. You must allow a measure of self-defence.

"My 15 minutes have been largely exceeded. I am afraid I cannot possibly touch on the various other points of detail with which I should otherwise have been only too glad to deal. But I should like the House to realise that the Government of Madras have been more exercised over this question of restoring order in the mill area than in any other question which has come before that Government during the time I have been a Member of it. I do not except even the outbreak of rebellion in Malabar. During the past six weeks I have probably given more time personally to the disturbances in the City of Madras than to those in Malabar. But, Sir, there is no royal road to restoring peace and order in the mill area. The House may rest assured that the Government are doing their utmost to bring about a satisfactory state of affairs, and it will come the more quickly if only the residents in that part of the city, and in other parts as well, will co-operate in bringing about agreement between the parties at issue. It is no longer merely a labour dispute confined to strikers and non-strikers, but I grieve to say a faction fight inflamed by caste-prejudice."

Diwan Bahadur R. VENKATARATNAM NAYUDU:—"I ask if I shall be in order if I explain certain references to me by name made by the Hon'ble the Home Member in connexion with the Ayling Committee report."

The Hon'ble the PRESIDENT:—"All that is more or less out of order. That report not having been yet communicated to the House, I have ruled that the Hon'ble the Home Member should not have referred to it. In these circumstances, does the Honourable Member Mr. Venkataratnam Nayudu insist on his right of making an explanation? Honourable members will in that case be in the same difficulty as they were when the report was referred to by the Home Member.

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We have not got the document. If however the Honourable Member insists upon doing it now, in view of the fact that the Home Member has referred to him, I am bound to allow it."

The Hon'ble Sir LIONEL DAVIDSON:—"If it will facilitate progress, may I say that I am quite willing to withdraw anything I have said about Mr. Venkataratnam Nayudu?"

The Hon'ble the PRESIDENT:—"As the Hon'ble the Home Member is willing to withdraw anything said by him about Mr. Venkataratnam Nayudu, we can now proceed to hear the Honourable Member in charge of the Labour department."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Mr. President, I want to speak as little as possible, especially after the speech of Mr. Simpson, for he yet holds out some hope of a peaceful settlement of the strike. But if I do rise, I rise, Sir, emphatically to repudiate the allegation or the suggestion that the Labour department has been recruiting labour for the mills. I have been carefully listening to the speeches of honourable members for the purpose of finding out what basis there is for the allegation. I shall deal with the inferences of the mover presently.

"One Honourable Member said that he had information which he cannot possibly divulge, which satisfied him that the Labour Commissioner and his assistants were recruiting labour for the mills. The House do not expect me to answer to information which is privately communicated to a member and which is satisfactory to him, without an opportunity being given to me to analyse it or to satisfy myself whether it is *bona fide*, whether it is correct, and whether the inferences which he draws are right. On the other hand, I propose to lay some facts before the House, from which you will judge that the Labour department has done its duty by the labourers under its control and by the people whom it is their duty to protect. No Labour Commissioner or any other person in the world can possibly settle all strikes or at once. You are entirely mistaken as to this particular case. It was well known at the time when the strike in January 1921 was settled the management had definitely told the employers and the public also that if there is going to be any further trouble in the mills they were prepared to shut them and would stand no nonsense.

"Now, Sir, according to these allegations, the Labour department asked the Adi-Dravidas to go to work. I want the House to remember that the strike in the Carnatic mill was on or about the 11th May, and down to the 11th of July the Carnatic mill remained shut during the whole of that period, the Labour Commissioner or his assistants not being able to persuade a single Adi-Dravida to get into the mills. Is that the way in which he was exercising his influence for the purpose of recruiting labour? Now, Sir, the strike in the Buckingham and the Carnatic mills is yet going on and you must remember that there are as many Adi-Dravidas working in the Carnatic mill as there are working in the Buckingham mill. The strike in the Buckingham mill was on the 20th June while the previous strike in the Carnatic mill was going on. Now during this period you would have known that the Labour Commissioner intervened for the purpose of putting an end to the strike and intervened with the management to take all the Carnatic people and to persuade them to give the bonus to persons who did not go on strike. But he failed, and that I know. Then, Sir, on the 20th June, as I told you, was the strike at the Buckingham mill and on the 19th June, as was pointed out by Mr. Raja, the Adi-Dravidas had definitely told the union that they were not willing to go out of work. What do

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you think, Sir, is the duty of the Labour Commissioner at the time? Is he to advise the Adi-Dravidas 'join the union; do go on strike please; that is your duty'? Do you expect him to do that more especially when he thought that a strike at that time would practically be ruinous to those people? And that advice of his which he pressed upon all the workmen, not merely on the Adi-Dravidas, not to go on strike was not listened to by the employees. Further the Commissioner has repudiated openly before Sir William Ayling's Committee that he ever induced a single Adi-Dravida to go back. With that statement before us, is the Government to act on information which they could not possibly have, the same having been revealed to a private member which he does not care to reveal here.

"Going back to the 20th of June, the Adi-Dravidas had given definite notice that they were not going to stop work for reasons of their own and that stopping work, as advised by the Labour Commissioner—advice given not to the Adi-Dravidas alone but to all the labourers—would be ruinous to them. And you will see, Sir, that his advice has proved sound as shown by subsequent events. A very considerable number of these people have lost their jobs, they are famishing, and they have no work, and three-fourths of the labouring people are out on the streets because they have denied themselves employment. Now, we have got the fact that petitions were made to the police alleging that the Adi-Dravidas who did want to go to work to earn their wages were coerced and intimidated to prevent their going to their work. There were many Adi-Dravidas who were willing to go. Gradually the numbers increased and I consider, Sir, it is the duty of the Government, never mind the Labour department or any other department, to protect these persons in their lawful avocations when under these circumstances they were anxious to go to work to earn their wages and to live. Otherwise the Government would not be doing their duty. As soon as it was found that the Adi-Dravidas were going to the mills to work—and I again repeat, Sir, that Mr. Moir in open Committee and before the public entirely repudiated that he had any hand whatsoever in persuading a single Adi-Dravida to go to work—in those circumstances, on the 29th about a hundred huts were burnt. I do not want to refer to the opinion of the Committee, but if you analyse the evidence which was given in public, as I have done, I believe it is not possible to come to any other conclusion than that incendiarism must have been due to some of the strikers, and certainly not to the workers who were willing to go to work. That is the only conclusion which is possible for you to draw on the basis of the evidence placed before that Committee, a Committee appointed by the Government. . . . "

Diwan Bahadur P. KESAVA PILLAI (*interrupting*):—"I rise to a point of order, Sir. Can any reference be made to the Committee's report?"

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*continuing*):—"I am not referring to the Committee's report but to the evidence given in public.

"That Committee was appointed for the purpose of giving an opportunity to persons to come before that Committee, challenge the statement made by the Labour department, and to prove, if they cared, that the Labour department had become a recruiting agent for the mills. Now, Sir, when the fire took place, what then again is the duty of the Government—I leave the Labour department alone. Is it the duty of the Government to allow these persons to go about the streets with what little property they had having been lost? I consider, Sir, it is the duty of a humane Government to protect these persons. A very large number of them were Adi-Dravidas. No doubt there were a large number of persons who were working in the mills but they were not all mill hands. Some were working under

the Corporation, others elsewhere. It is only about sixty out of ninety families who were mill workers, if I remember right. All of them were there. All of them were protected and given food for some time. Now, what shall be the duty of the Labour Commissioner under those circumstances? Here there are their brethren who have lost their jobs of their own choice and not owing to the activity of the Labour Commissioner. Is the Labour Commissioner to say to these persons, 'please don't leave the union, starve if you please?' What shall the Government do? Is the Government prepared to feed all these persons, or is the Government to say, 'Don't go to work or feed yourselves, but go into the streets'? What will be the position if such a state of things had happened? There is no use of making insinuations. There is no use in drawing inferences. Will the House tell me, Sir, whether it was not the duty of the Government to feed them for some time or whether it was not the duty of the Labour Commissioner to tell these workers to find work and feed themselves? What is the good of saying that he has been a recruiting agent for the mills? Now, Sir, going to the inference of the mover, on what basis of fact is the suggestion made against the Labour department that they were recruiting agents? It was said that Mr. Moir was found at places where the rioting was taking place. An excellent answer to this was given by the Hon'ble the Home Member. He was there to see that the Adi-Dravidas, who had come under his control at that time, or over whom he had some influence at that time, do not become rowdies. But I should have expected praise instead of blame for his services in going out of the strict limits of his duty and going to those places practically risking his life on many occasions, instead of enjoying rest in the morning. This is all the praise that he gets, Sir, for really doing much more than his duty. What else is there? He was going about or running about in lorries with police and probably with some workmen. That is the suggestion which I now hear. I have not yet asked Mr. Moir whether he enjoyed a jolly ride in the lorries and whether there were shots playing about. Here again, it is necessary for the Labour Commissioner when these persons are voluntarily going to work that they themselves do not become rowdies, knowing that a large number of persons were without work and who naturally did not like that others should go and take up the job. In these matters you are not in a position to judge finally. I certainly sympathize with the strikers who are starving irrespective of the merits of the case and I do not wonder if they lost their temper quite easily. So far as the police are concerned, what then again is the duty of the Government? They instructed the police officers to protect the safety of persons whoever they may be and who were going out to pursue their lawful avocations. I submit, Sir, that they were bound to do that if they are going to give equal protection both to strikers and non-strikers and if they are going to be absolutely neutral. Neutrality does not consist in keeping quiet folding their hands when persons going about on legitimate business are being intimidated and being coerced. That would not be neutrality but it would be perversity. So that was the position which Mr. Moir was taking.

"Something was said with regard to the swords being made in the mills. It is not my concern really; it is that of the Police Department. But, Sir, I want to mention this. As soon as I heard this suggestion, the Government wrote to the mills that this suggestion was made and if there was any particle of truth in it. We had an absolutely emphatic denial. This was done long before the Committee of Sir William Ayling sat. If there is any truth in it, why did not somebody get into the box and say that in the presence of the Committee when it

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could have been contested? Why did they keep all their information in the pocket and develop them in the newspapers? How could the Government act on such statements? I don't want to waste any further time on these matters. But it was my duty to protect officers when they had been disparaged without any reason. That is why I rose."

The Hon'ble the PRESIDENT:—"Does the Honourable Member, Mr. Tanikachala Chettiyar, wish to say anything in reply?"

Mr. O. TANIKACHALA CHETTIYAR:—"Mr. President, I am thankful to the Hon'ble Mr. Srinivasa Ayyangar for what he said. I shall not try to deal with Mr. Srinivasa Ayyangar's defence of the Labour department. I am afraid he cannot claim for himself all the credit for the management of that department that he claimed for Mr. Moir. Unfortunately, when the fires first broke out in Puliyantope he was in Nilambur humoring the Nambudris who are now passing through terrible times and when the further troubles arose in the end of August he was studying labour questions in Bombay. He has after all accepted the statement of the mill authorities that no swords were made in their place. That is why I asked the Honourable the Home Member to give this House an opportunity of testing the correctness of the suggestion which has been made by producing those swords here for which I have given him four days' notice. He had only to telephone to the police station to send them, but he had not the courtesy to comply with this request made by me on behalf of this House consisting of representatives from all parts of the Presidency.

"I am thankful to Mr. Raja and the Hon'ble the Home Member for the suggestion made that the Adi-Dravidas were not shot by the police for the reason that they did not come into the fray. So, if the Adi-Dravidas were not in the fray, with whom were the police in combat? Was the combat only between the police and the caste people? So that all the story we have been hearing for the purpose of justifying the use of fire-arms by the police is not correct; for now it turns out that it is a fight between the police and the caste people from time to time. The time being up, I don't propose to deal with all the other things. I expected the Home Member to say something in justification of the police who were the people responsible for finding out who were using the swords and where these swords were manufactured. He has not said anything of the measures that were taken to prevent the further events which have happened since the Committee sat."

The clock having struck 6-30, the discussion terminated at this stage, and the Council adjourned till 11 a.m. on Thursday, the 13th October 1921.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Thursday, the 13th day of October 1921, the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E., President, presiding.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15.

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

(3) The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Recruitment of Deputy Tahsildars.

760 *Q.*—Mr. AHMAD MIRAN SAHIB: To ask the Hon'ble the Member for Revenue—

(*a*) to state how many deputy tahsildars have been recruited since the introduction of the new scheme and how many of them are Muhammadans; and

(*b*) to lay on the table the names of all such recruits and also state the basis on which such recruitment is made.

A.—(*a*) The Member is referred to the answer to question No. 198 asked at the meeting of the Legislative Council in February last. There has been no recruitment since.

(*b*) The attention of the Member is drawn to the following Government Orders which have all been placed on the Editors' Table:—

G.O. No. 548, Revenue, dated 8th Feb. 1918,
" " 3871 " " 5th Dec. "
" " 246 " " 1st Feb. 1919,
" " 444 " " 23rd " 1920, and
G.O. No. 17, Revenue, dated 4th January 1921.

K. Sambasiva Rao who was selected as probationary deputy tahsildar in G.O. No. 444, Revenue, dated 23rd February 1920, was not appointed to the post as he was declared by a Medical Board to be unfit for Government service.

The conditions of selection are published every year in the *Fort St. George Gazette* prior to recruitment.

The Ramzan-Id.

761 *Q.*—Mr. AHMAD MIRAN SAHIB: To ask the Hon'ble the Member for Finance to state whether the Government have gone through an article headed "The Ramzan-Id" in the *Hindu*, dated 14th June 1921; whether they will be pleased to declare two days as public holidays.

A.—The Government have perused the letter in question; they do not consider it necessary to declare two days to be public holidays on account of Ramzan.

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Camp for troops in Bezwada.

762 Q.—Mr. M. V. APPA RAO: To ask the Hon'ble the Home Member to state the reason for not providing separate quarters to the troops, during their present camp in Bezwada, and for locating them in the gentlemen's waiting room and all the retiring rooms of the railway station, much to the inconvenience of the travelling public, when municipal tents and sheds were available for providing them with separate quarters

A.—The detachment went to Bezwada at very short notice and the District Magistrate was asked to make what arrangements he could for their accommodation. The Government have no information as to the actual arrangements made.

Assignment of reserved forests in Chingleput district.

763 Q.—Diwan Bahadur C. ARUNACHALA MUDALIYAR: To ask the Hon'ble the Home Member—

(*a*) whether it is a fact that certain lawyers and solicitors from Madras have applied for large areas of reserved forests near Guduvancheri for cultivation in the Chingleput district;

(*b*) whether the Government have ascertained if there are sufficient grazing grounds for the neighbouring villages;

(*c*) whether, if the Government decide to disafforest those areas, preference will be given to the adjoining mirasidars and agriculturists, and backward classes; and

(*d*) whether, in any case, the Government will notify the fact of disafforestation and call for applicants for the land.

A.—(*a*) An application was made to the Chief Conservator from a resident of Madras for the disafforestation and assignment to him of about 550 acres of land in the Gudalur and Sengundram reserves, but the Chief Conservator declined to entertain the request.

(*b*), (*c*) & (*d*) These questions do not arise in view of the answer to clause (*a*).

Arrack shops in Madurāntakam, etc.

764 Q.—Diwan Bahadur C. ARUNACHALA MUDALIYAR: To ask the Hon'ble the Minister for Education (Excise)—

(*a*) whether it is a fact that there are two arrack shops in Madurāntakam and two at Uttiramerur;

(*b*) whether it is a fact that the Excise Advisory Committee recommended one shop in each of these two villages to be closed; and to state whether effect was given to these recommendations;

(*c*) if not, to state why two shops were found necessary for each of these two small places; and

(*d*) to state what the arrack and toddy shops are that the Excise Advisory Committee recommended to be closed in Chingleput district and how far the recommendations were given effect to.

A.—The Government have no information.

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Reorganization of Salt, etc., departments.

765 Q.—Diwan Bahadur C. ARUNACHALA MUDALIYAR: To ask the Hon'ble the Member for Finance—

(*a*) whether it is a fact that no reorganization by way of improvement of the pay and prospects of the superior officers of the Salt, Abkāri and Customs Department has yet been made;

(*b*) if not, what scheme has been proposed to improve the status of Inspectors, Assistant Commissioners and Deputy Commissioners and when and from what date it will be given effect to; and

(*c*) whether it is a fact that considerable discontent prevails among the said officers.

A.—(*a*) The answer is in the affirmative.

(*b*) Proposals for the revision of the pay of Deputy Commissioners, Assistant Commissioners, Inspectors and Assistant Inspectors have been sent up to the Government of India who have been requested to pass early orders. As the matter is still under correspondence, the Government regret that they are unable to publish the proposals.

(*c*) There is no doubt that the officers referred to are anxiously awaiting the issue of orders.

Irrigation of wet lands near Merkanam villaye in South Arcot.

766 Q.—Diwan Bahadur C. ARUNACHALA MUDALIYAR: To ask the Hon'ble the Member for Revenue—

(*a*) whether it is a fact that in Merkanam village of the South Arcot district there are wet lands which are irrigated by a number of spring ponds dug and maintained by the ryots themselves and annually repaired by them at a heavy cost;

(*b*) whether it is a fact that from these spring ponds water is being baled out with picottas generally, as there is no natural flow for the greater part of the year; and

(*c*) whether it is also a fact that there are no other irrigation sources maintained by the Government for these lands, and, if so, whether it is not contrary to Board's Standing Order No. 10 to collect assessment for the second crop.

A.—The Government have no information.

Quit-rent on service inams, etc.

767 Q.—Rao Bahadur T. BALAJI RAO NAYUDU: To ask the Hon'ble the Member for Revenue to state—

(i) the annual collection of quit-rent on service inams in the Presidency;

(ii) the total amount of land revenue derived annually from enfranchised service inams;

(iii) the total amount of the cost of village establishments—

(*a*) in ryotwari villages,

(*b*) in zamindari and proprietary villages; and

(iv) the balance of the village service cess outstanding when it was abolished and how it has been utilized.

A.—(i) & (ii) The Government have no information.

(iii) The attention of the Member is drawn to the budget heads under
5-C. LAND REVENUE.
5-E. LAND REVENUE and 26 (d) POLICE
at pages 52, 54, 55 and 121 of the Civil Budget Estimate for 1921-1922.

(iv) The balance of the Ryotwari Village Service fund at the time of its abolition was Rs. 4·79 lakhs and this was wholly credited to the Provincial balance.

The balance of the Proprietary Estates Village Service fund at the time of its abolition was Rs. 14·64 lakhs. One half of this amount was credited to the Imperial balance and the other half to the Provincial balance.

Necessity for fresh vakalats in cases of transfer of suits.

768 *Q.*—BHASKARA RAJA RAJESWARA SETUPATI (RAJA OF RAMNAD): To ask the Hon'ble the Law Member to state whether the Government have perused the article in the *Madras Weekly Notes* of the 4th August 1921, about the necessity for fresh vakalats in cases of transfer of suits; and whether they propose to take necessary measures to remove hardship to litigants.

A.—The Government have now perused the article in question and they will consider if there is any hardship.

Fees for Muhammadan pupils in Malabar.

769 *Q.*—Mr. A. D. M. BAVOTTI SAHIB: To ask the Hon'ble the Minister for Education, with reference to the interpellation 396 put by Mr. K. Kunhammad Koya Sahib Bahadur at the meeting of the Council held on 8th March 1921, and the answer given by the Government thereto, whether the Government have inquired as regards the Government institutions.

A.—The Inspector of Schools, Malabar, reports that since rule 102 of the Madras Educational Rules was modified by notification No. 149, dated the 1st July 1920, and subsequently by No. 39, dated the 18th January 1921, the concession is given only to poor boys. Consequently full fees are being levied from rich pupils and half rates from poor pupils.

Grazing ground for Tellicherry municipality.

770 *Q.*—Mr. A. D. M. BAVOTTI SAHIB: To ask the Hon'ble the Member for Revenue to state—

(*a*) whether the necessity for a grazing ground has been brought to the notice of the Government by the Tellicherry municipality;

(*b*) whether the Government are aware that large tracts of wet land which are in the possession of the South Indian Railway Company and situate within the municipality, serve neither any public purpose nor any purpose of the Company itself;

(*c*) whether the Government are aware that such lands have been cultivated by the Company's servants for their own profit; and

(*d*) whether the Government cannot induce the Company to part with a portion of the land required by the Tellicherry municipality for a grazing ground.

A.—(*a*) No.

(*b*) & (*c*) The Government have no information.

(*d*) The Government do not propose to take action on the lines suggested by the Member.

Selection appointments in the grade of Deputy Collectors.

771 *Q.*—Mr. A. D. M. BAVOTTI SAHIB: To ask the Hon'ble the Member for Revenue to state—

(1) how many selection appointments on Rs. 1,000—100—1,200 have been sanctioned in the grade of deputy collectors;

(2) who have been appointed to the posts and from what date;

(3) whether any of the holders of these selection appointments are acting as district collectors and drawing full pay as such;

(4) whether their places in the cadre of deputy collectors have been filled up and, if not, whether the Government propose to do this; and

(5) why the selection appointments in the grade of deputy collectors have not been shown separately in the Quarterly Civil List as has been done in the case of subordinate judges—vide page 132.

A.—(1) Five selection appointments have been sanctioned and four of these have been filled.

(2) The following deputy collectors were appointed to the four selection posts with effect from 1st December 1919:—

M.R.Ry. A. Ramacha Nedungadi Avargal.
" P. Sitaramayya Garu.
Mr. W. S. Marshall (seconded).
M.R.Ry. A. Upendra Pai Avargal.
" Rai Bahadur U. Rama Rao Avargal.
" Rai Bahadur Rama Rao Avargal reverted to the ordinary scale on 1st April 1921 on which date Mr. Marshall reverted to the regular line.

(3) M.R.Ry. A. Ramacha Nedungadi Avargal, M.R.Ry. P. Sitaramayya Garu and M.R.Ry. A. Upendra Pai Avargal are acting as Collectors.

(4) It is not permissible under the rules to fill up the vacancies as they are only 'acting' vacancies.

(5) Instructions have now been issued for showing the appointments separately.

Census house-certificates.

772 *Q.*—Mr. A. D. M. BAVOTTI SAHIB: To ask the Hon'ble the Member for Revenue—

(*a*) whether it is a fact that there is dissatisfaction in the minds of high-placed Indian officials and other Indian gentlemen regarding the denial to them of the privilege of sending Census house certificates in respect of the members of their family and the servants of their household, especially in view of the fact that that privilege is accorded to Europeans;

(*b*) whether the Government cannot remove this invidious distinction at least in the case of all gazetted officers, members of the Council of State, members of the Legislative Assembly and Councils, members of the local boards and municipalities, and landholders paying an assessment of Rs. 1,000 and above ; and

(*c*) whether, if the Government are of opinion that this subject is more Imperial than Provincial, the Government cannot address the Imperial Government in the matter.

A.—(*a*) Government are not aware.

(*b*) & (*c*) The suggestion will be considered in connexion with the next decennial Census.

Jurisdiction of panchayat courts.

773 *Q.*—Mr. A. D. M. BAVOTTI SAHIB : To ask the Hon'ble the Law Member to state whether it is a fact that there is widespread dissatisfaction among the public regarding the exercise, by village and panchayat courts, of jurisdiction over suits of the value of Rs. 50 and below.

A.—The Government are not aware of the existence of any such dissatisfaction.

Village Courts Act.

774 *Q.*—Mr. A. D. M. BAVOTTI SAHIB : To ask the Hon'ble the Law Member

(i) to call for statistics from the district munsifs' courts in North Malabar

(*a*) regarding applications for transfer of suits from village courts and under section 73 of the Village Courts Act ;

(*b*) regarding the number of small cause suits in district munsifs' courts during a year's working of the Village Courts Act under the new jurisdiction and for one year before that ;

(*c*) regarding the fall in the court fees under the new jurisdiction ; and

(ii) to state whether the Government propose to modify the Village Courts Act so as to lessen the pecuniary jurisdiction of those courts.

A.—(i) (*a*), (*b*) & (*c*) The Government are unable to call for the statistics at present. The following statement gives the information available with the Government :—

Year.	Number of small cause suits instituted in the district munsifs' courts in the judicial district of North Malabar.
1919	16,583
1920	10,199

(ii) No.

Cases under the Madras Endowments and Escheats Regulation of 1817 *in Ganjām.*

775 *Q.*—Sriman BISVANATH DAS : To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) the number of cases in which action has been taken by the Board of Revenue under the provisions of the Madras Endowments and Escheats Regulation of 1817 during the last twelve years in the Ganjām district ;

(*b*) whether section 63 (1) of the Local Boards Act of 1920 includes all endowments contemplated under the Madras Endowments and Escheats Regulation of 1817 ; and

(*c*) the number of local boards that are entrusted with the management and superintendence of charitable endowments as laid down in section 63 (1) of the Local Boards Act of 1920 in the Madras Presidency.

A.—(*a*) The number of cases of charitable endowments dealt with under Regulation VII of 1817 during the last twelve years in Ganjām district is nil. The number of cases of escheats is five.

(*b*) The answer is in the affirmative.

(*c*) The Government have no information.

Manurial crops in Cuddapah district.

776 *Q.*—Mr. B. P. DEVARAJULU NAYUDU : To ask the Hon'ble the Minister for Development to state—

(*a*) whether any attempt has been made by the Agricultural Department in the Cuddapah district by way of demonstration to prevail upon the ryots to raise manurial crops in substitution of leaf manure ;

(*b*) whether the Government are prepared to undertake such work in the near future ;

(*c*) whether any depots have been opened by the Agricutural Department in any of the centres of the district of Cuddapah for selling tried varieties of seed and of artificial and chemical manures suitable to the district ;

(*d*) whether the Government propose to open such depots, if they have not already done so, and when ; and

(*e*) whether the Government propose to send any agricultural demonstrators to instruct and educate the ryots in profitable methods of cultivation ; and, if so, when.

A.—(*a*) No

(*b*) Yes ; a Deputy Director or an Assistant Director of Agriculture will soon be deputed to study the agricultural needs of the district and to suggest lines of demonstration work.

(*c*) No.

(*d*) & (*e*) The answer to these depends on the report of the officer referred to under (*b*) and to the possibility of appointing increased staff.

Smuggled gold.

777 *Q.*—Mr. B. P. DEVARAJULU NAYUDU : To ask the Hon'ble the Member for Finance to state—

(*a*) whether, with reference to the answer given to interpellation 401 on 9th March 1921, there were any special reasons for giving permission to most of the smugglers to redeem the sovereigns after paying a fine of Rs. 15 and refusing such permission to others on the ground that their smuggled gold was acquired under the Gold Import Act, 1917 ;

(*b*) whether there were any special grounds for not acquiring the smuggled gold in all cases of smuggling, and why such distinctions were only made in a few cases, and why a uniform course of punishment was not meted out to all offenders charged with the same offence under similar circumstances ;

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(*c*) whether it is true that two petitions were sent to the Governor in Council on the above matter, four months ago, praying that permission may be given to the petitioners to redeem such smuggled gold after paying the imposed fine of Rs. 15 per sovereign according to the terms of the order of fine; and no orders have been passed on them; and

(*d*) whether, it is true that a petition has been sent to the Hon'ble the Finance Member on the same matter and no reply has been sent.

A.—(*a*) & (*b*) The difference of treatment referred to by the Honourable Member arises from the fact that it was not at first thought necessary to interfere with the importation of sovereigns by land. When however it was found that attempts to import by land were becoming frequent, it was decided to use the powers of acquisition under the Gold Import Act, 1917. In the case of certain consignments of gold seized before this decision was announced it was found impossible to use the power of acquisition, as the period of ten days prescribed by section 3 (1) of Gold Import Act had then expired. In these cases the Collector confiscated the gold under section 167 (8) of the Sea Customs Act with the option of redemption on payment of penalties under section 183 of that Act. In all cases of import by sea and in those cases of import by land on or after the 31st May 1920, the gold has been acquired under the Gold Import Act and penalties which varied according to the circumstances of each case have been imposed under the Sea Customs Act.

(*c*) & (*d*) The Honourable Member apparently refers to two petitions presented by R. Shaik Ismail Lubbai Marakkayar and Muhammad Ganni on 17th and 23rd March 1921. The petitions were disposed of in April 1921 and the order was duly communicated to the petitioners.

File of cases in the High Court.

778 *Q.*—Rao Bahadur A. S. KRISHNA RAO PANTULU: To ask the Hon'ble the Law Member to state—

(*a*) whether there has been a decrease in the file of cases in the High Court during the last three years;

(*b*) whether there are any proposals for reducing the strength of the High Court from 12 to 9; and

(*c*) whether the High Court has been consulted in the matter, and, if so, with what result.

A.—(*a*) No.

(*b*) The matter is under correspondence with the higher authorities.

(*c*) The High Court was consulted whether any reduction in the strength of the court was possible and were unanimously against any reduction.

Co-operative Agraharam in the North Arcot district.

779 *Q.*—Mr. B. MUNISWAMI NAYUDU: To ask the Hon'ble the Minister for Development to state—

(*a*) whether the attention of the Government has been drawn to the article "Co-operative Agraharam in North Arcot district" in the *Justice* of the 5th August 1921;

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(*b*) whether it is a fact that there were 14 co-operative inspectors in the North Arcot district on 25th July 1921; how many of them are Brahmans and how many non-Brahmans; how many were appointed after January 1921 and from what communities;

(*c*) whether there are any more persons likely to be appointed co-operative inspectors in the near future;

(*d*) how many non-Brahmans applied for posts as co-operative inspectors in North Arcot district since the advent of the present Assistant Registrar in that district, and how many non-Brahmans were appointed by him; and

(*e*) whether the Government propose to take any action to remedy the inequality and to appoint a fair proportion of non-Brahmans as co-operative inspectors in that district.

A.—(*a*) Yes. The article appears in the issue of the 6th August.

(*b*) Yes. Thirteen are Brahmans and one is a non-Brahman. Three were appointed after January 1921, two of these being Brahmans and the third a non-Brahman.

(*c*) The Government are unable to forecast this.

(*d*) Ten applications from non-Brahmans were received; one non-Brahman was appointed as inspector.

(*e*) The orders recently passed by the Government in G.O. No. 613, Public, dated 16th September 1921, are applicable to all departments and will duly be enforced.

Communal representation in nominations to Senate House.

780 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education, the Hon'ble the Home Member and the Hon'ble Law Member to state—

(*a*) how many Brahmans and non-Brahmans have been nominated to the Senate during the regime of the present Vice-Chancellor of the Madras University;

(*b*) how many of them belong to Madras, and how many to the mufassal;

(*c*) whether one Mr. Satyamurti who has been nominated thereto is a nationalist and an active non-co-operator; and

(*d*) whether the Government will be pleased to call for the information.

A.—(*a*) Four Brahmans, one non-Brahman Hindu, one Christian, three Muhammadans and thirteen Europeans.

(*b*) Three Brahmans and one non-Brahman Hindu, one Christian, two Muhammadans and six Europeans belong to Madras and one Brahman, one Muhammadan and seven Europeans belong to the mufassal.

(*c*) Mr Satyamurti is not a nominated but an elected Fellow of the University.

Leave for Hindu employés for ablutions on New Moon days.

781 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Member for Finance to state whether the Government have any objection to grant temporary leave of absence of two hours to all Hindu employés in Government offices who may be willing to go for the offering of ablutions on New Moon days as is done in the case of Muhammadan employés on Fridays.

A.—The Government have not received any representation on the subject and do not consider it necessary to take any action in the matter.

Construction of railway lines.

782 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Home Member to state when they will take up—

(*a*) the construction of a railway from Rajahmundry to Bhadrachalam and Nugur taluks in the Agency tracts of Gōdāvari; and

(*b*) the construction of a line from Parvatipur to Jeypore and Bastir Agency.

A.—(*a*) A survey of a line of railway from Rajahmundry to Sironcha through Bhadrachalam and Nugur taluks was made in 1911. It was found that the cost of constructing the line would be unusually high and the traffic so poor that it would not pay working expenses. There is no prospect of the line being taken up for the present.

(*b*) The question of railway communications in the Agency tracts is under the consideration of the Railway Board, to whom the Governor in Council communicated a statement of his views in November last, various alternative projects having been put forward.

Number of wells dug and schools opened in the districts of Ganjām, etc.

783 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education and the Hon'ble the Minister for Local Self-Government to state—

(*a*) the number of wells dug; and

(*b*) the number of schools opened, during each of the last three years by Government or aided agencies for the use of Panchamas in the districts of Ganjām, Vizagapatam, Gōdāvari, Kistna, Guntūr, Nellore and Chittoor; and

(*c*) if no information is available, whether the Government will call for the same.

A.—(*a*) & (*b*) The Government have no information.

(*c*) The Government do not propose to call for the information. The Member may ask the local board or the District Educational Council concerned for information.

Intermediate accommodation in Madras and Southern Mahratta Railway.

784 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Home Member to state—

(*a*) whether the Government are aware that much inconvenience is felt by the travelling public on the Madras and Southern Mahratta Railway line from Hubli to Bezwada for want of intermediate class accommodation in all the trains; and

(*b*) whether the Government will be pleased to address the railway authorities to provide intermediate class accommodation in all trains on the metre gauge as is done on the broad gauge.

A.—The question was referred to the Agent, Madras and Southern Mahratta Railway, who replies as follows:—

Intermediate class accommodation is now provided on Nos. 48 and 51 trains between Narasaraopet and Masulipatam.

As there is not a sufficient number of inter-class carriages on the metre gauge, and the major portion of such stock available is used on the Bangalore-Poona section, it is not possible to extend the supply of inter-class accommodation on trains running between Hubli and Bezwada, nor has there been any request from the public for inter-class accommodation over this section.

Intermediate accommodation on the broad gauge is at present provided on the North-East Line mail and passenger trains and on the North-West Line mail trains. It is not supplied on all trains on the broad gauge as stated by the Honourable Member.

Muhammadan population of Guntūr.

785 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Member for Revenue to state the Muhammadan population of Guntūr.

A.—According to the latest census, the Muhammadan population of Guntūr district and Guntūr town was as follows:—

	Males.	Females.	Total.
District	66,411	64,307	130,718
Town	4,960	4,810	9,770

Muhammadan population of Ellore.

786 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Member for Revenue to state the Muhammadan population of Ellore in Kistna district.

A.—According to the latest census, the Muhammadan population of the town of Ellore was as follows:—

Males	2,344
Females	2,291
Total ..	4,635

Picketing toddy sales at Tiruchengōd.

787 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Home Member—

(*a*) whether the attention of the Government has been drawn to the article in the *Justice* of the 22nd August 1921 headed 'Tiruchengōd';

(*b*) what action has been taken by the Government in the matter of the picketing of toddy sales at the taluk office on the 10th May 1921; and about the non-violent non-co-operators intimidating the bidders by throwing mud, cow-dung, etc., at them; and

(*c*) whether the Government cannot inquire into the matter and put a stop to such undesirable scenes.

A.—(*a*) The Government have perused a letter bearing that heading in the issue of *Justice* of the 22nd August last.

(*b*) The Government are unaware of the action taken by the local authorities in the matter.

(*c*) The attention of the Honourable Member is invited to the press communiqué issued by this Government on September 3rd on the subject of the boycott of liquor shops. A copy of this question and answer will be sent to the District Magistrate.

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Half-fees for Muhammadan students.

788 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education—

(*a*) with reference to answer given to question No. 248 of Khan Bahadur Muhammad Usman Sahib Bahadur of 3rd August 1921, to lay on the table a copy of the report received from the Director of Public Instruction; and

(*b*) if the report has not been received as yet, whether the Government have any objection to issue immediate instructions to put into force the resolution regarding half-fees for Muhammadan students in all private aided schools and colleges in the Presidency.

A.—The Member is referred to G.O. No. 1405, Law (Education), dated the 26th September 1921, which has been placed on Editors' Table.

Electric installation in the Government Muhammadan College, etc.

789 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education and Public Works to state—

(*a*) why the Government Muhammadan College, the Madrasa-i-Azam, the Mudali Bagh Hostel and Mosque were not installed with electric lights along with the Principal's quarters; and

(*b*) if not, when the Government propose to do so.

A.—(*a*) It was considered desirable to await the construction of a permanent building for the college.

(*b*) The question will be considered when funds are available.

Conveyance for Muhammadan college students.

790 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education whether the Government cannot provide the Government Muhammadan college students with a conveyance to go to the Presidency College to attend lectures in English, etc., just as in the case of the women students of the Queen Mary's College, as much inconvenience is felt by the Muhammadan students during the hot and rainy seasons.

A.—The suggestion does not commend itself to Government.

Qualifications of some Deputy Collectors.

791 Q.—Mr. V. P. PAKKIRISWAMI PILLAI: To ask the Hon'ble the Member for Revenue—

(*a*) how many officers there are in the cadre of deputy collectors who have not passed all the requisite tests and who have not put in the requisite service for a deputy collector;

(*b*) whether

(1) Mr. V. Mahadeva Ayyar,
(2) ,, A. R. Vaidyanatha Ayyar,
(3) ,, M. R. Rajagopala Ayyangar,
(4) ,, K. S. Narayana Ayyar,
(5) Mr. A. Swaminatha Ayyar,
(6) ,, R. S. Vaidyanatha Ayyar,
(7) ,, C. K. Sambasiva Ayyar,
(8) Rao Sahib Gopalakrishna Sastri,

who are in the cadre of deputy collectors, either acting or permanent, have passed all the special tests, language and equitation tests required for a deputy collector; if not to state

(*c*) what tests each of these officers has not passed;

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(*d*) whether each of these officers put in the requisite qualifying service required for a deputy collector, viz., service as sub-magistrate and tahsildar for a period of three years; and

(*e*) if not, whether the Government will see their way to providing these officers with such special appointments as may be suited to their knowledge and experience, so that they may not stand in the way of qualified tahsildars being promoted to the cadre of deputy collectors.

A.—(*a*) Twenty-two deputy collectors have not passed the requisite tests.

Service as tahsildar or sub-magistrate for not less than three years was prescribed as a qualification for appointment as deputy collector in January 1918. Of the officers appointed deputy collectors after January 1918, fifteen have not served as tahsildar or sub-magistrate for three years.

(*b*), (*c*) & (*d*) M.R.Ry. M. R. Rajagopala Ayyangar Avargal, M.R.Ry. K. S. Narayana Ayyar Avargal and M.R.Ry. R. S. Vaidyanatha Ayyar Avargal are not deputy collectors now. The following statement contains the required information in respect of the other officers:—

Name of officer.	Tests not passed.	Whether the officer has put in the required qualifying service.
M.R.Ry. V. Mahadeva Ayyar Avargal.	Criminal test, Vernacular tests in two languages and Riding test.	No.
M.R.Ry. A. R. Vaidyanatha Ayyar Avargal.	Riding test	Yes.
M.R.Ry. A. Swaminatha Ayyar Avargal.	Criminal test and Riding test.	No.
M.R.Ry. C. K. Sambasiva Ayyar Avargal.	Vernacular tests in a second language.	No.
M.R.Ry. Rao Sahib V. Gopalakrishna Ayyar Avargal.	Revenue test, Vernacular test in two languages and Riding test.	No.

(*e*) The officers are employed on duties to which they are suited by their knowledge and experience.

Churches, etc., in the Presidency.

792 Q.—Mr. A. T. PALMER: To ask the Hon'ble the Home Member to place on the table a list of all the churches in the Madras Presidency maintained by the State, the name of the chaplain in charge of the church, and the number of communicants belonging to each of the churches.

A.—A list of churches maintained at the cost of Government is placed on the table.* The Government have not complete information regarding the names of the chaplains in charge nor do they know the number of communicants belonging to each church. The names of Anglican and Scottish chaplains attached to the Madras Presidency are given in the Quarterly Civil List.

* Vide Appendix I on page 1055 infra.

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Mopad irrigation project.

793 Q.—Mr. A. T. PALMER: To ask the Hon'ble the Member for Revenue if it is a fact that the Mopad irrigation project in the Nellore district does not promise to be successful; if the answer is in the affirmative, whether the Government propose to consider the advisability of abandoning the project.

A.—The answer is in the negative.

Reformatory School, Chingleput.

794 Q.—Mr. M. C. RAJA: To ask the Hon'ble the Law Member to state—

(*a*) whether the Superintendent of the Reformatory School, Chingleput, obtained the sanction of the Government for taking the pupils on excursion trips to Atur, Tirumani and Melrosapuram during the Christmas holidays in 1919 and 1920, and what for and with what special object of interest he took them to these places;

(*b*) whether the punishment of twelve stripes given to Raghavan, pupil No. 379, by the Superintendent, on 2nd February 1920, finds a place in the punishment register of the school, and whether this punishment was brought to the notice of the Committee of Visitors as required by the rules;

(*c*) whether it is a fact that Raghavulu was sentenced to two years on 14th January 1921 for the offence of escaping from lawful custody and whether it is a fact that the Government, after consulting the Advocate-General and the Inspector-General of Prisons, have considered the undesirability of prosecuting the boy;

(*d*) whether the Superintendent, before abolishing the night school, referred the matter to the Director of Public Instruction and obtained his orders; if so, what the orders were; if not, why; and

(*e*) whether it is a fact that Mr. Duraiswami Ayyar, the second master, who was teaching in the night school, is giving private tuition to the Superintendent's children, from the time the night school was abolished.

A.—(*a*) The sanction of Government was not necessary since the pupils were not absent from school for any night. The excursions occupied a few hours each day and no additional expenditure was incurred. One of the objects of these trips is to afford the pupils a change from the environments and daily routine of their school life.

(*b*) The punishment was entered in the daily diary but not in the punishment register. The rules do not require that punishments should be brought specifically to the notice of the Committee of Visitors.

(*c*) The answer to the first part of the question is in the affirmative and that to the second part is in the negative.

(*d*) The night school was last held in December 1918. The question of resuscitating the night school was discussed between the present Superintendent and the Director of Public Instruction in person and in view, inter alia, of the facts that the holding of the night school offers facilities for the pupils to escape and that very little real instruction can be given to the boys at the end of their day's work the Director did not order its resuscitation.

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(*e*) The night school was last held in December 1918 and the present Superintendent took charge in August 1919. Mr. Duraiswami Ayyangar has been giving private tuition to the Superintendent's children from September 1919.

Secretariat clerks.

795 Q.—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Home Member to state the number of clerks in the Secretariat with Honours, M.A and B.L. qualifications, their caste, service, technical and special test qualifications and the pay they draw under the new scale.

A.—A statement giving the required information is laid on the table.*

Development Secretariat.

796 Q.—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Minister for Development to state when it is proposed to confirm the Development Secretariat and to separate the Development establishment from that of the Revenue Secretariat.

A.—The matter is now under consideration and it is hoped that orders will be issued this month.

Amalgamation of Public Works Department (Irrigation) with Public Works General Secretariat.

797 Q.—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Minister for Education and Public Works and the Hon'ble the Member for Revenue to state if the question of amalgamating the Public Works Department (Irrigation) Secretariat with that of the Public Works Department (General) Secretariat has been settled.

A.—It has recently been decided to separate the Irrigation branch from the General branch of the Public Works Secretariat.

Public Works Department (Irrigation).

798 Q.—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Minister for Education and Public Works and the Hon'ble the Member for Revenue to state—

(*a*) whether it is a fact that the Public Works Department (Irrigation) Secretariat was not reorganized in 1918 along with the General branch of the Public Works Department; and, if so, the reasons for this omission;

(*b*) whether it is a fact that there is no division of clerks into Upper and Lower in the Public Works Department (Irrigation) Secretariat; and

(*c*) whether it is proposed to create such divisions and, if so, whether the proportion in the number of the two divisions will be the same as in the newly constituted Secretariats like Law and Finance.

A.—(*a*) The Irrigation branch was not reorganized in 1918 as no proposals for such a reorganization were received from the Chief Engineer and Joint Secretary to Government, Public Works Department (Irrigation).

(*b*) The clerical establishment of the Irrigation branch has been divided into Upper and Lower division with effect from 1st March 1921.

(*c*) Proposals for revision of the establishment are under consideraton.

* Vide Appendix II on page 1057 infra.

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Public Works Department (Irrigation).

799 Q.—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Minister for Education and Public Works and the Hon'ble the Member for Revenue to state—

(*a*) whether it is a fact that in the Public Works Department Secretariat a large number of graduates have been placed in the Lower division in spite of the fact that they have been doing drafting work, for a long time, in many cases for as long as six or seven years; and

(*b*) whether these clerks will be placed in the Upper division.

A.—(*a*) Yes.

(*b*) The matter will receive consideration.

Water at Guntakal Junction.

800 Q.—Mr. A. RANGANATHA MUDALIYAR: To ask the Hon'ble the Home Member what the authorities concerned have done to restore the purity of water at the Guntakal Junction, which showed a falling off in quality, when examined a second time in 1920.

A.—The question was referred to the Agent, Madras and Southern Mahratta Railway, who replies as follows:—

The falling off in quality of the water at Guntakal Junction is due to the failure of the south-west monsoon at Guntakal last year and this year and the consequent small quantity of water in Nancherla well. No improvement in the quality of the water-supply appears likely to take place till heavy rain falls and the Nancherla well fills up again.

The well at Nancherla is disinfected every three months and the reservoir every month. Arrangements are being made for the reservoir to be disinfected every week. The staff are advised to boil the water before drinking.

A scheme to bring water into Guntakal from about five miles is under consideration and this source of supply, if the tests prove satisfactory, will give Guntakal ample water of good quality.

Half-fees for Muslim and Panchama students.

801 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur; To ask the Hon'ble the Minister for Education—

(*a*) whether the Government are aware that in certain aided schools and colleges full fees are levied from Muslim and Panchama students in spite of the Government orders to the effect that half-fees should be levied from them; and

(*b*) whether the Government cannot ask the Director of Public Instruction to draw the attention of principals and headmasters of colleges and schools to the orders in force in regard to the levy of half-fees.

A.—Attention is invited to G.O. No. 1405, Law (Education), dated the 26th September 1921, which will be communicated to heads of educational institutions and to inspecting officers. It should be remembered that the concession of half-fee is allowed only in the case of the poor pupils.

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Accommodation for the Muhammadan College.

802 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Minister for Education—

(*a*) whether the Government are aware that the college classes of the Muhammadan College are now accommodated in a tiled shed in the Umdahabagh compound; and

(*b*) whether the question of accommodating the college classes in the quarters occupied by the Principal and of providing a separate residence for the latter in the Engineering College buildings or elsewhere has been considered; if not, whether the Government cannot instruct the Director of Public Instruction to shift the Principal to some other rented building and see that the college classes are located in the building now occupied by the Principal.

A.—(*a*) College classes are accommodated partly in temporary buildings which are tiled but which are not sheds and partly in the main school building.

(*b*) The Principal of the College is required as warden of the hostel to reside in the college compound.

Appointment of a Muhammadan to the High Court Bench.

803 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Home Member to state—

(*a*) the number of vacancies that now exist on the High Court Bench;

(*b*) whether the question of appointing a local Muhammadan or a Muhammadan of any other province, qualified to hold the post of High Court Judge, to one of the existing vacancies, has been considered; and

(*c*) whether one of the vacancies cannot be given to a local Muhammadan member or to qualified Muhammadan selected from any other province.

A.—(*a*) There are three vacancies.

(*b*) & (*c*) The appointment of High Court Judges does not rest with the Local Government.

Depots for sale of jail produce.

804 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Law Member whether the Government cannot ask the Inspector-General of Prisons to open depots outside jail premises for the sale of jail produce manufactured in the Madras Penitentiary.

A.—As very few articles manufactured in the Penitentiary are available for public sale, and as the cost of upkeep of depots outside jail premises for the sale of such articles as are available, would be prohibitive, the Government cannot accept the suggestion.

Foreshore between the Napier Bridge and Parry's corner.

805 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) whether the attention of the Government has been drawn to the article in the *Madras Mail* of the 11th April 1921 regarding the untidy condition of the foreshore between Napier Bridge and Parry's corner;

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(*b*) to whom the conservancy of the foreshore on the City beach generally, and the portions between Parry's corner and Napier's Bridge in particular, is entrusted; and

(*c*) whether it is the Military Department, or the Collector of Madras, or the Public Works Department, or any other department that is responsible for keeping the foreshore in a satisfactory condition as regards sanitation and tidiness.

A.—(*a*) The Government have now perused the article.

(*b*) & (*c*) The Collector of Madras is responsible for the conservancy of the foreshore lying between Parry's corner and the mouth of the Cooum and the Corporation of Madras for that of the foreshore south of the Cooum.

Over-bridges on railway crossings in the city.

806 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: To ask the Hon'ble the Minister for Local Self-Government to place on the table copies of all correspondence relating to the provision of over-bridges on the several railway crossings in the City of Madras.

A.—The Government are not prepared to publish all the correspondence on the subject. If the Hon'ble Member desires information on any particular point, he may ask for it.

Manure depots in the Presidency

807 *Q.*—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: To ask the Hon'ble the Minister for Development to state—

(*a*) the names of taluks or districts where the Government have opened manure depots;

(*b*) the cheapest rate fixed by the Government for supplying the same to the ryots;

(*c*) whether the ryots in the rural areas of this Presidency are educated in modern agricultural requirements, so as to derive the full benefit of their hard labour;

(*d*) if the answer is in the affirmative, in what districts this new system is adopted; and

(*e*) if the answer is in the negative, whether the Government propose to devise a new system.

A.—(*a*) Manure depots have been opened in all districts of the Presidency except Ganjām, Guntūr, Nellore, Cuddapah and Anantapur.

(*b*) The following are the rates at which manure was supplied to the ryots in 1920:—

Fish guano.—This is based on F.O.R. West Coast Rs. 105 per ton, to which cost of transport to and storage at depots is added.

Bone meal.—Rupees 80 per ton in the districts of Ganjām, Vizagapatam, Gōdāvari and the Northern taluks of Kistna.

Manure mixture.—Rupees 14 per 300 lb. in the Cauvery delta.

Green manure seeds are sold at many of these depots at slightly above actual cost inclusive of transport and storage.

(*c*) This is a matter of opinion which might vary with every group of ryots.

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(*d*) & (*e*) Printed information regarding agricultural work and the improvements advised for adoption is published and widely distributed under the following heads:—

(1) The villagers' calendar printed in English, Tamil, Telugu, Malayalam and Kanarese.

(2) Leaflets published by the Agricultural Department and supplied free to ryots.

(3) The administration reports of the Agricultural Department available to the public. This information is circulated all over the Presidency. Item (1) in particular is simplified so as to be comprehensible by ordinary ryots. Apart from this printed information, practical methods are demonstrated to ryots by the employment of travelling demonstrators. Demonstrators are now employed in all the districts except Nellore, Cuddapah, Anantapur and The Nilgiris.

Improvement of Elundrakondon tank.

808 *Q.*—Mr. S. T. SHANMUKHAM PILLAI: To ask the Hon'ble the Member for Revenue to state, with regard to the answer given to the question put by Mr. K. V. Ramachari, No. 477 (320) (*b*) on the subject of improvement of the Elundrakondon tank and its supply channel and headworks—

(i) if the further information called for by the Chief Engineer has since been received and the estimate for the works sanctioned; and

(ii) if the information called for has not been received, whether the Government cannot direct the prompt submission of the same.

A.—The further information called for has been received and the estimate is now under scrutiny with a view to sanction.

Jurisdiction to District Munsifs' Courts under Succession Certificate Act.

809 *Q.*—Mr. R. SRINIVASA AYYANGAR: To ask the Hon'ble the Law Member to state—

(*a*) the number of district munsifs' courts invested with the functions of a district court under the Succession Certificate Act, VII of 1889;

(*b*) whether it is a fact that in South Arcot the district munsif's court at Vriddhachalam is the only court so invested, that this was done so far back as October 1891, and that no other munsif's court has been similarly invested since;

(*c*) whether it is a fact that Kallakurichi which has a munsif's court is a long way off from Cuddalore being 28 miles by road and 47 miles by rail therefrom; and

(*d*) whether it is intended to invest more munsifs' courts in the presidency with jurisdiction under Act VII of 1889, regard being had to their distance from the district courts and the expense and inconvenience incurred and felt in such cases.

A.—(*a*) Eighteen.

(*b*) The answer is in the affirmative.

(*c*) Kallakurichi is at some distance from Cuddalore but the Government have no information as to the exact distance by road or rail.

(*d*) No. If there is real need the Government would, on the advice of the High Court, be prepared to consider the question of investing more courts with jurisdiction under Act VII of 1889.

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Reserved forests in South Arcot.

810 Q.—Mr. R. SRINIVASA AYYANGAR: To ask the Hon'ble the Home Member to state—

(*a*) the extent of reserved forests in the district of South Arcot grouped in classes I, II, III, IV and V;

(*b*) the income under various heads realized from and the proportionate expenditure on (*a*) class IV forests and (*b*) class V forests in 1918–19, 1919–20 and 1920–21; and

(*c*) the number of (1) forest offences laid before courts in South Arcot district, (2) cases compounded, (3) cases that ended in conviction and (4) the amount of fines collected in 1919–20 and 1920–21, specifying the number of offences committed in the five classes of forests above named.

A.—(*a*)—

Class	I	Forests	Nil.
,,	II	,, ...	169 square miles.
,,	III	,, ...	less than one square mile.
,,	IV	,, ...	84 square miles.
,,	V	,, ...	44 do.

(*b*) No separate accounts are kept for the different classes of forest.

(*c*)—

Year 1919-20.

Total number of cases taken to court.	Convictions secured.	Acquitted.	Cases pending.
787	698	28	61
Total number recommended for composition.	**Cases compounded by District Forest Officers.**	**Cases withdrawn.**	**Cases pending.**
1,681	1,136	Nil	545

Revenue under fines and forfeitures—Rs. 12,512.

The South Arcot Forest division has ceased to exist. Of the four ranges included in it, Tindivanam and a portion of Tirukkōyilūr have been formed into the Gingee range now included in South Vellore division, while the remaining portion of Tirukkōyilūr, Kallakurichi and Cuddalore ranges have been formed into the Kallakurichi range now included in the East Salem division. Separate figures for 1920–21 in respect of South Arcot division are not therefore available for comparison with those of 1919–20.

The Government have no information as to the number of offences committed in the different classes of forests either during 1919–20 or 1920–21.

Excise Revenue in South Arcot.

811 Q.—Mr. R. SRINIVASA AYYANGAR: To ask the Hon'ble the Minister for Education (Excise) to state—

(*a*) the income realized in the district of South Arcot within the last five years ending with December 1920 under the heads of toddy, arrack, opium, foreign liquor and other intoxicants; and

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(*b*) the number of toddy, arrack and foreign liquor shops that exist in the said district.

A.—(*a*) The Honourable Member is informed that statistics are compiled only for the official years and not for the calendar years. A statement giving the information called for for the five years ending 1919–20 is given below:—

Year.	Arrack.	Toddy.	Foreign liquor.	Opium.	Other intoxicants (hemp drugs and beer).
	Rs.	Rs.	Rs.	Rs.	Rs.
1915–16 ..	9,68,052	4,89,988	37,593	21,055	39,360
1916–17 ..	8,68,467	4,47,688	27,990	18,078	38,982
1917–18 ..	10,89,199	4,76,424	55,937	17,912	40,691
1918–19 ..	10,83,246	5,56,110	1,01,211	19,550	35,812
1919–20 ..	11,76,581	6,85,781	1,14,429	18,809	30,805
Total ..	51,85,545	26,55,991	3,37,160	95,404	1,85,650

(*b*) The numbers are—

Toddy	325	for the lease year 1920–21.
Arrack	472	for the lease year 1921–22.
Foreign liquor	1	for the lease year 1921–22.

Nadar representation in the local boards of Tinnevelly and Ramnad.

812 Q.—Mr. W. P. A. SOUNDARA PANDIA NADAR: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) the names of taluk boards in the Tinnevelly and Ramnad districts that have no Nadar representatives on their boards as members;

(*b*) whether the Government have any objection to give the Nadars their due share of representation in every taluk board in the districts of Tinnevelly and Ramnad.

A.—(*a*) Tinnevelly and Devakottai.

(*b*) The appointing authority under the Local Boards Act, 1920 is, in the case of taluk boards, the president of the district board.

Municipal Sanitary Inspector, Srirangam.

813 Q.—Mr. T. C. TANGAVELU PILLAI: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) whether it is a fact that the merchants of Srīrangam have filed a complaint against the action of the Municipal Sanitary Inspector and other employés before the Stationary Sub-Magistrate, Trichinopoly;

(*b*) whether it is a fact that after the filing of the said complaint the Srīrangam municipal chairman has served notices on the merchants to pull down the sun-shades in front of their stalls as if they were encroachments;

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(*c*) whether it is a fact that a reply to the notices was sent by the merchants to the Municipal Chairman alleging that they are being annoyed because they did not subscribe to the *Swaraj* Fund and refused to join the non-co-operation movement ; and

(*d*) if not, whether the Government cannot call for all the papers and, after perusal, pass necessary orders.

A.—(*a*) to (*c*) The Government have no information.

(*d*) The matter is being enquired into.

"Sub-Registrar's plight under new scale."

814 *Q.*—Mr. T. C. TANGAVELU PILLAI : To ask the Hon'ble the Minister for Education (Registration)—

(*a*) whether the attention of the Government has been drawn to an article headed "Sub-Registrar's plight under new scale" published in *Justice*, dated 14th September 1921 ; and

(*b*) if so, to state if there are proposals to consider the grievances alleged.

A.—(*a*) Yes.

(*b*) No.

Nayudu representation in the Registration Department.

815 *Q.*—Mr. T. C. TANGAVELU PILLAI : To ask the Hon'ble the Minister for Education (Registration) to state—

(*a*) if any member of the Nayudu community is a District Registrar ; and

(*b*) if not, whether the Government cannot appoint one from the said community.

A.—(*a*) No.

(*b*) Promotions will be in due course according to merit.

Clerks in Registrars' offices.

816 *Q.*—Mr. T. C. TANGAVELU PILLAI : To ask the Hon'ble the Minister for Education (Registration) to state—

(*a*) whether a distinction is drawn between the clerks of the administration branch and those of the other branch of a Registrar's office ; and

(*b*) how many special grade appointments of clerks are made in the administration section.

A.—(*a*) A distinction is made between the clerks of the two branches as regards their duties but not their pay under revised scale which will shortly be given effect to.

(*b*) Under the new time scale, there is to be only one appointment in the administrative branch of each Registrar's office on Rs. 60—4—80 in the mufassal and Rs. 65—4—85 in the City of Madras to be filled up by the head clerk.

Appeal of Thayammal, widow of the late Sarangapani Ayyangar.

817 *Q.*—Mr. T. C. TANGAVELU PILLAI : To ask the Hon'ble the Home Member—

(*a*) whether the Government have received an appeal from Mr. S. Ramaswami Ayyangar, guardian of Thayammal, widow of the late Sarangapani Ayyangar, who was shot by the police at Kumbakōnam ; and

(*b*) if so, what orders were passed on the said appeal.

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A.—(*a*) Yes.

(*b*) The Government are awaiting a report called for from the District Magistrate.

Retirement of European officers on proportionate pensions.

818 *Q.*—Mr. C. V. VENKATARAMANA AYYANGAR : To ask the Hon'ble the Member for Finance to state the number and the names of European officers in this Presidency who have retired or have asked to be permitted to retire from service on proportionate pensions on account of the introduction of the Reforms.

A.—None.

No scheme of proportionate pensions has yet been promulgated.

Reorganization of non-gazetted services.

819 *Q.*—Mr. C. V. VENKATARAMANA AYYANGAR : To ask the Hon'ble the Member for Finance to state—

(*a*) if it is a fact that under the recent scheme of reorganization of the non-gazetted services, a junior who acted in a higher-paid appointment during the months of January to March 1921 will get confirmed on such higher pay, superseding a senior who chanced to be on leave during the said period ;

(*b*) if so, to state if district officers have been directed to consider and give relief in such cases ; and

(*c*) if not, whether the Government have any objection to issue orders that such cases should be considered and relief given in every case.

A.—The instructions issued to heads of departments and offices are to the effect that an officer on leave between December 1920 and February 1921 should be placed in the time scale in the position which he would have occupied if he had not been on leave. The Government do not consider it necessary to issue any further instructions. No such case as is referred to by the Hon'ble Member has come to the notice of Government.

Forests in Guntūr district.

820 *Q.*—Mr. P. VENKATASUBBA RAO : To ask the Hon'ble the Home Member to state whether the Government propose to give effect to Resolution No. 13 passed at the meeting of the Legislative Council in August 1921 ; if so, whether it will be applied to forests in the Guntūr district.

A.—The Government have as yet arrived at no final decision.

APPENDIX I.

[Vide answer to question No. 792 asked by Mr. A. T. Palmer at the meeting of the Legislative Council held on the 13th October 1921, page 1045 supra.]

List of churches.

District.	Taluk or station.	Name of church.
Ganjam ..	Berhampur	St. Stephen's Church.
Vizagapatam ..	Waltair	St. Paul's Church.
	Vizagapatam	St. John's Church.
	Bimlipatam	St. Peter's Church.
	Vizianagram	St. Mary's Church.

List of churches—cont.

District.	Taluk or station.	Name of church.
Godavari	Cocanada	St. Thomas' Church.
	Rajahmundry	Holy Trinity Church.
	Dowlaishwaram	Church of the Good Shepherd.
Kistna	Masulipatam	St. Mary's Church.
Guntur	Guntur	St. John the Baptist's Church.
Nellore	Nellore	Christ Church.
Bellary	Bellary	Holy Trinity Church (Civil Church).
	Do.	Garrison Church.
	Do.	Roman Catholic Military Chapel.
	Ramandrug	School Church.
Cuddapah	Cuddapah	Christ Church.
Kurnool	Kurnool	Do.
North Arcot ..	Vellore	St. John's Church.
	Chittoor	St. Luke's Church.
	Ranipettai	St. Mary's Church.
Salem	Salem	Christ Church.
Coimbatore	Coimbatore	All Souls' Church.
Nilgiris	Gudalur South-East Wynaad.	St. John the Evangelist's Church.
	Ootacamund	St. Stephen's Church.
	Do.	St. Thomas' Church.
	Coonoor	All Saints' Church.
	Wellington	St. George's Church.
	Do.	St. Joseph's Church.
	Kotagiri	Christ Church.
Malabar	Palghat	Holy Trinity Church.
	Cochin	St. Francis of Assisi Church.
	Calicut	St. Mary's Church.
	Cannanore	St. John's Church.
	Malappuram	Christ Church.
	Tellicherry	St. John the Evangelist's Church.
South Kanara ..	Mangalore	St. Paul's Church.
Chingleput	St. Thomas' Mount	St. Thomas' Church.
	Do.	St. Patrick's Chapel (Roman Catholic).
	Pallavaram	St. Stephen's Church.
	Poonamallee	Church.
	Do.	St. John the Baptist's Chapel (Roman Catholic).
Tanjore	Negapatam	St. Peter's Church.
	Kumbakonam	Christ Church.
	Tranquebar	Zion Church.
Trichinopoly ..	Trichinopoly	Christ Church.
	Do.	St. John's Church.
Madura	Madura	St. George's Church.
Tinnevelly	Palamcottah	Christ Church.
	Tuticorin	Church.
Madras	Madras	St. George's Cathedral.
	Do.	St. Mary's Church.
	Do.	St. Mathias' Church.
	Do.	St. Mark's Church.
	Do.	Holy Emmanuel Church.
	Do.	St. Thomas' Church, San Thome.
	Do.	St. Andrew's Church.
	Do.	St. Patrick's Chapel—Roman Catholic.
Travancore State ..	Trivandrum	Christ Church.
	Quilon	St. Thomas' Church.
Mysore State ..	Mysore	St. Bartholomew's Church.
	Bangalore	St. Mark's Church.
	Do.	Holy Trinity Church.
	Do.	St. John's Church.
	Do.	Fort Church
	Do.	St. Andrew's Church—Church of Scotland.
Coorg	Mercara	St. Mark's Church.

13th October 1921]

APPENDIX II

[Vide answer to question No. 795 asked by M.R.Ry. Rao Sahib U. Rama Rao Avargal at the meeting of the Legislative Council held on the 13th October 1921, page 1047 supra.]

Number of clerks.	B.A. (Honours).	M.A.	B.A., B.L.	M.A. (Honours) B.L.	Caste.	Service.	Technical and Special test qualifications.	Pay under the new scale.	Remarks.
						Y. M.		Rs.	
Chief Secretariat.									
1	..	..	1	..	Christian ..	3 4	Account Test and Criminal Test.	80	
2	..	..	1	..	Brahman ..	2 5	Revenue Test ..	70	
3	..	..	1	..	Christian ..	1 2	....	70	Acting.
4	1	..	..	..	Brahman ..	0 2	....	70	Do.
Finance Secretariat.									
5	..	1	..	..	Brahman ..	8 2	Account Test and Criminal Test.	130	
6	..	..	..	1	Do. ..	3 10	Nil.	70	Acting.
7	1	..	..	..	Do. ..	0 10	Nil.	70	Do.
Law Secretariat.									
8	..	..	1	..	Tiya (Malayalee).	7 11	Translation (Higher), Criminal and Account Tests and Precis Writing.	130	
9	..	1	..	..	Brahman ..	5 10	Criminal Test ..	100	
10	1	..	..	..	Latin Christian.	4 5	....	100	
Local Self-Government Secretariat.									
11	..	..	1	..	Brahman ..	17 4	Account and Revenue Tests.	100	
12	..	..	1	..	Christian ..	0 4	....	70	
13	1	..	..	..	Brahman ..	0 4	....	70	
14	..	..	1	..	Do. ..	0 3	....	70	
15	1	..	..	..	Christian ..	0 1	....	70	
Revenue and Development Secretariats.									
16	..	1	..	..	Brahman ..	7 0	Account Test, Precis Writing, Translation (Higher) Tamil.	100	
17	..	1	..	..	Do. .	6 6	Account, Revenue and Criminal Tests and Translation (Higher), Tamil.	70	Acting. Is a permanent clerk in Public Works Department (Irrigation Secretariat).
18	1	..	..	..	Do. ..	1 9	Nil.	70	Acting.
19	..	1	..	..	Nayar (Malayalee).	0 9	Nil.	70	Do.
Public Works Secretariat.									
20	..	1	..	..	Brahman ..	10 6	Account Test and Translation.	100	On other duty as Lecturer, Government College, Kumbakonam.
20	6	6	7	1					

[The Hon'ble the President] [13th October 1921

II

COMMUNICATION TO THE COUNCIL.

The Secretary laid on the table the report of the committee appointed to inquire into the expediency and feasibility of replacing the Board of Revenue as at present constituted.

III

THE HON'BLE THE PRESIDENT'S STATEMENT REGARDING THE FIXING OF DATE FOR SUPPLEMENTARY DEMANDS FOR GRANTS.

The Hon'ble the PRESIDENT:—"Before we resume consideration of the Madras City Tenants' Protection Bill, I should like to know what the wishes of Government are in regard to the financial business. I believe they would like to get it through soon—I mean this week, during the October meeting. If so, it will be set down some day early in the agenda."

The Hon'ble Mr. A. R. KNAPP:—"I am not quite sure, Sir, to which financial business you are referring."

The Hon'ble the PRESIDENT:—"I am speaking of the demands for supplementary grants. Financial business is generally supposed to be of an urgent character and if the Government wish to have it disposed of early, they had better intimate the fact to me, so that it may be put in the agenda immediately after questions any day."

The Hon'ble Mr. A. R. KNAPP:—"We should like to bring in all demands for grants together, and I suggest that they may be put in to-morrow morning after questions."

This was agreed to.

IV

THE MADRAS CITY TENANTS' PROTECTION BILL, 1921.

New sub-clause to clause 3 [*Amendment No.* 9 (*c*)].

The Hon'ble the PRESIDENT: "The Council will now resume consideration of the Madras City Tenants' Protection Bill as amended by the Select Committee. Yesterday we were dealing with the amendment proposed by the Hon'ble Member Mr. Arumainatha Pillai to add a new sub-clause to clause 3 [Amendment No. 9 (*c*)]."

Mr. S. SRINIVASA AYYANGAR:—"I have great pleasure in supporting the amendment brought by Mr. Arumainatha Pillai. It is only right that the tenant should get more than the mere value of the building which he is entitled to get under clause 3. No doubt clause 5 (2) of the Bill provides that, in determining the value of a building, the court may take into consideration the estimated cost of erecting a similar building, the amount to be allowed for depreciation and the amount spent on repairs. But it does not take into account what in many of these cases has happened, viz., the very considerable cost the tenant had to undergo in levelling up the land and in terracing it before he built up; that cost of improvement over the land has also to be added. I do think, Sir, now that the Bill has been confined to cases of persons who own superstructures,—that is what after all the preamble means—that there should be no difficulty in awarding this extra compensation which is claimed by the mover of this amendment. The words in the preamble 'in the hope that they would not be evicted so long as they pay a fair rent for the land' would cover all cases, not, as was suggested yesterday, only cases of representations made by the landlord or expectations raised by the conduct on the part of the landlord. If a man had built upon a vacant land, then certainly the presumption would be that he built it in the hope that he would occupy it. Nobody goes and builds upon a land for the purpose of being ejected.

13th October 1921] [Mr. S. Srinivasa Ayyangar]

Amendment No. 9 (*c*) *to clause* 3—cont.

Considerations of a different character will have to be applied to cases where a man has merely the lease of a building already existing upon the land and adds a verandah, or a shed, or latrine, or alters the window. Of course in those cases there would not be any justification for any presumption that he built it in any such hope. The word is not 'expectation', nor is the word 'representation.' Therefore as it covers clearly the cases of superstructures with which the Bill was intended to deal, and as there would be no difficulty whatever in the tenants proving their title, it is only just that they should have this additional compensation and I should submit to the House that no member would regard this as a very revolutionary amendment altering the right to compensation for which the tenant is given this Bill. It is only intended to give him some more compensation than he is entitled to under the proposed clause of the Bill, and I have shown how the owner of a superstructure built long ago should be entitled to something more than the value of the building, especially as clause 5 provides that depreciation is to be taken into account and also repairs. Of course these persons do not keep accounts of the repairs, and it is extremely difficult for anybody to find out what money they have spent on repairs and there would have to be a needlessly protracting inquiry; whereas the remedy given to him for the improvement of the land made by him or by his predecessors-in-interest would, in a large majority of cases, benefit the tenant and add materially to the compensation to which he is under the beneficial provisions of clause 3 become entitled."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Mr. President, I am afraid we are really enlarging the scope of the Bill beyond what was intended. We have added 'trees' yesterday by an amendment and now we are going to add 'improvement of the land'. 'Improvement of the land,' as I pointed out yesterday, will cover also buildings or trees that have been built thereon or planted, and I also pointed out that the language as adopted by the mover of the amendment, if introduced as a sub-clause (2), would give rise to a great deal of difficulty and would defeat the very object of providing for full compensation for the buildings under section 2. Now, the other point is this. In the whole of the debate, especially in the speech of my honourable friend (Mr. Srinivasa Ayyangar), it was assumed that this compensation for improvement of land would be given only in cases where, after such improvement, there have been buildings thereon. I am afraid, Sir, that that construction may not be possible. I am aware of the amendment which has been accepted by this House on which I am afraid I will have to say a few words later on in connexion with another section. It reads thus:

'This Act shall apply only to tenancies created before the commencement of this Act and to buildings erected by tenants on others' lands for residential purposes in the hope that they would not be evicted so long as they pay a fair rent for the land'.

"I would ask the House to consider what would be the effect of allowing this new amendment to clause 3, viz., compensation for improvement on the land. The tenant may have improved the land, but in what sense improved? There is no definition of what 'improvement' means. Section 3, it is quite clear, now gives compensation for buildings erected on the land. But here the word 'improvement' is a general term and the court has to decide whether what is done is an improvement or not, there being no particular definition of what 'improvement' is, as we have in the Malabar Tenants' Compensation Act. That is one difficulty. Construing the amendment already accepted it is reasonably clear that there are two categories to which this Act would apply: (1) it would apply to tenancies before

[The Hon'ble Mr. K. Srinivasa Ayyangar] [13th October 1921

Amendment No. 9 (*c*) *to clause* 3—cont.

the Act and (2) to buildings erected by tenants, etc. 'Before the commencement of the Act' does not govern the latter clause.

"So you will have to give effect to the previous portion of the clause and give compensation for improvements not relating to buildings at all, and you will have to give compensation for the improvements on the land in cases of all tenancies created before the commencement of this Act whether there is a building thereon or whether originally the land was let for building purposes or not. We must remember that to a previous clause where Mr. Arumainatham moved an amendment—'that this Act shall apply to buildings used for residential purposes'—it was not accepted by the House. The result then of passing this amendment, apart from the difficulty of the language to which I have drawn attention and to which no reply has yet been given by any members who spoke before, is that you would be obliged to give compensations for persons who have merely improved the land even in cases where the land was let and occupied not with a view primarily of erecting a building thereon; and that is why, I say, Sir, you are enlarging the scope of the Bill beyond the preamble, beyond the intentions of the framers of the Bill."

11-15 a.m.

The Hon'ble the PRESIDENT:—"Do I understand the Honourable Member to say that the amendment now under consideration is inconsistent with the amendment to clause 1 which was passed yesterday?"

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"No, Sir."

The Hon'ble the PRESIDENT:—The amendment passed yesterday was 'That this Act shall apply only to tenancies created before the commencement of this Act and to buildings erected by tenants on others' lands.' That having been passed by the House, is it the contention of the Hon'ble the Law Member that the present amendment is something not consistent with that? If so, it may be a point of order, and that is why I mention it.

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I do not rise to any point of order at all, Sir. I am merely explaining to the House the result of passing this amendment because this amendment will have to be read with the amendment already accepted. The point is that the motion already accepted covers two categories of cases: (*a*) cases where a tenancy was created before the commencement of this Act and (*b*) the buildings on others' lands. The House will remember that there is a provision made as regards compulsory purchase of land which can now apply only to lands on which buildings are erected. What I am mentioning to the House is, according to my interpretation, if you accept this amendment, if you say that the tenant shall be entitled to the cost of improvements made upon the land, that would cover cases where a tenant improves the land not merely for the purpose of building thereon but for any other purpose to which he may choose to improve it, provided that the tenancy was created before the commencement of this Act. For instance people may keep a land as a flower garden; you will have to pay for the improvement for making it a flower garden; he may dig a tank for his convenience and that according to him may be an improvement. That will let in the right of compulsory purchase."

The amendment was put to the Council and was declared lost.

Clause 3, as amended, was allowed to stand part of the Bill.

13th October 1921] [Mr. A. S. Krishna Rao Pantulu]

Amendment No. 10 *to clause* 4.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I beg to move—

'10. *That in clause* 4 *the words "six months" be substituted for the words "three months" wherever the words occur.*'

"It will be found that clause 4 provides for suits for ejectment against a tenant as also for application under section 41 of the Presidency Small Cause Courts Act. It provides that in cases where decrees are passed, a time of three months might be allowed for the payment of compensation. The operative portion of this clause is sub-clause 4 which says that 'if the amount found due is not paid into court within three months from the date of the decree or order or if no application is made under section 6, the suit shall stand dismissed and the landlord shall not be entitled to bring a fresh suit for ejectment or present a fresh application for recovery of possession, for a period of five years from the date of such dismissal.' In view of these circumstances, I think it reasonable to give the persons concerned a reasonable time, and I believe it to be six months. We cannot now imagine the amount of compensation or the sum of money which the landlord will be called upon to pay. There are persons who probably find it necessary even to create a charge on the properties or mortgage them before they can raise the money in the open market. I think it therefore reasonable that the time should be extended to at least six months."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I second this amendment. In addition to the reasons urged by the honourable mover of this resolution, I wish to say that sometimes, at all events, a plaintiff, the holder of a decree or order, when he applies for the order or when he institutes the suit, may not be in a position to know accurately what amount he will have to pay for the improvements. In such cases, it is desirable and necessary in the interests particularly of the poorer landlords to give a reasonable time for raising money, even by borrowing it when borrowing becomes necessary. For this reason, I think it is desirable that the period of three months referred to in the various clauses of this section should be extended to six months and by this extension the tenants cannot in any way be prejudiced. It is after all not a very important matter for the tenant, whether he gets value of the improvements before the expiry of six months from the date of the decree or three months. But it may be a very important matter to the landlord, because, if he does not pay the value of the improvements, before the expiry of three months he loses the chance of getting the property for another five years. For these reasons, I second this amendment."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Mr. President, I have no particular wish in this matter and I propose to leave this question after a few observations to the consideration of the House and if the House thinks that six months should be inserted, I certainly shall not object to it. But I want to draw attention to two things. One is those who are responsible for the Bill provided for three months for payment in the belief that the tenants should get their compensation as soon as possible and go away next. There is a provision later on providing for deterioration of the property. The compensation has to be paid on the date of the order. It will take some time in investigating the amount payable and passing the order fixing the compensation. A very long period between the date of the order and the date of payment would prevent the tenant from making necessary repairs to the building and may induce the parties to enter into a fight as to the deterioration while if the time is only three months it will diminish fights of that sort. Then, Sir, I want to draw attention to the penalty incurred to which

[The Hon'ble Mr. K. Srinivasa Ayyangar] [13th October 1921

Amendment No. 10 *to clause* 4—cont.

attention was drawn, by the non-payment. The penalty is not that the landlord should lose the property but during the next five years, he would not be in a position either to eject or apply for an order. Another matter to which I desire to draw attention is, it is made compulsory upon the landlord, before he proceeds to eject, along with his notice asking the tenant to quit to offer compensation and also to state the amount thereof. So that before he goes to court to eject he estimates for himself the value of the building and if it is a *bona fide* valuation there need be no apprehension whatever that the amount fixed by court will be far beyond his expectation. When he wants to eject, he may choose his own time and when he chooses to eject he has to offer compensation. And I presume at that stage, that is, before he takes proceedings, he will be in a position to know how much he has to pay. In these circumstances, I think three months' time is enough but as I said if the Council thinks that he must have six months, I shall not press my view.

Mr. S. SRINIVASA AYYANGAR :—" Mr. President, I am afraid I must oppose this amendment. In addition to the reasons given by the Hon'ble the Law Member, I may point out that the compensation awardable is as at the date of the decree and carries no interest till actually ejected and the Bill provides only three months' time. If the compensation is awarded as at the date of the decree and not of ejectment, it is a wrong procedure and unfair to make the period six months. Then again I notice in sub-clause 3 there is a provision for a set off and the landlord may simply drag on these proceedings in order to have more rents being set off. Then again I find that this amendment will involve a modification of clause 6 of the Bill by which the landlord is not compelled to pay compensation but if he is unable or unwilling he is entitled to get a reasonable amount. I shall reserve my remarks on that clause when it is reached. But at present I submit that there is no provision for the revaluation of the compensation as on the date when he is actually turned out of possession. I submit that the time provided in the Bill is already too long especially when we notice that under clause 11 of the Bill, the landlord has to offer to pay compensation and give three months' notice in writing."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" Mr. President, I am afraid I have to support the amendment brought forward by my Hon'ble friend Mr. Krishna Rao Pantulu. If I understood the Honourable Member, Mr. S. Srinivasa Ayyangar, correctly two reasons were given for not accepting this amendment. The first is there is no provision for the payment of interest and the second is there is provision for set off which is likely to prolong the proceedings and there is no reason why the proceedings should further be prolonged by this amendment. I beg to submit, Sir, that neither of these reasons is valid. So far as the question of interest is concerned, it will be noticed that the landlord is to be put into possession only on the payment of compensation so that the tenant continues in possession until then. Thus this question of his not getting any interest is not a material one for the purpose of this amendment. With reference to the question of set off and the difficulties involved therein, I beg to submit that it is an independent difficulty which we shall have whether it is a case of three months or six months. I venture to think, Sir, that the reasons given by the proposer and the seconder are very cogent as to why this amendment should be accepted. If I may say so, Sir, the Hon'ble the Law Member in charge of the Bill has very properly put before the House certain considerations which are to be kept in view for the purpose of deciding whether the amendment is to be carried

11-30 a.m.

13th October 1921] [Mr. L. A. Govindaraghava Ayyar]

Amendment No. 10 *to clause* 4—cont.

or not. It will be observed that when a plaintiff asks for ejectment, he only makes a *bona fide* calculation of the possible amount that might have been spent towards improvement and it is likely that it might later on be found to be an erroneous calculation: so that it is really a much larger amount that the plaintiff will have to pay by way of compensation than what he originally thought would be necessary for him to pay. In these circumstances, it seems to me, Sir, that this amendment can cause no hardship to the tenant and it is not altogether an unreasonable proposal that 'six months' should be substituted for 'three months.'

"Then the question of deterioration has been considered. Now so far as the question of deterioration goes, it will be observed that the landlord must be as much in a position to know of it as the tenant and he will therefore take care and if there is a chance of deterioration, it is possible for him to avoid it by paying his compensation as quickly as he can. Then as regards sudden deterioration, I think there is a provision by which it is the tenant that is going to be held responsible for the same. For, deterioration by way of accident or otherwise, provision is made in clause 5. Then it is stated, Sir, that the landlord has got the option of again renewing his proposal for ejectment and that is what is provided for in clause 4. I venture to think, Sir, that it ought not in any way to influence us in arriving at a view with respect to this particular amendment, because there is an amendment about it and I do not know what exactly the House would think of that amendment. I therefore submit, Sir, that that will not be a proper consideration to be kept in view in deciding whether this amendment should be carried or not. For these reasons, I beg to support this amendment."

Rao Bahadur T. NAMBERUMAL CHETTI GARU :—" Mr. President, I rise to oppose this amendment. The tenant will be put to very great hardship, if he has to wait for six months after obtaining a decree. The period proposed in the amendment is too long, and I therefore oppose the amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I have given due consideration to the various points which have been brought forward to the notice of the Council by the Hon'ble the Law Member. If it were possible for the landlord to anticipate with any amount of accuracy the probable amount of compensation he would have to pay, I think that there would be some force in the argument advanced against the amendment. Clause 5, which has to be considered later on, provides that a number of circumstances have to be taken into consideration, in fixing the amount of compensation. It will not be possible even for the most prudent landlord to arrive at a correct estimate of the amount that he will be called upon to pay. If it is an amount which is to be ascertained later on, it may be a very big sum—it is but reasonable that greater latitude should be given to him. In this connexion, I have to point out by way of analogy that even in cases where upon a mortgage one tries to realize a sum of Rs 10, the maximum time provided for is six months. In cases where the mortgage amount is ascertained, fixed and defined, even though the amount covered by the decree is only a sum of Rs. 10, the court is given power to give time up to six months. When a maximum period of six months is provided in such cases though the amount is ascertained and fixed, is it unreasonable to suggest the provision of six months in cases where the landlord cannot foresee the amount of compensation he will be called upon to pay? I venture to submit, Sir, that the amendment proposes a reasonable time and that it ought to be accepted by the Council."

The amendment was put to the Council and declared lost.

Amendment No. 10 *to clause* 4—cont.

On the motion of Rao Sahib U. Rama Rao a poll was taken with the following result:—

Ayes.

1. Mr. K. Adinarayana Reddi.
2. ,, K. Gopalakrishnayya.
3. ,, K. P. Gopala Menon.
4. ,, K. A. Kandaswami Kandar.
5. ,, J. Kuppuswami.
6. ,, M. Narayanaswami Reddi.
7. ,, A. Ramayya Punja.
8. ,, N. A. V. Somasundaram Pillai.
9. ,, A. Tangavelu Nayagar.
10. ,, P. Venkatasubba Rao.
11. ,, M. Ramachandra Rao.
12. Mr. L. A. Govindaraghava Ayyar.
13. ,, M. Krishnan Nayar.
14. ,, A. S. Krishna Rao.
15. Sriman Biswanath Dass.
16. Mr. T. M. Narasimhacharlu.
17. ,, U. Rama Rao.
18. ,, A. Ranganatha Mudaliyar.
19. Sriman Sasibhushana Rath.
20. Mr. Seturatnam Ayyar.
21. ,, R. Srinivasa Ayyangar.
22. Sri Meka V. Appa Rao Bahadur.

Noes.

1. The Hon'ble Mr. Muhammad Habib-ul-lah Sahib.
2. ,, Mr. K. Srinivasa Ayyangar.
3. ,, Mr. P. Ramarayaningar.
4. ,, Mr. K. Venkata Reddi Nayudu.
5. ,, Mr A. P. Patro.
6. Mr. F. J. Richards.
7. Mr. R. Littlehailes.
8. ,, A. Ramaswami Mudaliyar.
9. ,, S. R. Y. Ankinedu Prasad.
10. Sir P. Tyagaraya Chettiyar.
11. Mr. R. Venkataratnam Nayudu.
12. ,, A. T. Muttukumaraswami Chettiyar.
13. ,, V. P. Pakkiriswami Pillai.
14. ,, S. Somasundaram Pillai.
15. ,, T. C. Tangavelu Pillai.
16. ,, S. Srinivasa Ayyangar.
17. ,, P. Siva Rao.
18. Mr. S. Muttumanicka Achariyar.
19. ,, M. Suryanarayana.
20. ,, S. Arpudaswami Udayar.
21. ,, T. Arumainatha Pillai.
22. ,, M. D. Devadas.
23. ,, E. C. M. Mascarenhas.
24. ,, A. T. Palmer.
25. ,, G. Vandanam.
26. ,, Richardson.
27. Saiyid Diwan Abdul Razaak Sahib Bahadur.
28. Mr. A. D. M. Bavotti Sahib.
29. ,, Saiyid Ibrahim Ravuttar.
30. Muhammad Sadullah Badshah Sahib Bahadur.
31. Muhammad Usman Sahib Bahadur.
32. Mr. L. C. Guruswami.
33. ,, R. T. Kesavalu Pillai.
34. ,, M. C. Madurai Pillai.
35. ,, T. Namberumal Chettiyar.
36. ,, P. Venkatarangayya.

The amendment was lost, 22 voting *for* and 36 *against*.

Amendment No. 11 *to clause* 4.

The following amendment standing in the name of Mr. T. Arumainatha Pillai was not moved and was therefore deemed to have been withdrawn:—

"11. *In sub-clause* (4) *omit the following words*:—

'*For a period of five years from the date of such dismissal.*'

Clause 4 was then allowed to stand part of the Bill.

Amendment No. 12 *to clause* 5.

The following amendment standing in the name of Mr. M. C. Raja was, owing to the absence of the Honourable Member, not moved and was therefore deemed to have been withdrawn.

'12. *Add the following words to sub-clause* (2):—

'*In the case of buildings let out for rent, wholly or partly, the court may fix the value at twenty times the annual valuation as per Corporation accounts of the year.*'

Amendment No. 13 *to clause* 5.

Mr. T. Arumainatha Pillai:—"I beg to move:—

'13. *In sub-clause* (3), *omit the following words*:—

Amendment No. 13 *to clause* 5—cont.

"*Accident or other cause for which the landlord is not*" *and substitute the following*:—

'*any cause for which the tenant is*'

"By my amendment, Sir, I would, as it were, bring the amended clause into conformity with the existing law of the 'Transfer of Property Act'. It is a well-known principle, Sir, that as soon as the ownership of a property passes to the buyer, the seller is not responsible for any loss unless occasioned by him. This is the principle that is laid down in section 55, sub-clause (5), clause (*c*) which runs thus—

'The buyer is bound, where the ownership of the property has passed to the 'buyer, to bear any loss arising from the destruction, injury or decrease in value 'of the property not caused by the seller.'

"As soon as an order is passed under section 3 or 4, the landlord is entitled to have the property on payment of compensation and he becomes the owner of the property; according to law, the ownership passes to him forthwith and he alone is responsible for the loss unless it has been occasioned by the tenant. It is therefore to bring the law into conformity with the existing provision in the Transfer of Property Act that the present amendment has been brought forward."

Mr. R. Srinivasa Ayyangar:—"I second the amendment."

The Hon'ble Mr. K. Srinivasa Ayyangar:—"Mr. President, I am sorry I am unable to accept the law as propounded by my friend Mr. Arumainatha Pillai. On the passing of this order the property does not really pass. It stands practically in the position of a contract. The property will not vest till the money is paid and the man is placed in possession. It is in accordance with general principles that the section is drafted. But I may say at once personally I have not the slightest objection to placing the burden wholly on the landlord in regard to this matter and put the tenant on his defensive. The landlord should prove that it was owing to the fault of the tenant that the building was lost."

11-45 a.m.

Mr. S. Srinivasa Ayyangar:—"If a person enters into a contract for sale of land then even though the conveyance is not executed and even if he has paid the money the property remains at the peril of the vendee and not of the vendor. Similarly here when the compensation is to be awarded as on the date of the decree and he does not get the benefit of any subsequent rent it is only proper that the building should not be at the peril of the tenant even though there has been a decree or interim order for granting possession. In such cases he becomes entitled to it. In the case of the Specific Relief Act it provides for cases even though the complete ownership does not pass and the property remains at the peril of the vendee. Therefore apart from that principle though the reference to section 55 of the Transfer of Property Act may not be happy by the very principle contained in the Specific Relief Act it is quite right that in exceptional cases of this description the tenant should not be obliged to forego the compensation to which he has become entitled simply by reason of some *vis major* happening to the building. I do not think I need labour the point more as the Hon'ble the Law Member has practically agreed to the amendment."

The amendment was put and carried.

Clause 5 as amended was allowed to stand part of the Bill.

[Mr. T. Arumainatha Pillai] [13th October 1921

Amendment No. 14 *to clause* 6.

The following amendment standing in the name of Mr. M. C. Raja was deemed to have been withdrawn as the member was not present :—

"14. *In sub-clause* (1), *for the words 'within three months' substitute the words 'for a reasonable time being not less than three months'.*"

Amendment No. 15 *to clause* 6.

The following amendment standing in the name of Rao Bahadur A. S. Krishna Rao Pantulu was deemed to have been withdrawn as the member did not move it :—

"15. *In sub-clause* (1), *substitute 'six months' for 'three months'*."

Amendment No. 16 *to clause* 6.

Mr. T. ARUMAINATHA PILLAI :—"I beg to move my amendment—

'16. *In the proviso to sub-clause* (1), *alter* "4" *into* "2".'

"The effect of the amendment will be that if there is any enhancement of rent it might not exceed at a time two annas in the rupee. I submit, Sir, that as we are all anxious here to give as much latitude to the tenant as possible and especially when periodical revision of rents is allowed it is but fair that we ought to go by slow steps and two annas will be a decent increase for the landlord to have his rent increased. Therefore, Sir, I submit the amendment for the consideration of the House."

Amendment No. 18 *to clause* 6.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Mr. President, I have given notice of a similar amendment which runs thus :—

'18. *In the proviso to sub-clause* (1), *substitute* "*two annas*" *for* "*four annas*".'

"It will also be remembered that two annas in the rupee is the maximum enhancement which can be imposed on any one occasion according to the Estates Land Act. We are all anxious to help the tenants as much as possible and I believe we ought not to go farther than two annas."

Mr. S. SRINIVASA AYYANGAR :—"Mr. President, I have great pleasure in supporting this amendment. It means that one-eighth of the existing rent is the limited enhancement and there does not seem to be any reason why it should be 25 per cent in the Bill. Considerable objection was taken even at the time when the Bill was introduced. Having regard to the fact that no occupancy right is given and owing to the fact that Mr. Arumainatha Pillai has not moved his amendment to sub-clause 4 of clause 4 the landlord is entitled to bring a suit for ejectment once in five years it is but proper that the enhancement should be one-eighth."

Rao Bahadur T. NAMBERUMAL CHETTI :—"I rise to oppose the alteration of '4' into '2'. If it is left as it is, the court may fix the sum as it thinks proper whether it may be 4 or 3 or 2. I think the retention of '4' is advisable."

Diwan Bahadur M. KRISHNAN NAYAR :—"I support the amendment, Sir. In addition to the reasons given by those who have already spoken, I may say that some people are of opinion that even in the case of Government settlements and resettlements of land revenue, the enhancement at one time should not be more

13th October 1921] [Mr. M. Krishnan Nayar]

Amendment No. 18 *to clause* 6—cont.

than 12½ per cent. Whether that view will find favour is another matter. In any case, seeing that some at least are of that opinion even with reference to Government revenue, I see no reason why the landlord who generally does not do anything for the country at large should be entitled to more than 12½ per cent at a time."

Mr. L. C. GURUSWAMI :—"Mr. President, we are now dealing with a Bill which aims at bringing relief to the poor tenants of the city. High prices and high rents are obtaining everywhere at present. The average daily income of a poor man is too low to give him and his family the bare necessaries of life. Such being the case it will be a great hardship if he is asked to pay an enhanced rent of one-fourth or a little less than one-fourth of the original rent in addition.

Taking into consideration the great poverty of the poorer classes, my friend Mr. Arumainatha Pillai is quite right in fixing the enhanced rate at two annas in the rupee instead of four annas. I hope the Council will accept the amendment."

The amendment was put and carried.

Amendment No. 17 *to clause* 6.

The following amendment standing in the name of Mr. M. C. Raja was, owing to the absence of the honourable member, not moved and was therefore deemed to have been withdrawn :—

"17. *In the proviso to sub-clause* (1), *substitute the words 'two annas' for the words 'four annas'*."

Clause 6 as amended was allowed to stand part of the Bill.

Amendment No. 19 *to clause* 7.

The following amendment standing in the name of Mr. T. Arumainatha Pillai was deemed to have been withdrawn as the member did not move it :—

"19. *After the word 'landlord' insert the words 'or tenant'*."

Amendment No. 20 (*a*) *and* (*b*) *to clause* 7.

The following amendment standing in the name of Mr. T. Arumainatha Pillai was deemed to have been withdrawn as the member did not move it :—

"20. (*a*) *In the proviso after the words 'provided that' insert the following: 'in cases falling under section* 3 *the court shall determine the market value of the land on the date of the application and shall fix as rent a sum not exceeding six per cent per annum on such market value and in all other cases'*."

Mr. T. ARUMAINATHA PILLAI :—"I move—

'20. (*b*) *In the proviso change* "4" *into* "2".'

"The same considerations that we discussed in the previous resolution will apply to the present case. So I formally move my amendment, Sir."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I second it."

The amendment was put and carried.

[Mr. A S. Krishna Rao Pantulu] [13th October 1921

Amendment No. 21 *to clause* 7.

The following amendment standing in the name of Mr. M. C. Raja was, owing to the absence of the honourable member, not moved and was therefore deemed to have been withdrawn :—

"21. *In the proviso substitute the words 'two annas' for the words 'four annas'.*"

Clause 7 as amended was allowed to stand part of the Bill.

Amendment No. 22 *to clause* 8.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I move the following amendment :—

'22. *Between the words "shall not" and the words "except by a contract in writing" insert the following words : "be revised nor shall the tenant be liable to be evicted for a period of five years".*'

"The amendment I move is more of a verbal character intended to clear doubts which might otherwise exist regarding the operation of the words 'except by a contract in writing registered'. From the position of those words it is liable to be contended that it could only be applied to revision for a period of five years. It might be contended that the exception in favour of the contract written and registered would not affect the liability of the tenant to be evicted during that period. It is to clear up that doubt that I have suggested an alteration so as to make the meaning quite clear. It is a mere verbal amendment to clear up a doubt which might otherwise exist whether the words 'except by a contract in writing registered' govern both the clauses following or one of them."

12 noon. The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I accept the amendment, Sir.

The amendment was put and carried.

Amendment No. 23 *to clause* 8

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I move—

'23. *Omit the words 'be revised for a period of five years nor shall the tenant be liable to be evicted during that period".*'

"This amendment is consequential upon the previous amendment and I formally move it."

The motion was duly seconded

The amendment was put and carried.

Amendment No. 24 *to clause* 8.

Mr. T. ARUMAINATHA PILLAI :—"I beg to move—

'24. *Omit the words "except by a contract in writing registered".*'

"The reason why I move the amendment is this. If the landlord is given the right to move the revision of rent due to him once in every five years, one does not see any reason why another opportunity should be given to the landlord within the five years to have his rent revised. It might be stated that because it is said 'except by a contract in writing registered' the tenant enters into a contract with his eyes wide open, and so nothing should be said against the transaction. The House knows what the state of the tenants is, and what the disposition of the landlords is. As a matter of fact we have heard complaints even in this Council, and any

13th October 1921] [Mr. T. Arumainatha Pillai]

Amendment No. 24 *to clause* 8—cont.

one who knows the City of Madras must have heard the complaints. Even tenants who have built their houses a long number of years ago have been coerced to execute registered agreements and are also compelled to agree to other terms as to evictions. Under these circumstances, could it possibly be said that these tenants entered into contracts freely and without any coercion? The fact that there is a contract in writing would not offer the tenants any more protection. The law recognizes that a person is able to domineer over the will of another. Here any one must admit that the landlord is capable of domineering over the will of the tenant. It is necessary to save the tenant even against himself in order to protect him from the landlord. Hence I move that the words 'except by a contract in writing registered' be removed from clause 8."

Mr. M. SURYANARAYANA PANTULU :—"I second it."

Mr. S. SRINIVASA AYYANGAR :—"I have great pleasure in supporting this amendment. Freedom to contract ought not to be given to the tenant unless clear reasons to the contrary are forthcoming. There are no reasons given why this should be done. The provisions of the Bill are limited, notwithstanding the interpretation given by my learned friend, to tenancies created before the commencement of this Act. As we know, there may not be many instruments in writing registered; and I think it is really unnecessary. But if it is intended that contracts already executed before the commencement of the Act should be protected by the clause, I am against the policy of giving freedom to the tenant. When there are repeated demands for enhancement, there is no wonder that some may yield and give a registered deed. In these circumstances, the amendment proposed by Mr. Arumainatha Pillai has my support. I can only refer to the analogy of the Estates Land Act where protection is given to the tenant who being in a subordinate position should not be allowed to contract to his disadvantage. The tenant is certainly in a subordinate position and might be victimised in the future. For these reasons I heartily support the amendment."

Rao Bahadur T. NAMBERUMAL CHETTI :—"Sir, I oppose the motion. The landlord asks for more rent only if there are three or more applications for the same land, and he cannot have an opportunity of choosing if this amendment is passed. If people are offering more rent, why should the landlord be deprived of the chance of making a little more rent? Then as regards the five years' period, it seems a hardship on the landlord. It seems that there is a general feeling to help only the tenant and no consideration is shown for the interests of the landlord."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I thought, Sir, when I was putting this clause, I was really putting a clause for the benefit of the tenant, because I was not then considering how the landlord might be affected. I want the House to consider to what classes of cases this will apply, for I found there was some misapprehension in regard to this. This clause presupposes a case where the rent has already been fixed by the court in certain proceedings. So the tenant knows exactly what his position is. For five years he will have this rent unless he enters into a fresh contract *thereafter*. It is this rent which has to be revised by a contract in writing. It is revision of a rent that has already been fixed by the court. Why I put in this clause is this. The tenant now is in an absolutely safe position. It may happen that the landlord, when a particular rent has been fixed for five years, may come to the tenant and say : 'I will give a very much longer period of lease for a small increase of rent.' I think a prudent tenant would be

Amendment No. 24 *to clause* 8—cont.

willing to take advantage of the better terms or better conditions with regard to the holding by agreeing to probably larger rent. It is not a question of putting any pressure because the tenant knows that this rent has been fixed in court in his presence for five years and he cannot be evicted during that period."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I beg to support the amendment. The reasons given by my friend, the Hon'ble the Law Member, are, to my mind, not convincing. He is assuming the case of a tenant who is capable of taking care of his interests. Of course, as regards such a tenant, it is possible that he may enter into a contract favourable to himself. He may enter into a contract under which he acquires right over property for a longer period than five years on payment of a higher rent than that fixed by the court. The amendment is brought in the interests of the poorer and less capable tenants who are not capable of taking care of their own interests. There are tenants who know the value of an order of a court. But there are tenants who cannot appreciate the value of a court decree or the order of a court, or who, even if they are able to appreciate the value of a court decree or order, are not able to withstand the pressure of the landlord. The landlords have generally whip hands. Immediately after a decree is passed fixing, say, a rent of rupee one, sometimes it is possible for a rich and powerful landlord to take a contract in writing registered from the tenant, fixing a rent of one rupee and eight annas. I suppose there is no special sanctity or sacredness in writing registered. The only use of registering is to make proof easier, and this stipulation would not secure the interests of the poorer classes of tenant. This amendment is really in the interests of the poorer class of tenants, and I submit it is a beneficial one."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I also support this amendment. I think that this House having just accepted the motion for reducing the maximum of enhancement of rent to $12\frac{1}{2}$ per cent, there is no special reason why this amendment should not be accepted. It will certainly help those tenants who have not got the capacity of freely entering into a contract with the landlord. What will be the worst that will happen to a tenant who does not take advantage of the provision in the clause 8? Five years later the matter will come before a court of law and the court will have a discretion in revising it. It may be naturally expected that the courts will take various facts into consideration and will probably not sanction any enhancement at all, or sanction much less than the maximum provided in the Act. It will not involve any risk but it will be of considerable advantage if he is not given the right to contract."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"I beg to support the amendment, Sir. I do not know if I understood the Hon'ble the Law Member correctly, but I take it that the principles which he wanted to suggest is this. The rent that is liable to be revised is one which is fixed by section 6 or section 7, so that it is possible for a tenant to have that rent continued for at least five years, and if he is capable of contracting, he will be able to carry on the tenancy for a longer period. It is such cases that are aimed at under section 8. So he is not in a position to understand why this amendment has been brought. Now, Sir, the principle on which the amendment has been moved is this: even with the protection that is given by sections 6 and 7, there is a chance of the landlord dominating the will of the tenant, so that he will be in a position to get from the tenant terms which will be favourable to himself. Notwithstanding the protection afforded by sections 6 and 7, it is competent for the landlord to enter into a contract with the

Amendment No. 24 *to clause* 8—cont.

tenant, the effect of which would be that the period for which the rent is not liable to be revised is restricted. That is sought to be provided against. But one has also to see whether a risk which the Hon'ble the Law Member wanted to provide against, whether that risk is present supposing the amendment is carried. My submission, Sir, is that there is not any such risk if the amendment is carried. And my reason is this. All that the section 8 says is that the rent shall not be liable to be revised for five years. But it does not say that it is bound to be revised after a period of five years, and if there is a contract in writing which provides for revision after a period longer than five years it will be perfectly open for the tenant to insist on that when an attempt is made to have the rent raised earlier by the landlord. The courts will be bound to give effect to the writing; because where there is a contract between two parties, it will be given effect to unless there is any law to the contrary. Clause 8 will not provide any law to the contrary.

12-15 p.m. "In these circumstances my submission is, Sir, that the amendment is fit to be supported and even members who are in sympathy with the Government ordinarily will do well to vote for this because the amendment only carries out the object which the Hon'ble the Law Member has in view and is in no way opposed to it."

Mr. M. D. DEVADAS:—"I have much pleasure, Sir, in supporting the amendment. The reason for the amendment is that if it is given to the landlord to enter into a fresh contract between two periods, namely, between the first enhancement and the second, the landlord will have the whip hand, he will be constanty worrying the tenant to give him better terms and instead of making peace between the parties, that will be a source of irritation and constant trouble to the tenant, and if the tenant is not willing to agree to the terms proposed by the landlord, the landlord will at the end of five years file a petition and ask for an enhanced rent and that would mean litigation and trouble. Further, Sir, I think that these words should be omitted, for the landlord can always come in at the end of five years provided he shows proper grounds. Even in the Estates Land Act where there is tenancy with occupancy right, the enhancement can only be made through the revenue authorities, the Collector or the Revenue Divisional Officer. If it is so there it should be more so in the case where the tenancy is only of an uncertain duration."

The amendment was put and carried.

Amendment No. 25 *to clause* 8.

The following amendment standing in the name of Mr. T. Arumainatha Pillai was not moved and was therefore deemed to have been withdrawn:—

"25. *Omit the words 'five years' and substitute the following:—*

'twelve years in the case of permanent occupancy tenants and for a period of five years in the case of other tenants'."

Clause 8 as amended was allowed to stand part of the Bill.

Clause 9.

The Hon'ble the PRESIDENT:—"In regard to clause 9 there are a number of amendments. I have arranged them in such a way as to facilitate disposal. I will first ask the Hon'ble the Law Member to move his amendment and, if that is passed, the other amendments will have to be taken up as amendments to the clause as amended. That will be the most suitable arrangement."

[The Hon'ble Mr. K. Srinivasa Ayyangar] [13th October 1921

Amendment No. 32 *to clause* 9.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I move—

'32 *Substitute the following for the first sentence* :—

'*Any tenant against whom a suit in ejectment has been instituted or proceeding under section* 41 *of the Presidency Small Cause Courts Act taken, may, within fifteen days after the date of this Act coming into force or within fifteen days after the service on him of summons, apply to the Court for an order that the landlord shall be directed to sell the land for a price to be fixed by the Court. The Court shall fix the price according to the market value of the land on the date of the order and shall order that on payment by the tenant of the price so fixed within three months from the date of the order the landlord shall convey the land to the tenant*".'

"Sir, my amendment is not an amendment of substance. It is really a drafting amendment intended to clear some ambiguity which arose in the original draft. I will just explain why I prefer to substitute the language as now adopted by me to the language as was put before. There are two points which I want to mention. One is, there was a reference to section 23 (1) of the Land Acquisition Act of 1894. I have subsequently analysed the clauses in that section of the Land Acquisition Act. Many of the clauses would not literally apply to a case of this sort. For instance, we have in section 23, clause 1—'In determining the compensation to be awarded the court shall take into consideration the market value of the land at the date of the publication of the declaration relating thereto under section 6.' The latter portion won't apply. Again in clause 2 there is 'damage sustained by the person interested by reason of the taking of any crops or trees which may be on the land at the time of the Collector taking possession thereof'. In every one of these clauses, there are words which will not be applicable to cases covered by clause 9. So, I have, instead of referring to section 23 of the Land Acquisition Act, referred generally to the market value. That is one of the changes.

"The other is a very very small amendment. The original section as drafted provided for an application being made within fifteen days after the service of summons or if that period has expired before the coming into force of this Act within fifteen days after the coming into force thereof. There may be cases where the fifteen days would have expired soon after this Act comes into force and there may be two or three days left. I want to give 15 days' time even in these cases, inasmuch as the section is intended to apply both to suits which had been already instituted and to those which would be instituted hereafter. It is for the purpose of providing for that that I have redrafted the first paragraph of clause 9. As it is now, the clause will read 'any tenant against whom a suit in ejectment has been instituted or proceeding under section 41 of the Presidency Small Cause Courts Act taken, may within fifteen days after the date of this Act coming into force or within fifteen days after the service on him of summons' (whichever is longer) 'apply to the Court for an order that the landlord shall be directed to sell the land for a price to be fixed by the Court. The Court shall fix the price according to the market value of the land on the date of the order' and so on. That is the amendment."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—"I second it."

The amendment was put and carried.

13th October 1921] [Mr. S. Srinivasa Ayyangar]

Amendment No. 26 *to clause* 9.

Mr. S. SRINIVASA AYYANGAR :—"Mr. President, my amendment stands as follows :—

'26. *In line* 1, *between the words "any tenant" and "against whom" insert the following* :—

"*who is entitled to compensation under section* 3".'

"My reasons for the amendment are these :—The Council will notice that clause 3 as passed says 'every tenant shall on ejectment be entitled to be paid as compensation the value of any building' and so on. Now clause 9 as now amended merely says 'any tenant against whom a suit in ejectment has been instituted or proceeding under section 41 of the Presidency Small Causes Courts Act taken,' and so on. Supposing a person is now in possession of a house under a tenancy created before the Act and a suit in ejectment is brought under section 41 of the Presidency Small Cause Courts Act, he will be entitled to acquire the land compulsorily against the landlord. But the idea of the Bill was that it should apply only to those tenants who have erected buildings on others' lands and not to any tenant whether he has erected building upon another's land or not, even though he has been let in possession of a house. That is the reason why I have proposed this amendment. It will be in accordance with the sub-clause (4) of clause 1 which has already been accepted and will also make it clear that it is not every kind of tenant that is entitled to this compulsory acquisition of the land but only tenants who have erected buildings. Going back to clause 3 we find that it is applicable only to tenants who had erected buildings. I want to make clauses 3 and 9 correspond to one another and also to make it plain that this amendment which has now become a consequential amendment makes the language of the section plainer."

Rai Bahadur T. M. NARASIMHACHARLU :—"I second it."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I agree to that. I only want to point out that it was never the intention of anybody to allow any tenant to go and acquire. I would have been glad if the House had rejected the amendment to insert 'or trees'. As it stands now any person who is entitled to compensation on account of trees will be entitled to acquire the land. However, I am thankful for small mercies."

The amendment was put and carried.

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—"I move that the word 'and' be inserted in the amended clause between '3' and 'against'."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I second it."

The amendment was put and carried.

Amendment No. 27 *to clause* 9.

The following amendment standing in the name of Rao Bahadur A. S. Krishna Rao Pantulu was not moved and was therefore deemed to have been withdrawn :—

"27. *Insert the following words between the word 'taken' and the words 'may within* 15 *days'* :—

'*and who has been for more than twelve years in continuous occupation of the building, the capital value of which does not exceed one thousand rupees*'."

[Mr. T. Arumainatha Pillai] [13th October 1921

Amendment No. 28 *to clause* 9 – cont.

Mr. T. ARUMAINATHA PILLAI :—" I beg to move—

'28. *Between the words "within" and "three" insert the following* : –

' *A period determined by the court not being less than*'."

"I beg to state that this is the place where all the arguments advanced by my Hon'ble friend Mr. Krishna Rao in changing three months into six months in clause 4 of this Bill ought to be advanced. Sir, the landlord brings the tenant into court and option is given to the tenant to purchase the land. We know as a matter of fact that when the tenant is brought into either the City Civil Court or the Presidency Small Cause Court summons will be served on him in a fortnight and he has got to put in appearance in the Small Cause Court before three weeks are over and in the City Civil Court at least before a month is over; and it will be utterly impossible for the tenant to collect the money necessary and pay it into court within a very short time. I do not want any fixed period for the tenant to pay. All that I say is, let the court judge as to the abifity of the tenant to pay and fix a period and let not that period be less than three months. That is my amendment and I leave the discretion to the court to fix the period. Here also the analogy which was brought by my friend Mr. Krishna Rao from the Transfer of Property Act will be applicable. When a suit is filed by the mortgagee the court can give time up to six months. A man who launches a suit in court must be prepared to take all the consequences and would be ready to apply all the provisions that would enable him to succeed in the suit But for a man who is dragged into court it is necessary to provide some sort of consideration. Hence, Sir, I submit that this amendment gives the court power to fix a time not less than three months within which the amount is to be paid."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I second this amendment. Sir, all that I wish to add is that though the landlord did not
12-30 p.m. succeed in getting further time for the payment of money we shall be able to see that the tenant at least gets the benefit of the extended time."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I accept it, Sir."

The amendment was then put and carried.

Amendment No. 29 *to clause* 9.

Mr. T. ARUMAINATHA PILLAI :—" I beg to move—

'29. *Between the words 'order' and 'the landlord' insert the following* :—
' *and in such manner as the court may direct*' "

"I only want that power should be given to the court and the discretion to be vested in them as to how the compensation money should be paid It may not be possible in all cases to pay it in a lump sum. And when a tenant cannot pay the whole thing in a lump sum, it is but right that it should be left to the court to decide the ability of the tenant and order payment in such manner as it directs. The court may order a sort of interest also to be paid on the amount due. The court may have the further discretion of deciding in how many instalments and in what way the whole thing should be paid. So, Sir, I move my amendment."

Mr. T. C. SRINIVASA AYYANGAR :—" I second the amendment."

13th October 1921] [The Hon'ble Mr. K. Srinivasa Ayyangar]

Amendment No. 29 *to clause* 9—cont.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I regret I have to oppose this amendment. It is not proper or fair to compel a man to take his money in instalments. It may happen that the instalments are so low that it never could be paid and do not cover even the interest which the landlord may get thereon. You have already given the discretion to the court to extend the time for payment. And I dare say the court will consider the tenant's capacity in extending the time to him for payment. It is not desirable to go on spreading it into instalments and say to the landlord 'you shall have your money in small bits spread over a period of 25 years' I therefore object to the amendment."

Diwan Bahadur M. KRISHNAN NAYAR :—" I strongly oppose this amendment. In the first place, the amendment is very vague. The instalments may be 1,000 100 or 2; or the amendment may contemplate other things than instalments. For as the clause stands, it may enable the court to direct the tenant to pay in kind instead of in money, or in any other manner. The amendment is extremely vague. That is one reason. The second is, as the Hon'ble the Law Member pointed out, it would be extremely unfair to the landlord to accept this amendment. Why should the landlord, in addition to the compulsory sale be compelled to accept the purchase money in instalments? To subject him to this additional hardship would really be unfair."

Rao Bahadur T. NAMBERUMAL CHETTI :—" I oppose this amendment. The landlord will be at a disadvantage if this is accepted by the House. The mover intends to enable the tenant to pay the purchase money in small amounts sanctioned by the court. I do not think it would be fair to force the landlord to accept the instalments. I oppose the amendment."

Mr. S. SRINIVASA AYYANGAR :—" I have great pleasure in supporting this amendment. In fact this is the only amendment which is of any consequence whatever. After the question of the permanent occupancy right was lost this is the only real protection which the tenant could have. Of course clause 3 is for compensation but it is limited by a variety of limitations. Clause 9 provides for the compulsory acquisition of land at the market price against the landlord. As I said yesterday, and I do say it to-day, that in the majority of cases the tenants will not be able to buy the land and to pay the amount which is required for the acquisition of the land. In Madras, in all parts of the city where these *cheris* are in existence for a number of years the value of land has increased enormously Rs. 2,000, Rs. 1,000, Rs. 500 and so on per ground. It seems to me, Sir, that for the poor tenants to pay these amounts at the present market value at once would be very hard. I think therefore some provision should be made for the case of the poorer tenants who may not be able to make payments in a lump sum but who can pay in instalments. The court on the evidence before it will use its discretion and when the tenant is able to pay it will not exercise the discretion in favour of the tenant but will ask the tenant to pay it up at once. Therefore the amendment of Mr. Arumainatham is a perfectly sound one. I am unable to understand Mr. Krishnan Nayar's objections when he says that the instalments may be 100 or 50. We are trusting courts for enforcement of laws and the courts have a similar discretion vested in them under the Civil Procedure Code. But why not give them the discretion to fix the number of instalments? So far as the payment is concerned of course it will be in money. I am not able to see any serious objection and it is a perfectly proper and wholesome amendment. I would appeal to the House to vote for it."

[Saiyid Muhammad Padsha Sahib] [13th October 1921

Amendment No. 29 *to clause* 9—cont.

SAIYID MUHAMMAD PADSHA SAHIB :—" I rise to oppose the amendment. The last amendment which has just been passed by this House, gives the court discretion to fix a period longer than three months. It is given to enable the tenant to find the wherewithal to pay the amount. It was only to enable the tenant to find a means to pay off the landlord, that the last amendment was made. When a way has been found to help the tenant to find means to purchase the site, there is no more necessity to go further and find other means for him. Sir, as we know the whole Bill is one which one must confess causes a great deal of hardship to the landlord. But, Sir, we have assented to it only because we had to make a virtue of necessity. Beyond what is actually and absolutely necessary, I think we shall have no justification in doing anything else."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I feel very strongly that if this legislation is to be a success, Sir, opportunity ought to be given to the tenant who wishes to purchase his holding from the landlord by some system of instalments so that he may not be called upon to pay the whole purchase money all at once under the terms of a decree. I take it that it was the object of the Hon'ble the Law Member who brought forward this legislation to protect the tenants by conferring upon them the right to purchase from the landlord under the terms of the decree. We know very well that if they are called upon to pay the purchase money all at once, it would practically be useless in the case of the majority of tenants in Madras to take advantage of the provisions of the Bill. Therefore it seems to me, Sir, this amendment of Mr. Arumainatham Pillai is very necessary.

" It has been pointed out that it is possible that courts may extend the time
12-45 p.m. of payment indefinitely to the great detriment of the landlords. Therefore I suggest an amendment, with your permission, which would limit the period to three years and which would empower the courts to fix instalments, with or without interest. I feel very strongly that unless some scheme of payment such as that suggested by me is adopted, this Bill is bound to be a failure, and the majority of the tenants would not be in a position to take advantage of clause (9). Therefore I propose to move a further amendment, to add the words 'and not more that three years' after the words 'three months.' Honourable members would remember that Mr. Arumainatha Pillai has already moved an amendment to the effect that the tenant should not be called upon to pay this amount within three months, the previous amendment which has been carried being 'a period determined by the court not being less than three months.' I propose to add the words 'and not more than three years and in such instalments as the court may direct."

The Hon'ble the PRESIDENT : " Before proceeding further it will probably be helpful to consider amendment No. 31 proposed by the Honourable Member Mr. Raja. The question of instalments being the only matter now in issue, would it not be well to concentrate attention on that single issue? If Mr. Arumainatha Pillai will withdraw his amendment, then we may consider amendment No. 31."

Mr. S. SRINIVASA AYYANGAR :—" That one may be put first if I have the leave of the Council to move it."

The Hon'ble the PRESIDENT :—" That may be done later on."

Mr. T. ARUMAINATHA PILLAI :—" I am really thankful, Sir, for the suggestion and I will withdraw my amendment No. 29."

The amendment was by leave withdrawn.

13th October 1921] [The Hon'ble the President]

Amendment No. 29 *to clause* 9—cont.

The Hon'ble the PRESIDENT :—" Before we go further, there is an amendment which the honourable member Mr. Ranganatha Mudaliyar has given notice of. Does the honourable member insist upon its going forward?

Mr. A. RANGANATHA MUDALIYAR :—" If the Hon'ble the Law Member will let the amendment be moved, I will move it.

" My amendment is this, 29-A.—For the words 'the court shall fix, etc., Act, 1894, and' the following words shall be put in, namely, 'The court may fix the price as that prevailing on 1st July 1914 in the case of lands, which have not been the subject of sale since that date, and as the price actually paid by the landlord in the case of lands purchased by him since that date, with, if the court thinks fit, a *solatium* in either case of a percentage on that price not exceeding 15 per cent in any case, or at twenty times the annual rent of the land, whichever is more equitable, and it may take into account the length of time the land has been in the tenant's possession in determining the price."

The Hon'ble the PRESIDENT :—" Does the Hon'ble the Law Member object to it for want of notice?"

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I object to it."

The amendment was then ruled out for want of notice."

Amendment No. 30 *to clause* 9.

" The following amendment standing in the name of Mr. T. Arumainatha Pillai was not moved and was therefore deemed to have been withdrawn :—

30. *Add the following at the end* :—

" *The landlord shall not be compelled to sell a plot less than a plot of three grounds, where he has more than that extent in any place, on the application of one or more of the tenants of the plot for the sale of the same to them. On such application being made the court shall adjust the rights and liabilities of the tenant* inter se "

Amendment No. 31 *to clause* 9.

Amendment No. 31 standing in the name of Mr. M. C. Raja and moved by Mr. M. D. Devadas for Mr. M. C. Raja, ran as follows :—

" 31. *Add the following to the first paragraph* :—

" *The court may for any sufficient reasons order that payment of the price fixed as above shall be paid by instalments, with or without interest.*"

Mr. M. D. DEVADAS :—" Mr. President, Sir, I have great pleasure in moving this amendment which stands in the name of Mr. Raja. Sir, in the course of the discussion on the previous amendment it has been pointed out that there are cases in which the tenants are not able to pay the whole amount in a lump sum. Therefore it must be left to the discretion of the court for sufficient reasons to order payment by instalments. I am quite aware of the fact that a learned judge used to order payment by instalments, not in one or two, but in many, sometimes even hundred instalments. That he did for reasons which, I suppose, were considered to be sufficient by him. That is, in the case of suits filed by Marwaris who are known to charge only a very reasonable rate of 75 per cent or 100 per cent he thought it right that they should be made to get their amounts by instalments of one or two rupees. So, in the case of decrees for 400 or 500 rupees, the instalments would be 100 or 150 and would extend over several years. The result was that they found very great difficulty in applying to the court when

Amendment No. 31 *to clause* 9 —cont.

there was any default in the payment of instalments. That was to prevent the extravagant rate of interest being collected by the Marwaris. But in a case like this I do not think any judge would take that view. Let us hope that the judges would be reasonable. The amendment requires the court to give reasons when ordering payments by instalments. The court will give sufficient reasons. I am not prepared to have the words 'recorded in writing' added. I do not think it necessary, because the court will always give reasons when it orders payments by instalments. With these words I commend it to the acceptance of the House.'

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I wish to second it."

Mr. S. SRINIVASA AYYANGAR :—"I wish to propose an amendment to this amendment. 'Provided that' should be inserted before the words 'the court'. It would read thus: 'Provided the court may for sufficient reasons, etc., etc.' I wish to amend this by inserting the words 'provided that' at the beginning and the words 'within a period not exceeding three years' after the words 'by instalments'."

Sriman BISWANATH DAS :—"I second it".

The Hon'ble the PRESIDENT :—"The first paragraph as amended will then read as follows :—'Provided that the court may for sufficient reasons order that payment of the price fixed as above shall be paid by instalments within a period not exceeding three years, with or without interest.' Does Mr. Devadas, accept that modification?"

Mr. M. D. DEVADAS :—"Yes, Sir."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR : 'I am in sympathy with the parties to the amendment, but if it is allowed in the form that my learned and honourable friend has proposed, I am afraid that it should be opposed; for if the court should direct that a lump sum, which is the compensation, should be paid even after three years, I do not think that is the object we have in view. This is what I mean. So far as this proviso is concerned, the House will remember, when it is put forward in the form of a proviso, it provides for cases wherein the amount that is fixed as compensation has to be paid in instalments, so that the proviso does not in any way interfere with any order that the court might pass for the payment of the amount in a lump sum. Then we have in the substantive portion of the clause a direction to the court to fix the period which shall not be less than three months for payment of compensation. If therefore the court says the amount shall be paid in a lump sum but it may be paid five years after the date of the order, that will be perfectly within the scope of the section and within the amendment now proposed. That I do not understand is the object we have in view. I would therefore propose that the words relating to the period should not be in the proviso, but that they should be moved into the substantive clause itself, so that the clause will read like this, 'Provided the payment by the tenant of the price so fixed to be paid within a period not being less than three months or not being more than three years.' Then the proviso will merely provide for the payment of whatever amount is fixed by instalments. That I think will carry out the object of the mover of the amendment and it will be well in consonance with the propriety and justice of the case. If, Sir, any definite proposition is necessary from me, I beg to suggest that the words relating to the period in the proviso should be omitted and the words 'and not being more than three years' be put in between the words 'three months' and 'from the date' in the substantive portion."

Amendment No. 31 *to clause* 9—cont.

Mr. R. SRINIVASA AYYANGAR :—"I beg to second it, Sir."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I am afraid we are getting into worse and worse confusion. We are quite right in adding an amendment to the first part. There is no amendment, as far as I can see, regarding the second part 'On such payment being made the court shall, etc., etc.' I presume it means that till the last payment is made, there will be no such order made. Suppose the tenant pays three instalments and afterwards is unable to pay the rest, the application is dismissed. 'Any decree or order in ejectment that may have been passed therein but which has not been executed shall be vacated. In default of such payment the application shall stand dismissed.' It will lead to a great deal of complication. This will not merely take the land from the landlord but also put him to other difficulties as well. You may as well ask some charitable gentleman to start co-operative activities to help those poor men instead of compelling the landlord to part with his land and also lend the money, the price of his land, and recover in instalments. Even when acquiring for a public purpose, e.g., under the Land Acquisition Act, you do not pay in instalments. Why should you penalize the landlord twice over? You are already giving a benefit to those persons. Our sympathies naturally go out to the under-dog if I may use a slang, but we should help them out of our pockets."

Mr. T. C. SRINIVASA AYYANGAR :—"There is no use, Sir, in now regretting the principles embodied in the Bill, a major portion of which has now been passed. The Hon'ble the Law Member, however, has not given sufficient reasons for his opposition. The amendment that is sought to be introduced is really . . ." 1 p.m.

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*interrupting*) :—"May I rise, Sir, to ask what exactly is the amendment now before the House?"

The Hon'ble the PRESIDENT :—"The amendment is to add the following to the first paragraph of clause 9: "Provided that the court may for sufficient reasons order that payment of price fixed as above shall be paid by instalments within a period not exceeding three years, with or without interest.' That is the amendment now before the House. The Hon'ble Member Mr. Govindaraghava Ayyar wants to amend that amendment, and the matter stands there."

Mr. T. C. SRINIVASA AYYANGAR (*continuing*) :—"I am in a difficult position. I am between two amendments. However that may be, I will deal first with the opposition raised by the Hon'ble the Law Member. In the amendment which has been accepted by the House there is a proviso that the period shall be not less than three months, but it may be any period above that. Now, what is sought to be introduced is that the court must have the power of directing the sum to be paid either in a single lump sum or distributed in two or three instalments according to the exigencies of the case. Now, a further amendment which is sought to be introduced is that the period that may be given by the court shall not be inordinately long, but in any case it shall not exceed three years. Therefore, that limitation proposed, viz., a period of three years, is greatly to the advantage of the landlord who otherwise may be obliged to take the money in a longer period or several years. So there can be no conceivable objection to limiting the period to three years. Then the question will be about the instalments. I believe that even under the Civil Procedure Code, there is a power given to the court to order under certain circumstances any money to be paid in instalments unless a special procedure which excludes the ordinary procedure, is provided for. However that

[Mr. T. C. Srinivasa Ayyangar] [13th October 1921

Amendment No. 31 *to clause* 9--cont.

may be, in a beneficial provision which is introduced for the benefit of the tenants, to give a discretion to the court to direct the amount to be paid in instalments, will not be to confiscate the rights of the lands altogether."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, though I agree with the honourable mover of the amendment and all those who supported him in their observations, I find it difficult to get over the difficulties pointed out by the Hon'ble the Law Member. I do not agree with him when he objects to the payment of money by instalments. I think it is desirable to give the tenants all reasonable facilities for the payment of money. I also think it reasonable that instalments should be provided to enable them to carry out that object. While I do support that position, I find that the amendment which is now before the House does not clear up matters at all. Because the second paragraph of clause 9, as pointed out by the Law Member, provides for a completion of arrangements on the payment of money. Unless the whole of clause 9 is remodelled and further amendments are introduced, I think the mere acceptance of the amendment would not improve matters. As has been pointed out, what is to be done if a few intalments are only paid and not the other instalments? Is it that the tenant, in the long period that payments may involve, is not to have the advantage of the orders of the court. But still he would be in a difficult position if after three years he would be unable to complete the payments. If owing to circumstances beyond his control he is not able to pay in full, how are the claims of the parties to be adjusted. Unless we satisfactorily solve those problems, I do not think that the more acceptance of this amendment will enhance or improve the position of the tenant. I think, therefore, that it is necessary even by taking further time that the whole clause is examined, that the second paragraph is altered and that provision is made for the payment of instalments and other contingencies. Unless we go the length of taking steps in that direction, I do not find any good out of this amendment."

Mr. P. SIVA RAO :—" I heartily sympathise with the mover of this amendment, and I wholeheartedly agree with him that the poor tenant should be given the option of paying his money in instalments. If it is really intended to give relief to the poor tenants the provision should not be illusory. It is but necessary that the poor tenant, who in most of those cases will find his means quite inadequate, should be given the chance of making the whole payment in small instalments, and it is but right also that the term fixed, three months, should be extended. Having said so far, I do not think the proposed amendment is in proper form or in its proper place. The first clause of the section should be suitably amended for the purpose. The proposed words should come in at the end of clause V. The amendment in question will not confer on the tenants the benefit which we seek to confer on them. That can be done only with the co-operation and with the active help of the Hon'ble the Law Member by his undertaking a wholesale transformation of this section 9 in conformity with the wishes of this House which have been so far expressed. Otherwise, I regret we shall not be in a position to go forward."

Rai Bahadur T. M. NARASIMHACHARLU :—" Mr. President, Sir, in addition to the reasons advanced by the Hon'ble the Law Member and Mr. Krishna Rao, I beg to point out one thing. Under this section nobody compels the tenant to go into the court and to ask the court to give the land to him. It is a voluntary application made by him and he makes the application, knowing fully well the capacity of his purse and his own capacity to pay for the land, to compel the landlord to sell the land to him. I fail to see why we should go the length of

13th October 1921] [Mr. T. M. Narasimhacharlu]

Amendment No. 31 *to clause* 9—cont.

saying, 'you shall pay it if you like by instalments.' I think, Sir, it being a voluntary act of his, knowing fully well the price of the land itself and his own capacity to pay for it, that it is another gratuitous relief which we are giving him, and I don't think there is any necessity for this amendment at all."

Mr. S. SOMASUNDARAM PILLAI :—" Mr. President, there is some misapprehension in this matter. The Hon'ble Member Mr. Narasimha Acharlu said that as it was only a voluntary application from the tenant there was no need for this amendment. If the tenant is a poor man, if he is unable to find any other lodgings, and if he is unwilling to part with the land, he will be very anxious to purchase the land by saving something every month. My honourable friend thinks that as soon as he puts in an application he will be ready with the money. It is not the case. Even now when poor people purchase houses, they at once mortgage them and pay for them. It is therefore necessary that the tenants should be allowed to pay in instalments. Otherwise the very object with which this Bill is passed will be defeated. This Bill is intended to protect the tenants. If the tenants are not protected, what earthly use is there by passing this Bill? The tenant being very poor, will be very anxious to pay in instalments. He must be given that chance, and the court knows better in deciding personal cases."

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I am also strongly of opinion that the tenants should be given this concession of paying the value of the site in instalments. They have already been denied the occupancy right, and at least something might be done to alleviate their condition by providing facilities for payment of the value. I cannot help thinking that if this Bill had come before the old Council, the tenants would have had by far a kinder treatment than they have now in the present Council."

Mr. T. ARUMAINATHA PILLAI :—" Sir, in supporting the amendment now before the House, I must take very strong and emphatic objection to what the Hon'ble the Law Member said, viz., that it is penalising the landlord. This question of whether the landlord is penalised or whether the tenant is penalised was discussed when we were discussing the amendment on the permanent occupancy right. That was the question to which Mr. Ranganadha Mudaliyar referred. Yesterday we laid out the case for a permanent occupancy right so far as the tenant is concerned, and we advanced arguments also that the tenant is not a trespasser on the land. On the other hand, he was let into the land by the landlord to improve the land; the tenant went there, invested his capital, energy, time and everything. Therefore, how could it be said that this man has not also a partial interest in the land. If this man asks the Legislative Council, 'please allow me to pay this sum in instalments,' you say to him that it is penalising the landlord. Does the Hon'ble the Law Member think this will be the case by giving this opportunity under section 9 to the tenant to purchase the land? Does the Hon'ble the Law Member want these tenants to rush into the Marwari shops to borrow money? Does the Hon'ble the Law Member expect these people to get money all of a sudden when the market rate of interest is very prohibitive? These people live from hand to mouth. Then, after all, what is the use of giving this section 9 without placing the tenant in a position to pay, without showing him some way as to how to take advantage of this section. Therefore, I submit that we need not be terrified by the warmth of the Hon'ble the Law Member when he said that we are penalising the landlords. On the other hand,

Amendment No. 31 *to clause* 9—cont.

I am sorry to say in this case, when the occupancy right has not been given to him, if you do not give this thing to the tenant, it will be penalising the tenant and not the landlord."

1-15 p.m.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, I am afraid that the Hon'ble the Law Member has exaggerated the difficulties of amending this clause. If, as a matter of fact, the amendment that has been proposed meets with the acceptance of this House, I think it is the duty of the Hon'ble the Law Member to carry out such consequential amendments in the second clause as may be necessitated by the amendment of the first clause. I am certain, Sir, that that is the position, and, instead of pointing out difficulties, I am perfectly satisfied that my honourable friend, once this amendment is accepted, will himself point out the necessary consequential amendment and give effect to it so as to effectuate the intention of the Council. Such being the case, I submit that the original amendment, as moved, is perfectly in order and ought to be accepted. I do not see what consequential amendments would be necessary, and even if such amendments are necessary, I am certain that my honourable friend would take such steps as may be necessary to give effect to the wishes of the Council and to carry out all consequential amendments in clause 2. So far as I can see, the only point which has to be dealt with by a consequential amendment will be for the refund of instalments paid in case the tenant does not pay up all the instalments, and I submit that the necessary words at the end of this clause—'in default of such payment, the application shall be dismissed and such instalment as has been paid shall be refunded'—or words to that effect, may be inserted at the end. Therefore, I do not share the apprehension which the Hon'ble the Law Member has with reference to accepting this amendment. After all it is a question of policy, and once this Council wishes to extend protection to the tenants and gives effect to this scheme of payment by instalments, I am certain that, even if this Bill has to be put off just for a few hours in the morning, if the Hon'ble the Law Member wishes to make consequential amendments to be placed before the Council, every member of this Council will be willing to fall in with his suggestions and I am sure such a course ought to be adopted. Certainly it is not a case of merely pointing out difficulties. The Hon'ble the Law Member as well as we ourselves are bound in dealing with legislation of this character to put forward proposals which will effectuate the intentions of all of us. I, therefore, would appeal to my honourable friend to consider this aspect of the case and take such action as he likes to give effect to such consequential amendments as may be necessitated by the acceptance of this proposal and if he brings forward such proposals after this amendment is accepted, we will be willing to consider any consequential amendment that may be necessitated to clause 2. I would, therefore, suggest that this amendment may be put to the House and such consequential amendments as may be necessary may be made in the second clause."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"Mr. President, my honourable friend opposite said that I should make such consequential amendments as are necessary. What exactly are the consequential amendments I do not know, because they are not merely verbal amendments, but amendments of substance they must be. He suggested that the tenant must get back the money. Is it consequential that we must get back the money? It all depends upon what you

Amendment No. 31 *to clause* 9—cont.

think should be done in a case of this sort. It is not a consequential amendment at all, but it is a substantial amendment. It is for persons who think that certain things should be done to tabulate amendments which will carry out fully their intentions. I certainly shall not accept any responsibility, as soon as a member proposes an amendment which is carried by even a large majority of the members of this House, to discover for myself what ought to be further substantial amendments and then propose them as consequential amendments. That is not the way, Sir, in which I understand my duty. If, for instance, the tenant chooses to default, after having put the court to the trouble of investigating fully regarding the valuation of the property, in making payment by a particular date, or on particular dates, why should he be paid back what little he has paid. He may have three years to pay, and in the meantime you prevent the landlord from making any bargain regarding his property to others. I am only putting forward suggestions, Sir, not that I have not got sympathy for the tenant, but, as I have suggested, he has to be helped by some other means and through some other agency rather than by compelling the landlord to forego his money. I am not, therefore, able to take any responsibility for what are called the consequential amendments. I may, however, mention, Sir, with your permission, that I do not propose that this Bill should be passed at this sitting, because after the amendments which have been already passed, it has given me a certain amount of anxiety to see whether this Bill, with the amendments already accepted, is going to carry out our real intentions, viz., to afford protection in cases where protection is absolutely needed. I should, therefore, suggest that this Bill should not be passed into law, and if a sufficient time for amendments should be given to honourable members, consequential as they term it, I certainly shall not stand in the way of their doing it."

Mr. M. D. DEVADAS :—"Sir, I do not see how by passing this amendment, we shall be penalising the landlord. This is a measure, Sir, intended primarily to prevent landlords rushing into court for the purpose of evicting tenants, I mean that is the very object with which this legislation is brought forward. That being so, I do not see how we are going out of our way in enacting this provision. As I mentioned, Sir, in my opening remarks, this is a provision which enables the court, after proper reasons being given, to order that the amount shall be paid in instalments. No doubt, I am quite aware of the fact that, if this amendment is accepted, certain amendments will have to be made in the next paragraph, because the next paragraph reads 'on such payment being made . . .'; it may be by five instalments or ten instalments. So the question will be on payment of which instalment the order should be made. That, I think, Sir, is not an insurmountable difficulty. We can easily get over it as has been suggested by the honourable member Mr. Ramachandra Rao. We can consider what amendments should be brought forward in order to make the whole clause read well. So, I submit this is a matter of principle. It is not a matter which could be easily overlooked and we shall not be doing any injustice to the landlord, because it is the landlord that comes into court.

"The question of mortgagor and mortgagee has often been raised. Sir, in the case of a mortgagor, he is driven into court by the mortgagee. It is the mortgagee that generally brings a suit either for foreclosure, or for payment of money. It is very seldom that the mortgagor is compelled to go into court for redemption. In such a case the law says the whole amount shall be paid in one lump sum. There is no question of part payment, or of payment

Amendment No. 31 *to clause* 9—cont.

by instalment. But in a case like this where the landlord who wants to get back the land, not for purposes of his own occupation, but because he expects a very handsome price for his property, or because there are speculators who bid for his property, comes into court and says that the tenant shall be evicted, it is but just that we allow the tenant either to say that he shall buy the property, or to say that the landlord shall pay such compensation for the superstructure as the court may direct. That being so, and the very object being to enable the tenant to retain his holding, not to quit it, I submit, Sir, that this amendment will be quite in keeping with the object of the legislation. Therefore, with these few words I ask the House to accept the amendment."

Mr. S. SRINIVASA AYYANGAR:—"Just a few words, Sir, by way of explanation to the remarks made in answer to the original amendment. I do not propose to say anything at all as to what the duty of the Government is in respect of consequential amendments. I do not propose to appeal to the Government to make any consequential amendments, nor am I competent to advise the Government in regard to that. I am simply appealing to the House to pass this amendment which has been moved and which is really necessary, which is essential to the whole scheme of this Bill; for without that, clause 9 cannot be put to any effective purpose. Clause 9 by which the tenant is allowed to acquire compulsorily the land of a landlord shall only be given effect to if the tenant pays a large sum. The question is, does the House think that the tenant for whom this Bill provides can make a lump payment having regard to the enormous increase in the value of lands at the present time? If the House agrees with me that the tenant cannot pay a lump payment, then the only thing to do is to enable the tenant to pay by instalments.

"Difficulty has been raised by the Hon'ble the Law Member as to the second paragraph of clause 9 of the Bill. I do not see any difficulty. The clause as it stands can certainly be given full operation upon this amendment which has been moved by Mr. Devadas and also by me and accepted by the House. 'On such payment being made' will mean that on the full payment being made, whether it be by instalments, or by a lump payment. It is only then that the tenant will become entitled to have a conveyance by the landlord; not otherwise. If he does not make all the payments, then the original application stands dismissed. What is to happen if he makes only payment of certain instalments and if he does not pay the other instalments is a question that does not concern us for the present, because, under the law, if there is failure of consideration, he will be able to get it back by means of suit. Assuming I am wrong, it may be that the policy of the Government may be that, or the policy of some of the members of this House may be that, that in case where a person makes payment of all the instalments, he shall be entitled to have his conveyance and that this exceptional indulgence which is given to the tenant shall be given only on condition that he forfeits the instalments paid, and that he must complete the instalment. I can quite understand the point of view taken by the honourable member Mr Ramachandra Rao with which I am in agreement, viz., that if he is unable to pay all the instalments, it may be made an express provision that he may get back the instalments he has paid. But that question does not at present concern the House. We are dealing with a case where a person is to be enabled to make payment in instalments. We must contemplate the performance of that direction of the court and not the non-performance of the direction of the court. We must assume, when we give the tenant an opportunity to pay it in instalments, that he pays it in instalments. It is only

Amendment No. 31 *to clause* 9—cont.

that right that we are asking for at the hands of this House. We are not asking for any exceptional indulgence to him. But in case he fails to pay the instalments and he wants to recover some of the instalments he has paid, what is to happen? I think the Hon'ble the Law Member is there to sufficiently take care of that. But if any other member thinks otherwise, he is at liberty to bring in any other amendment. So I am not in the least frightened by the objection raised by the Hon'ble the Law Member. The amendment moved by me is perfectly sound and accurately expresses the real requirements of the situation."

The Hon'ble the PRESIDENT:—"The motion before the House is that in clause 9, paragraph 1, as amended by the Hon'ble the Law
1-30 p.m. Member the following proviso be added:—

'Provided that the court may for sufficient reasons order that payment of the price fixed as above shall be paid by instalments within a period not exceeding three years with or without interest."

The motion was then put and declared carried. A poll was demanded and taken with the following result:—

Ayes.

1. Mr. B. P. Devarajulu Nayudu.
2. Rao Sahib S. Ellappa Chettiyar.
3. Mr. K. Gopalakrishnayya.
4. ,, K. P. Gopala Menon.
5. ,, J. Kuppuswami.
6. Diwan Bahadur R. Venkataratnam Nayudu.
7. Mr. T. A. Ramalinga Chettiyar.
8. ,, P. C. Muttu Chettiyar.
9. ,, A. T. Muttukumaraswami Chettiyar.
10. ,, C. Natesa Mudaliyar.
11. ,, S. Somasundaram Pillai.
12. Diwan Bahadur K. Suryanarayanamurti Nayudu.
13. Mr. A. Tangavelu Nayagar.
14. ,, T. C. Tangavelu Pillai.
15. Diwan Bahadur M. Ramachandra Rao Pantulu.
16. Mr. S. Srinivasa Ayyangar.
17. Diwan Bahadur L. A. Govindaraghava Ayyar.
18. Rao Bahadur A. S. Krishna Rao Pantulu.
19. Mr. P. Siva Rao.
20. Sriman Bisvanath Das.
21. Mr. S. Muttumanickachari.
22. Rao Sahib U. Rama Rao.
23. Mr. A. Ranganatha Mudaliyar.
24. Sriman Sasibhushana Rath.
25. Mr. T. Sivasankaram Pillai.
26. ,, R. Srinivasa Ayyangar.
27. ,, S. Arpudaswami Udaiyar.
28. ,, T. Arunainatha Pillai.
29. ,, M. D. Devadas.
30. Rai Sahib E. C. Mascarenhas.
31. Mr. A. T. Palmer.
32. ,, G. Vardanam.
33. The Raja of Ramnad.
34. Qadir Nawaz Khan Sahib Bahadur.
35. Saiyid Diwan Abdul Razaak Sahib Bahadur.
36. Mr. V. Hamid Sultan Marakkayar Sahib Bahadur.
37. ,, Saiyid Ibrahim Ravuttar.
38. ,, L. C. Guruswami.
39. ,, R. T. Kesavulu Pillai.
40. ,, M. C. Madurai Pillai.

Noes.

1. The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
2. ,, Mr. K. Srinivasa Ayyangar.
3. ,, Mr. A. R. Knapp.
4. ,, Mr. P. Ramarayaningar.
5. ,, Rai Bahadur K. V. Reddi Nayudu.
6. ,, Rao Bahadur A. P. Patro.
7. Mr. F. J. Richards.
8. ,, C. W. E. Cotton.
9. ,, R. Littlehailes.
10. ,, P. Subbarayan.
11. ,, A. Ramaswami Mudaliyar.
12. ,, C. P. Ramaswami Ayyar.
13. ,, K. Adinarayana Reddi.
14. ,, S. R. Y. Anbinedu Prasad Bahadur.
15. Dr. M. Appala Narasayya Nayudu.
16. Mr. R. Appaswami Nayudu.
17. ,, T. Somasundara Mudaliyar.
18. ,, N. A. V. Somasundaram Pillai.
19. Diwan Bahadur M. Krishnan Nayar.
20. Rai Bahadur T. M. Narasimhacharlu.
21. Rao Bahadur C. V. S. Narasimharaju.
22. Mr. K. Sadasiva Bhat.
23. ,, K. Prabhakaran Tampan.
24. ,, A. D. M. Bavotti Sahib Bahadur.
25. Khan Bahadur Muhammad Sadulla Badsha Sahib Bahadur.
26. Khan Bahadur Muhammad Usman Sahib Bahadur.
27. Mr. A. M. MacDougall.
28. ,, A. F. Bencontre.

[Mr. T. Arumainatha Pillai] [13th October 1921

Amendment No. 31 *to clause* 9—cont.

The amendment was declared carried, 40 having voted *for* it and 28 *against*. Clause 9 as amended was allowed to stand part of the Bill.

Amendment No. 33 *to clause* 10.

Mr. T. ARUMAINATHA PILLAI:—"Sir, I beg to move—

'33. *In sub-clause* (1) *of clause* 10 omit "*and*" *between* "6" *and* "8" *and after* "8" insert "*and* 9".'

"My amendment, if accepted, will make the clause read thus: 'Sections 4, 5, 6, 8 and 9 shall apply to suits in ejectment and applications under section 41 of the Presidency Small Cause Courts Act.' The purport of my amendment is this, that the benefit of these sections should be extended to tenants against whom decrees for ejectment have been passed but against whom execution proceedings have not been finished. I want to add by my amendment that the same privilege should be conceded to tenants to whom the new clause 9 shall apply. If the amended resolution proposed by the Hon'ble the Law Member would have covered this sort of cases, I need not have troubled this House with this amendment. Subject to what the Hon'ble the Law Member might say, the amended section 9 as proposed by him reads thus: 'Any tenant against whom a suit in ejectment has been instituted or proceeding under section 41 of the Presidency Small Cause Courts Act taken may, within fifteen days after the service on him of summons, apply to the court for an order' and so on. Whereas if you read clause 10, sub-clause (1) you will see the difference at once. 'Sections 4, 5, 6 and 8 shall apply to suits in ejectment and applications under section 41 of the Presidency Small Cause Courts Act, 1882, which are pending, or in which decrees for ejectment or orders under section 43 of the Presidency Small Cause Courts Act, 1882, have been passed, but have not been executed before the coming into force of this Act.' The words 'or in which decrees for ejectment or orders under section 43 of the Presidency Small Cause Courts Act have been passed but have not been executed before the coming into force of this Act' which we find in sub-clause (1) of clause 10 do not find a place in the amended section 9 as proposed by the Hon'ble the Law Member. It is to make it clear therefore that I bring in this amendment. And I am sure that this House when it extends the privilege and the advantages contained in sections 4, 5, 6 and 8 to tenants against whom decrees have been passed or orders have been passed but no proceedings in execution have taken place, and also, Sir, when this House has given the tenants the right to purchase land under section 9 of this Act, it is but reasonable that it should extend to such tenants also against whom decrees have been passed the liberty to purchase lands if they are willing to do. It is therefore, Sir, that I want to move this amendment."

Mr. M. SURYANARAYANA PANTULU:—"I second the amendment."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Mr. President, there is no question of substance in this at all because it was not our intention to prevent such tenants from taking advantage of section 9. We thought that section 9 by itself achieved that object and was self-contained. That is why section 9 has been omitted out of section 10. I want the House to see this. What my friend Mr. Arumainatham wants is that section 9 should apply to suits in which decrees have been passed. If he will read the whole section, it will be quite obvious that such a case is also provided for. I read the whole section: 'Any tenant against whom a suit in ejectment has been instituted'—that institution may be before or after the coming into force of this Act—' or proceeding under section 41 of the Presidency Small Cause Courts Act taken, may, within fifteen days after the date of this Act coming into force or within fifteen days after the service on him of summons, apply to the court for an order that the landlord shall be directed to sell the land for a price to be fixed by the court.' The second paragraph reads: 'On such payment being made, the court shall pass a final order directing the conveyance by the landlord of the land to the tenant. On such order being made, the suit or proceeding shall stand dismissed'—that applies to pending suits whether instituted before or after—' and any decree or order in ejectment that may have been passed therein—whether before or after—but which has not been executed shall be vacated. It covers all cases, pending cases, suits previously instituted and suits previously instituted in which decrees have been passed. That is why, Sir, section 9 being self-contained, I do not think the amendment necessary. Also it may give rise to some trouble in the construction of the second paragraph which is quite clear by itself."

13th October 1921] [The Hon'ble Mr. K. Srinivasa Ayyangar]

Amendment No. 33 *to clause* 10—cont.

Mr. T. ARUMAINATHA PILLAI:—"After what the Hon'ble the Law Member has said, I do not press my amendment, Sir."

Mr. S. SRINIVASA AYYANGAR:—"I think the Law Member is right as to one point and wrong as to another. Clause 9 as amended by him undoubtedly provides for applications in pending suits because it says: 'Any tenant against whom a suit in ejectment has been instituted or proceeding under section 41 of the Presidency Small Cause Courts Act taken may, within fifteen days after the date of this Act coming into force or within fifteen days after the service on him of summons, apply to the court.' But it does not apply to the class of suits in which decrees in ejectment have already been passed. It will not do to rely for that purpose upon the second paragraph of clause 9 of the Bill as just now passed. That clause cannot apply to pending suits. It is by virtue of the first part of clause 9 which says that within fifteen days after the coming into force of this Act that a tenant may apply to the court, it applies to pending suits. But the second part of it merely says that on such order being made the suit or proceeding shall stand dismissed and any decree or order in ejectment that may have been passed therein but which has not been executed shall be vacated. This applies to all cases in which hereafter any tenant may apply and any decree may be passed and before it is executed he may make an application for that purpose. To say that the clause which applies generally governs also cases of suits in which decrees have been already passed and not executed before the commencement of this Act is quite wrong. I therefore support this amendment and I see no harm if the amendment is put to the Council as it is because that will make things clear and there is absolutely no reduplication and it will certainly make good sense on the other hand."

1-45 p.m. The Hon'ble Mr. K. SRINIVASA AYYANGAR:—'My honourable friend states it applies to suits instituted after the Act in which decrees have also been passed. He also construes it as applying to suits which may be instituted hereafter. But he forgets that application has got to be made within fifteen days after the service of summons. I suppose no decrees can be passed before even summonses are issued and served. You cannot say: there is no suit for ejectment instituted though a decree has been passed, and whether it is before or after it makes no difference. Reading literally and without trying to read more into the language than the construction it obviously bears, I do not suppose there will be any difficulty in saying that the whole clause taken as it is will apply to pending suits and to suits in which decrees have been passed but which have not been executed. I do not think there is any difficulty about it and the second clause will not cover only future decrees."

[Mr. S. Srinivasa Ayyangar] [13th October 1921

Amendment No. 33 *to clause* 10—cont.

Mr. S. SRINIVASA AYYANGAR :—"I did not say, Sir, that the clause does not apply to pending suits, but I did say that it does not apply to suits in which decrees have been passed. That is got over by the fifteen days' interval fixed after the service of summons which really means that no suit can be instituted hereafter within fifteen days. The first part is relevant but not the second part as to the service of summons."

The amendment was put to vote and lost.

The following amendments standing in the name of Mr. C. Natesa Mudaliyar were not moved and were, therefore, deemed to have been withdrawn :—

"133. *A. In sub-clause* (1) *between* '8' *and* '*shall*' insert '*and* 9.'"

"133. *B. In sub-clause* (1) *between* '*pending*' *and* '*or*' insert '*trial or appeal.*'"

Amendment No. 34 *to clause* 10.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I beg to move that

134. *In sub-clause* (2) add *the following words after the word* "*shall*" :—"*on the application of the tenant*"

"I believe the addition of these words will make the matters more clear. There is no provision here as to who is to set the law in motion in cases where the decrees have already been passed. It is for the tenant's benefit and he is naturally expected to set the law in motion. In order to make matters clear, I wish that these words are inserted."

Mr. P. Siva Rao seconded the amendment.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I do not think, Sir, there is any real difficulty at all, because sections 4, 5, 6 and 8 are specifically referred to. I do not expect the landlord to go out of his way and say that he is willing to pay the compensation but the tenant refuses to receive it. All these sections refer to application by the tenant and this section gives retrospective effect. I do not think this amendment is really necessary."

Rao Bahadur A. S. KRISHNA RAO Pantulu :—"Mr. President, I have not so far heard any objection as to why this amendment should not be accepted. The Hon'ble the Law Member states that the addition of these words is not necessary because there is provision in sections 4, 5, 6 and 8 which incidentally deal with the setting of the law in motion by the parties concerned. I cannot really see any earthly objection to add these words in order to make the meaning more clear. The sections he has referred to do not clear the point. It is to make the meaning clear whether the tenant has to set the law in motion, or whether the court has to institute proceedings *suo motu*, that I propose this amendment. Therefore, I press my amendment to a division."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"If he fancies, Sir, let him have it. My objection is merely to using unnecessary words in a legislative enactment. If my honourable friend is of opinion that the addition of the words proposed by him will make the meaning clearer, I have no objection to it"

Mr. T. ARUMAINATHA PILLAI :—"I do not see any necessity for this amendment. Section 10 leaves it open for either the tenant or the landlord to apply. If you are going to doubt whether the landlord can apply, then somebody will come forward and say : it is only the tenant that can apply and not the landlord. Under the circumstances, I do not find any necessity for the addition of the words proposed by Mr. Krishna Rao."

13th October 1921] [Mr. S. Srinivasa Ayyangar]

Amendment No. 34 *to clause* 10—*cont.*

Mr. S. SRINIVASA AYYANGAR :—"Mr. President, the speech of my honourable friend Mr. Arumainatha Pillai supplies the answer to the question why this amendment should be accepted. It is not clear in the Act itself whether it is the tenant that should make the application for compensation or whether it is the landlord. The provision suggested by my honourable friend Mr. Krishna Rao is absolutely necessary. For instance it is necessary to know within what period of time an application has to be made and whether the application is in accordance with law or whether the application is to be put in the usual course. I dare say all these things are absolutely necessary for correct drafting."

The amendment was put and carried.

Amendment No. 35 *to clause* 10.

The following amendment standing in the name of Mr. T. Arumainatha Pillai was not moved and was, therefore, deemed to have been withdrawn :—

"35. *At the end of sub-clause* (2) *add the following* :—'*or the amount of the value of the land to be paid to the landlord shall be ascertained under section* 9 *of this Act if an application for that purpose is made within fifteen days from the commencement of this Act by the tenant and a fresh decree passed in accordance with section* 9.'"

Amendment No. 36 *to clause* 10.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Mr. President, for the same reasons which I advanced in connexion with my amendment No. 34, I move the following :—

'36. *In sub clause* (3) *add the following words after the word* "*shall*" :—"*on the application of the tenant.*"'

Mr. P. Siva Rao seconded the amendment.

The amendment was put and carried.

Amendment No. 37 *to clause* 10.

The following amendment standing in the name of Mr. T. Arumainatha Pillai was not moved and was, therefore, deemed to have been withdrawn :—

"37. *At the end of sub-clause* (3) *add the following* : '*or pass an order under section* 9 *of the Act if an application is made by the tenant within fifteen days from the commencement of this Act*'."

Clause 10 as amended was allowed to stand part of the Bill.

Amendment No. 38 *to clause* 11.

The following amendment standing in the name of Rao Bahadur A. S. Krishna Rao Pantulu was not moved and was, therefore, deemed to have been withdrawn :—

"38. *Substitute* '*two months*' *for* '*three months*' *and omit the words* '*and offering to pay compensation for the building and stating the amount therefor.*'"

Clause 11 was allowed to stand part of the Bill.

New clause after clause 11.

The following amendment standing in the name of Mr. O. Tanikachala Chettiyar was, owing to the absence of the honourable member, not moved and was, therefore, deemed to have been withdrawn :—

"39. *Between clauses* 11 *and* 12 *insert the following* :—

'*In proceedings for ascertainment of compensation payable under sections* 3 *and* 4 *and for fixing the price payable under* 9 *the provisions of the Civil Procedure Code shall apply.*

[Mr. A. S. Krishna Rao Pantulu] [13th October 1921

New clause after clause 11—cont.

'*Subject to the provisions of the Civil Procedure Code applicable to appeals from original decrees, an appeal shall lie to the High Court from the decree determining the amount of compensation payable under sections* 3 *and* 4 *or fixing the price payable under section* 9 '.

Amendment No. 40 *to clause* 12.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I beg to move—

'40. *Omit the words " terms on which buildings are to be erected or the payment of compensation therefor " and add the words " erection of buildings "*.'

" Sir, so far as this clause is concerned, it covers cases where contracts were entered into even prior to the coming into force of this Act. If it should refer only to cases of contract which are to be brought into existence in future, then I have no objection for the retention of the words which are proposed to be omitted. But so far as cases of contract entered into prior to the coming into force of this Act are contemplated, I think it is necessary that these words are inserted. At the time these contracts were entered into, the parties may have entered into the specific stipulation that buildings are to be erected or that no buildings are to be erected. Supposing there were no provisions but he merely stipulated that he would not erect buildings, then is it to be suggested that he cannot come within the provisions of this Act? The presence of these words suggest that there must be a stipulation as to compensation or as to the terms on which these buildings were erected. That is why I state that a stipulation as to erection of buildings would be quite sufficient to meet the requirements. For these reasons, I move the amendment."

Mr. P. Siva Rao seconded the amendment.

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—" I do not know whether this amendment is now necessary at all after the amendment which has been proposed by my honourable friend opposite has been accepted. But while we are dealing with this case, I may mention one thing, Sir, for I have been thinking about the matter as to what may be the effect of this Bill if passed in regard to these cases. We know that this Act is to apply only to cases in which there was this expectation. That is of course the principle of the Bill and I thought I had carried out that principle by enacting certain particular provisions and I gave my reasons therefor. I am not going to give them again.

" Now I want you to bear this in mind that the Bill itself arose immediately from the causes which I explained to the House while introducing the Bill, one of them being the case of the Azimspet tenants. In Azimspet there are buildings which have been erected and which have been standing for a long time. I learnt and I also saw certain agreements obtained by the landlords recently from the tenants to the effect that on the expiry of thirty days' notice the tenants were to quit. The agreements contain no provisions for compensation. At the time when these registered instruments in writing were executed, the tenants were already there in the buildings which already existed in most cases, though I believe in one case the building was actually constructed after a registered instrument of this sort was executed. Further, it was also found that the landlord had taken the same kind of instruments from the tenants in or about the year 1900 ; but I am not quite clear about the year. There is no question in this case that they have been there for a long time and that the landlord who wants now to eject them has now recently purchased the land. Whether a court in the face of these documents taken twice at an interval of about ten or twelve years will still come to the conclusion that there was an expectation that they will be left alone if they pay a fair rent altho ; h there was an express stipulation on two different

13th October 1921] [The Hon'ble Mr. K. Srinivasa Ayyangar]

Amendment No. 40 *to clause* 12—cont.

occasions that they have to quit the premises on thirty days' notice on oral evidence has been causing me very considerable anxiety and apprehension. That is one reason why I thought that these indefinite words ought not to be there. I do not know how the amended clause is going to affectthose questions. If there was any nervousness whether the Act would include rich tenants who took leases of buildings and perhaps lay claim to compulsory purchase of land, then it would have been quite easy to achieve that object by a simple definition that 'land for the purpose of this Act does not include buildings.'

" Now my point with regard to clause 12 is I had in view cases where there can be no ground whatsoever for the tenant to hope to continue in possession where the tenancy of the land was by a registered instrument in writing. I intended that this case should not come within the scope of this Act and should be excluded without room for any inference. I wanted to get it quite definite and if there should be any exception at all the exception should be in cases where specific stipulations were entered into in writing at the time of the original lease. You cannot say in those cases where the attention of the party or the tenant is definitely drawn to the fact that he will have to quit at a particular period which fact is recorded in writing and registered, that he still had the reasonable hope that he will be left free so long as he paid a fair rent for the land. It was therefore that I introduced section 12. Then, Sir, I also contemplated another class of cases where after the building had been erected without there being a registered instrument in writing, there has been an agreement between the parties providing for the payment of compensation for the building. That I thought is a case in which relief need not be given under the Act. Subsequently it occurred to me whether this latter clause may not include indirectly cases where you may infer that the writing shows that no compensation was not to be paid at all. I would have proposed in order to relieve any ambiguity of that sort to omit the last portion of the clause 'or the payment of compensation therefor' altogether so as to make it quite clear. But even after that my difficulty with regard to the amendment of my friend opposite does not cease. So far as I can see with regard to this particular amendment of this clause I am not able to see what particular advantage there would be by having this amendment. Supposing the lease is for 99 years and the stipulation is that the tenant should leave the building and quit. In such cases I do not see why there should be any relief. Instead then of the amendment now proposed by the honourable member opposite, I would suggest that the motion be for the omission of the words relating to the payment of compensation and I leave the rest of the clause as it is."

2 p.m.

The Hon'ble the PRESIDENT :—" That is not the amendment that has to be disposed of at present. The honourble Member must bring it up separately ".

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I oppose this present amendment."

The Hon'ble the PRESIDENT :—" So far as the present amendment is concerned, I understand the Hon'ble the Law Member to deprecate it as unnecessary."

The Council then rose for lunch at 2-7 p.m. to meet again at quarter to 3.

The Council reassembled after lunch at 2-45 p.m.

Mr. S. SRINIVASA AYYANGAR :—" I should like to speak upon this clause first in the way in which the Hon'ble the Law Member spoke about it. I do not think that the amendment is required, for I am against the clause altogether. If you think, Sir, that I am in order in speaking to the amendment by opposing the clause, I shall do so. If you think that it is not the right procedure, I shall wait till this amendment is finished."

[The Hon'ble the President] [13th October 1921

Amendment No. 40 *to clause* 12—cont.

The Hon'ble the PRESIDENT:—"If the honourable member thinks that the clause as a whole is unnecessary, it means that he is also opposed to a portion of the clause. I think he will be in order in contending that the clause as a whole is unnecessary."

Mr. S. SRINIVASA AYYANGAR:—"I submit to the House that the whole of this clause is unnecessary. This clause says: 'nothing in this Act shall apply to tenancies created by writing registered containing specific stipulations as to the terms on which buildings are to be erected or the payment of compensation therefor.' The speech of the Hon'ble the Law Member contained facts of which I was not aware. I was not aware of registered writings being taken from the tenants. But this makes it all the more necessary that this clause should go out. What is wanted is that the existing tenants for whom this Bill provides, like the tenants of Thousand Lights, of the tenants of Hall's Road, tenants who own the superstructure should be protected. However defective the form of the preamble may be, my position is, Sir, that the tenants by reason of section 12 to which the amendment is given will be deprived of the benefit of the wholesome provisions which this Bill proposes to enact in their favour. This provision does not contain any principle upon which the success or failure of the Bill is to depend. If the Bill is to succeed, it can do so only by simple provisions. I do not want to have any protection for the landlords who have obtained by inducing tenants to agree to execute registered writings to quit the land. It may be that clause 12 might not really prejudice such cases. But there is a chance that the clause as it stands will prejudice them. I believe that the Hon'ble the Law Member agrees with me. For these reasons I strongly urge upon the Council that there was no necessity for introducing this clause especially as this Bill is intended for the tenancies before the Bill. The object of the Bill in regard to the tenancies created before the commencement of the Act is, I take it, in all cases to confer on the tenant a right to compensation and a right of acquisition, and on the part of the landlord the right to get a fair rent fixed from time to time by the court. These specific stipulations as to the terms on which buildings are to be erected or the payment of a compensation especially with reference to the limited nature of the Bill would necessarily mean that the building would have been originally erected under a registered agreement. I beg to state that every enactment is to meet a need. What is the necessity for clause 12? Was there any writing registered? No instances have been given and therefore there is absolutely no necessity to protect these landlords. If in a large number of cases originally at the outset when the tenants were let in possession of the lands the landlords had entered into registered agreements with them I should certainly have had a considerable amount of sympathy with the proposal in favour of section 12 On the other hand, as I said before, some of these landlords have obtained registered agreements later on.

"For these reasons, that no necessity has been made out for this provision and that it will give rise to ambiguity as to whether the new agreements subsequent to the erection of the various superstructures may perhaps go into clause 12 and prevent the tenant from acquiring the full benefit of the Bill, I have to oppose the clause. I oppose the amendment of Mr. Krishna Rao for the reason that the clause itself is unnecessary. If you want any amendment, by all means have an amendment like this: 'All writings whether registered or otherwise between the landlord and tenant shall be void and have no effect.' That should be the only kind of amendment to this.

"Then there is the very serious position into which we were landed by the clauses 3 and 9 and by the definition of the words 'building' and 'tenants.' Any proper form of words, if necessary, for making it still more precise should

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certainly be brought in. I hope some member of the Council will do it. Ingenuity is not wanting on either side, and the Government seems to excel in precision. But if the Government are not prepared certainly I propose to bring in an amendment to make it more equitable and just both to the landlord and the tenant. As I said before, I do not wish that this should be treated as a social legislation. It should be a Bill for dealing with a particular kind of tenures that has grown up in Madras for a long number of years I want the Council to be scrupulously just in nicely adjusting the relations between the landlord and the tenant. And there need be no fear that this Bill can be extended to other cases."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"If this House could come to the conclusion that clause 12 is wholly unnecessary, I do not think that there will be any necessity for the amendment. Clause 12 as it now stands is as follows: 'Nothing in this Act shall apply to tenancies created by writing registered containing specific stipulations as to the terms on which buildings are to be erected or the payment of compensation therefor.' We find, that so far as this clause is concerned, there is another amendment on the Agenda, No. 41, which has some bearing on it. I wish only to draw the attention of the Council to the suggestion that 'the provisions of this Act in favour of tenants shall apply, notwithstanding any contract to the contrary, unless such contract has been entered prior to 1st May 1913 and registered, or unless the tenancy was at the outset created by writing registered.'

"It is necessary, therefore to come to a conclusion on three important points. The first question is whether it is necessary to create any sort of protection in the case of those who take registered contracts prior to the coming into operation of this Act; the next question is whether in case the Council considers it necessary to protect such cases, is it desirable to confine it to cases where the contracts were entered into prior to the 1st May 1913 or to cases where the tenancy was created at the outset? If in view of the fact that this Act is limited to tenancies created before the coming into force of this Act, it is not necessary to afford any sort of protection in the case of registered contracts, and if the House should consider it unnecessary to go into the further question as to the tenancies created at the outset, I for one would not object to it and I have nothing further to state about it. But if, on the other hand, it be considered necessary to have the same clause 12 in the case of those landlords who obtained registered contracts prior to coming into operation of the Act, I request the House to consider the amendment now before the House. In dealing with the question, I proceed to make a few further remarks in support of the amendment on the assumption that the House would allow that clause to stand. The Hon'ble the Law Member has not so far raised any valid objections against the acceptance of this motion. Regarding the provision for compensation, he himself has stated that he has no objection to that portion being deleted. He said he was prepared to move an amendment to that effect. Regarding the other portion of the clause which refers to the 'terms on which buildings are to be erected,' I have suggested generally 'erection of buildings.' The reason for this is this: Suppose it were a case in which a registered contract has been entered into whereby the tenant expressly agrees that he will not erect any buildings and suppose that in direct violation of the terms of the registered contract he erects a building and that the question comes before a court of law, such a case would not be governed by the provisions of clause 12. Clause 12 merely refers to the terms on which buildings are to be erected. That is why I think it to be more logical to refer to the erection of buildings rather than the terms on which buildings are to be erected. If it is contended that this clause ought to exist, it is

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absolutely necessary to provide for cases which will not be otherwise provided for. It cannot be stated that it is only in cases where a man says 'I shall erect a building,' that protection is to be given. It is wise to give protection in cases where a tenant says 'I shall not erect any building' and proceeds to erect a building in direct violation of that condition. It is for that reason that I bring this amendment. If the House is prepared to accept the suggestion of Mr. S. Srinivasa Ayyangar and delete the whole clause altogether, I do not think that my amendment needs any separate consideration. If the House thinks that the clause should be retained, then I think my amendment should be accepted."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" Sir, I agree with my learned friend Mr. S. Srinivasa Ayyangar in thinking that clause 12 is unnecessary. My reasons are slightly different from those that he has urged for the consideration of this House. I take it, Sir, that this Bill when it becomes law is to apply to cases of tenancies created before the Bill became law. Now there may be cases of contracts for lease which are evidenced by a registered writing which, in addition to the terms relating to the erection of buildings, also provide for the termination of the lease and for the payment of rent. The scheme of the Act in the earlier clause which we have now passed says that a tenant shall be entitled to a particular compensation and he is also entitled to insist upon paying compensation for the land on which he has erected a superstructure, provided he is prepared to pay the value of the land. The scheme also provides for the rent being revised on some equitable basis. Now, clause 12, as it stands, merely says that when once a registered contract of lease contains stipulations with reference to the erection of buildings, the Act ceases to apply not only to the extent of those stipulations but to the whole of the tenancy. The effect of that will be, Sir, that even if the tenancy has been created before the Act comes into force, provided there is something in the contract which is in writing and registered which relates to the erection of buildings, the whole of this Act would cease to apply to such cases so that the beneficial provisions of the Act that can be otherwise availed of by the tenancy cease to be applicable to this case. I do not know if that is the intention of the authors of this Bill. I do not certainly think that it will be the intention of this House. I have no scruples now in proposing the deletion of this clause, rather in opposing the retention of this clause as a whole, because the Hon'ble the Law Member has told us that it is not going to be passed into law now but that there will be another opportunity given when any amendment which may be considered necessary and suitable in the light of what has been accepted by the House may be proposed and passed, so that if there is any force in the contention of the Hon'ble the Law Member for the retention of any portion of this clause, that may be made the subject of a separate amendment to be considered later on. I certainly am of opinion, Sir, that, so far as the wording of this clause is concerned, it is liable to the construction that I beg to place upon it. In these circumstances it seems to me to be dangerous to retain this clause. The House will also remember that now that there has been a discussion over this and the Bill is not going to be passed into law now, and there will be some appreciable time that will elapse, those who are interested in circumventing the provisions of this Bill will try if they can to bring about contracts in writing registered which will be, according to the present interpretation, contracts which have been entered into before the Act comes into force. That is another reason why it is not desirable to have clause 12 in the form in which we now have it."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Sir, I am afraid there is some misapprehension in regard to this matter. The discussion generally now has developed into what I may call a technical discussion as to the interpretation of

Amendment No. 40 *to clause* 12—cont.

clause 12. In that discussion the House is likely to lose sight of the fundamentals or the principles of the Act. I shall first deal with the observations made by my honourable friend Mr. Govindaraghava Ayyar. The Bill is intended to protect persons who have built upon others' lands in the expectation that they are free to occupy them so long as they give a fair rent. I carried out that principle by certain provisions which, in spite of criticisms, I am not able to see, did not carry it out. I am not going into the detailed criticisms on every section of the Act. Now, we take this clause 12. As I said already, a certain amount of confusion may be caused by the last clause with regard to compensation. I therefore divide this clause into two portions. The first portion of it deals with cases where there is a registered instrument in writing while the land is vacant and before any building is erected thereon. In that class of cases, if there are stipulations with regard to the mode of erecting buildings, if there are stipulations that the man shall remove the buildings and quit, if there are stipulations that the man shall leave the building, it is not a case where, according to the principles of the Bill, the tenant should be entitled to protection ; because he did not construct the building with any hope that he is free to enjoy it so long as he paid a fair rent. He was, before he put up the building, put upon distinct notice that he may have, at the end of the contract, to take the building, or leave the building without compensation or get some compensation. That is a case which is outside the scope of the Bill. It is for that purpose, i.e., to exclude cases where, before the building is put up, there is a registered instrument in writing containing terms as to the erection of the building, that the first clause is introduced. In such a case as that, it shall not be affected by the provisions of this Bill. Again, Sir, I want the House to remember that we want to give protection either by giving compensation or by fixing a particular equitable rent, or by giving permission to acquire land compulsorily only in those cases where a man has put up a building in that hope. No doubt oral evidence may be let in for the purpose of showing, after the enactment of the amendment which was proposed by Mr. S. Srinivasa Ayyangar, that at the institution of the tenancy or afterwards no hope was given and distinct notice given that the tenant shall have to remove and go away. That being so, a provision like section 12 would have been necessary to prevent cases which are not intended to come within the scope of this Act. Now owing to the amendment the position has changed and changed very considerably for the worse so far as the tenant is concerned. I do submit to the House that it should realize—I have repeated it very often—what will be the effect of allowing oral evidence to be given, to prove that this expectation was foolish because they were distinctly put upon notice that they will have to remove the building. That is how the position stands at present with the amendment proposed by Mr. S. Srinivasa Ayyangar. If we are going to leave it to the court to find out in individual cases with the assistance of oral evidence or otherwise to find out if the tenant built in the hope that he is going to remain there permanently by paying rent, I do agree that this clause is unnecessary, because this will be an *a fortiori* case to quit.

"I am not finally asking this House to retain this clause. Take time to re-examine the effects of the amendments already accepted, but do not hastily do away with this under the impression that the other clause is going to stand, as I consider, to the great detriment of the persons for whom this Act was specially intended. I would, therefore, advise the House not to cancel this clause.

" I would only add one word more with regard to the amendment of my friend Mr. Krishna Rao. As I said, I thought that the latter clause also should be given effect to wherever a building had been constructed and there was a specific agreement in writing registered stipulating for the compensation for

Amendment No. 40 *to clause* 12—cont.

buildings already erected. I do confess I always felt a doubt whether the court cannot consider the last portion as applicable even though there is no stipulation for payment of compensation if, for instance, there is a subsequent stipulation to give vacant possession. It was my intention, at any rate, that such cases should be relieved under the Bill. Owing to the ambiguity I said this protection which I thought might be fair to the landlord who had entered into such an agreement as that need not stand. So until an opportunity is given to this House to consider or reconsider this Bill again with all the amendments already accepted, I would ask them to retain this portion. It was said that before proceeding with this Bill investigation should have been made as to the conditions of the tenancy in the whole of the City of Madras to find out whether there were cases to justify the exception. That is obviously unreasonable. Without the knowledge of this House there may be a considerable number of such cases and it is our duty to provide for exceptions if such can exist. That is my reason for pressing the retention.

"With regard to the suggestion made by Mr. Krishna Rao, the first portion of the clause is sufficient protection for all cases which are to be excepted from the provisions of the Bill."

The Hon'ble the PRESIDENT:- "Order, order. I understand the Law Member to say that he is going to examine clause 12 carefully with reference to the form the Bill has assumed in view of the amendments already accepted and then he will at a later stage put the House in possession of his views as to any further amendments that may be found necessary. It is a matter for consideration whether, in view of what the Hon'ble the Law Member has said, the Hon'ble Member Mr. Krishna Rao cannot withdraw his amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I do not press it, Sir."

The amendment was then by leave withdrawn.

Amendment No. 41 *to clause* 12.

The following amendments standing in the name of Mr. T. Arumainatha Pillai were not moved and therefore deemed to have been withdrawn:—

"41. *For clause* 12, *substitute the following:—*

'The provisions of this Act in favour of tenants shall apply, notwithstanding any contract to the contrary, unless such contract has been entered into prior to 1st May 1913 and registered, or unless the tenancy was at the outset created by writing registered.'"

New clause after clause 12.

"42. *Insert the following as a new clause and number it as clause* 13: *and renumber the subsequent clauses: 'Notwithstanding anything herein—before contained a tenant entitled to a permanent occupancy under this Act shall not be liable to be ejected from the land.'*"

Clause 12 was allowed to stand part of the Bill.

Mr. T. ARUMAINATHA PILLAI:—"Sir, I move—

'42. *After clause* 12 *add the following clause and number it as clause* 13; '*Arrears of rent shall be a first charge on the holding of a tenant (including the building).*'"

"Sir, I beg to move this clause which is in favour of the landlord and by which a first charge is given to him for arrears of rent. If this amendment is accepted by the House, there will be no difficulty for the landlord to go from tenant to tenant for arrears. I move it formally, Sir."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I second it."

New clause after clause 12—cont.

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I do not think it is necessary to give a special charge to the landlord now. This Bill is intended for the protection of the tenant and I do not think that we need be anxious to give first charges in favour of the landlord. It is not what I would deem a relevant provision in a Bill of this sort."

Mr. T. ARUMAINATHA PILLAI:—"I do not press it, Sir."

The amendment was by leave withdrawn.

Amendment No. 44 *to clause* 13.

The following amendment standing in the name of Mr. O. Tanikachala Chettiyar was deemed to have been withdrawn, the Honourable Member not being in his place:—

'44. Insert *after the words* "*Transfer of Property Act*, 1882," *the following words*: "*and clauses* (d) *and* (g) *of section* 19 *of the Presidency Small Causes Court Act*, 1882".'

Clause 13 was allowed to stand part of the Bill.

The Hon'ble Mr. K. Srinivasa Ayyangar moved that the Bill be brought forward at a future meeting.

The motion was agreed to.

V

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919.

Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"Mr. President, I have great pleasure in presenting the report of the Select Committee appointed to consider the Bill to amend the Madras City Municipal Act, 1919, and in moving that the Bill as amended by the Committee be taken into consideration. Sir, the only change of any importance we made in the Select Committee was to insert a provision to allow the Corporation to collect the taxes that were existing before the increase was made during the pendency of the revision petition before the Standing Committee. This was in accordance with the wishes of the Madras Corporation. I now formally move, Sir, that the Bill be taken into consideration."

Khan Bahadur Muhammad Sadullah Badsha Sahib Bahadur seconded the motion.

The motion was put and agreed to.

Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"Sir, no honourable member having given notice of any amendment, I now move that the Bill as amended by the Select Committee be passed into law under Standing Order No. 49."

Khan Bahadur Muhammad Sadullah Badsha Sahib Bahadur seconded the motion.

The motion that the Bill to amend the Madras City Municipal Act, 1919, be passed into law was then put to the Council and passed unanimously.

VI

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.

Mr. P. SIVA RAO:—"Sir, the Bill consists of only one provision, namely, that the rate of tolls now provided for in rule 21 of the District
3-30 p.m. Municipalities Act, 1920, be raised from three annas to four annas. Before I proceed further, I will just say for the information of the House how the matter stood, what the rates were that prevailed under the District Municipalities Act, 1884. The District Municipalities Act provided the levy of four annas on

every loaded cart and two annas on carts not laden. It was felt unnecessary and invidious to make a distinction between loaded and unloaded carts and it was pointed out then that there have been several evasions of this provision. Carts coming laden, are unloaded just before entering the toll-gate. So the Select Committee ruled that this invidious distinction between loaded and unloaded carts should be done away with. With that object in view, a uniform rate of three annas per cart, whether loaded or unloaded, was provided for in rule 21, Schedule IV of the District Municipalities Act, 1920. I might also say that a similar provision was introduced in the Local Boards Act which was passed in the same year. It was little thought then that the legislature was intending to reduce the rate that then prevailed. It was on the other hand thought that this provision would bring increased revenue into the coffers of the local bodies. Now what has been the actual experience? From my personal experience as the chairman of a mufassal municipality I may say that this provision of a uniform rate of three annas for every cart, loaded or unloaded, has, as a matter of fact, brought about a serious loss to the local and municipal revenue. I will say that 95 per cent of the carts come as loaded carts, and then for every loaded cart that enters the municipal limits, the local boards and municipalities have been now losing at the rate of one anna per cart. There has been a reference, Sir, made by Government to each municipality as to whether this provision is actually bringing about a fall in the revenue. We had to reply that in the case of our municipality it had that untoward result. This fact was brought to the notice of the Government with the result that the Hon'ble the Minister for the Local and Municipal Department had to take the initiative in the matter in the case of the local boards. In the case of the local boards, that is the most important point for consideration, the House unanimously passed an amendment on the lines that are now proposed. Not a single dissentient voice was raised, and the motion was passed raising the rate from three annas to four annas. That had been done in the case of the local boards. And anybody would naturally ask, why the same concession should not be extended to the municipalities as well. So far as I am concerned, I see absolutely no difference in the case of the toll rates between the local boards and municipalities. Now, Sir, this amendment that I propose seeks to restore the rate prevalent under the old Act and bring it on the same lines with those that prevail in the rural areas. One possible objection may be raised: here is a popular body seeking you to increase the taxation. Let me assure the members of this House in as clear a manner as possible that it is not an attempt to raise the rates. As I pointed out at the outset, for a loaded cart the rate that prevailed for about 30 years under the old Act was four annas and this amendment only seeks to restore the old provision of four annas. It does not seek to impose any additional burden on the people. So that charge, if it be urged by any honourable member of this House, will be unfounded. The old Act provided four annas for every loaded cart and two annas for the unloaded. Now you are providing a uniform rate of four annas for every cart loaded or unloaded. It is quite open to the honourable members of this House to adopt the same old rate of four annas in the case of loaded carts and two annas in the case of those not laden. My object in proposing a uniform rate of four annas is simply this; I wish to bring the rates in conformity with the rates that this House has unanimously sanctioned in the case of the local boards as recently as April this year.

"With these few words I beg to move that the Bill be read in Council."

Rai Bahadur T. M. NARASIMHACHARLU:—"I beg to second the motion."

Diwan Bahadur M. KRISHNAN NAYAR:—"I strongly oppose the motion now before the Council, and that for more reasons than one. In the first place, on

principle, such a motion as this should come from my friend the Hon'ble the Minister for Local Self-Government. My friend asks me why. The reason is this. This is a motion for enhancement of tax, and I believe that in all countries where constitutional governments exist, in the case of proposals for raising a new taxation or enhancement of taxation, the custom is for the Government to introduce such measures. Here, curiously enough, it is not the Government that introduces this measure, which is for an enhancement of tax, but a private member. Secondly, Sir, toll is rather an odious and objectionable form of taxation. This kind of taxation existed in England under the name of turnpike taxes or rates, and I believe that on account of the strong opposition of the people this kind of taxation has been abolished there. But probably it is too late in the day to take up this objection, for the reason that rightly or wrongly, toll as a tax exists in our statute book. But in any case, when an attempt is made to enhance the existing rate of toll, I think this general objection may and should very well be taken. That is the second ground on which I take exception to this measure.

"Then my friend stated that with reference to a similar provision relating to the levy of three annas on carts by local bodies, a motion was made by the Government and that motion was accepted and, he was careful to add, unanimously accepted by the Council. Now, if we examine the discussion on that resolution, we shall find that practically there is no analogy between that and the present one. In the first place, the motion for the enhancement of tax on the former occasion came from the Government and not from a private member; secondly, if we examine the debate on that occasion, what do we find? In addition to the Minister who moved that motion, only seven members of this Council took part in that debate. Of these seven, six were presidents of district boards (hear, hear). Of these six members, one was strictly not a president, but only a vice-president; but for the present purpose I take him as a president. So that, of the seven members who took part in the debate, six were district board presidents and one was a member who was not a member of a district board. He spoke on that resolution and he opposed the motion Of the other six members, who were presidents of district boards, five supported the resolution and one opposed it. I refer to my friend Mr. T. M. Narasimhacharlu. He opposed it and he had the authority from his board to oppose that resolution. As soon as these district board presidents sat down, there came the guillotine motion, the motion for closure. Unfortunately, that motion was carried. With the voice of the district board presidents ringing in the ears of this Council, that resolution was accepted. I submit, Sir, that a motion that was passed by this House under such circumstances should not be taken as a guide for us on the present occasion.

"Then my friend stated, apparently he is himself rather nervous that he is really not proposing an enhancement of tax, he is only moving for the restoration of the old rates. What are the old rates? The old rates were four annas for the loaded carts and two annas for the empty ones. Now if that be the motion which my honourable friend makes in this Council I would not object to it But that is not the motion. He wants a uniform rate of four annas to be levied on all carts irrespective of the consideration whether they are loaded or unloaded. For these reasons I strongly oppose this motion."

Mr. R. SRINIVASA AYYANGAR:—"Mr. President, as Mr. Krishnan Nayar has dragged in my name and as one that opposed a similar motion brought forward some time back by the Hon'ble the Minister for Local Self-Government with reference to the Local Boards Act, I feel it incumbent upon me to raise my voice of protest, however humble and feeble it may be, on this occasion as well. I have listened with considerable interest to the very able and

3-45 p.m.

carefully prepared speech of the honourable mover. All the same, I feel bound to tell him that this is a most unfortunate and inopportune legislation; for, hardly eight months have elapsed since the Act which is sought to be amended was placed on the Statute Book of this Province. It has been urged and reference has been made to the fact that there has been a fall in the municipal income under this head. So far as my municipality is concerned, it is not the case, and I am not in a position to say what is the case in other municipalities because I have not their statistics. But I have not been much impressed with the conviction that there has been a fall in the income under this head.

"Then it has been said that this Bill which is of a very modest character, containing only one sentence, seeks to restore the old rate. Now the old rate was four annas for a particular kind of cart and two annas for another kind of cart. So far as the unladen cart is concerned, the honourable mover now wants to have the rate double of what it was prior to 1st of April of this year. Until the midnight of 31st March 1920, we were only paying two annas on unladen carts. As a result of this enactment it was raised to three annas. Now my honourable friend wants to have it raised to four annas, irrespective of the fact whether it is laden or unladen. In the Statement of Objects and Reasons I find one sentence to which I am tempted to take exception. It is said, the introduction of a uniform rate of three annas for every cart under the present Act, cannot but bring about a serious fall in the municipal toll-revenue as the number of 'laden' carts entering the municipal limits is far greater than that of 'unladen carts.' If this is really the state of things, what is the remedy? The remedy is not to place an extra burden upon unladen carts which are smaller in number but to raise the toll to four annas with reference to laden carts. In other words, an honest endeavour should be made to differentiate these two classes of carts by raising the toll to four annas with respect to laden carts which, according to the Statement of Objects and Reasons, are far more numerous than unladen carts, instead of attempting to place these two different kinds of carts on the same level. The honourable mover is actuated by the best of motives, and is anxious to see that the municipal revenues are augmented. With one stroke of the pen he wants to do away with the difference between these classes of carts and wants to levy a uniform rate. I hope he would accept the suggestion that I propose to make, namely, that on considerations of finance it may be considered just or equitable to raise the toll upon a laden cart to four annas, leaving annas three or two as the case may be in the case of unladen carts. This Bill, however laudable it may be, appears to me to be open to this objection and on that ground I feel constrained to oppose it.

"Reference has been made to this fact, that from the point of view of the honourable mover there does not appear to be much difference between rural areas and urban areas and on that ground he said that what is sauce for the goose is sauce for the gander and asked why this House, after having debated and pursued a particular policy with reference to local board areas, should try to decline to give its assent to a measure which is calculated to reach the municipal area. Well, as regards that, my only effective answer is that now local board areas have a much larger mileage of roads than municipal areas and that may be one strong reason for differentiating one case from the other. But anyhow, I submit that hardly six or seven months have elapsed, and it is too soon to think of going back upon the provisions of the Act which I understand were passed after a good deal of debate, discussion and deliberation both in the Select Committee and in the Legislative Council this time last year. Therefore, I submit that no case has been made out for interfering with the present state of things."

Mr. F. J. RICHARDS:—"Mr. President, I am authorized to inform the Council that the Government support this Bill. I may point out that the Bill is not intended to enhance taxation. The object of the Bill is to give power to district municipalities *at their option* to increase their revenues if they so desire. Objection has been taken to tolls as a source of revenue, and it has been pointed out that in Great Britain tolls had been abolished. It has not been pointed out to what the abolition of subsidiary sources of revenue in England and the concentration on the tax on property have led. Municipal taxation of 30*s.* in the pound, or Rs. 1-8-0 in the rupee, is what England has landed into, and I don't think it is a result which can be anticipated in this country with complacency. I may point out incidentally that toll revenues in this Presidency realize over 32 lakhs, and if these are to be abolished, the money must be found in some other way. It may be pointed out that, in connexion with the previous decision of this Council, in which local boards were empowered to raise the rate of toll on carts to four annas, the presidents of the district boards who came forward here and supported the revision of the schedule were directly responsible to their boards for their attitude towards this proposal in this Council. It is rather unfair, I think, Sir, on this Council to suggest that its previous resolution of February last regarding the revision of the schedule under the Local Boards Act was passed for any other reason than that the members of this Council were convinced that it was justifiable. Why exactly the old rate of four annas was reduced to three in the new enactments, it is difficult to explain. It seems to have been due to inadvertence, due to its having been overlooked by the drafters of the Bill, by the Select Committee and by the Legislative Council itself. Anyhow, the matter was never specifically brought forward at all, and the Council little realized at the time, I am afraid, what the reduction involved.

"Municipalities have been asked to report what the financial result would be if they availed themselves of the powers which this Bill proposes to give them. Fifty-two municipalities have replied and the amount of difference which it will make is nearly Rs. 2 lakhs; to be exact, Rs. 1,90,230. This is a large sum of money, and it is a signal instance of a principle which is familiar to those who have to do with local and municipal administration, that there is more to be got from one anna than from a rupee. Possibly this Bill may be criticized by critics who would suggest as an alternative that the money should be raised, say, by increasing tenfold the toll on elephants. I am familiar with criticism of this kind, but I do not think that such criticism will appeal to this Council, and I am perfectly convinced that no municipality would say thanks for such alternative. I am sure that this Council would deal very sympathetically with a proposal to vote the substantial sum of Rs. 2 lakhs for the municipalities of this Presidency, which for various reasons have been very hard hit financially, and I hope that a similar sympathy will be extended to this Bill by which the possibility of these municipalities attaining additional revenue is placed within their reach."

Mr. P. C. MUTTU CHETTIYAR:—"ஹானரபில் மெம்பர் மிஸ்டர் சிவசாமி காரு கொண்டுவந்த ரூல்ஸ்களைப்பற்றி ரொம்ப கவனிக்கவேண்டியிருக்கிறது. அதாவது, டோல் விஷயத்தில் ரிவின்யு அதிகப்படுத்தவேண்டிய விஷயத்தில், முக்கியமானதென்று கம்புகிறேன். சமீபத்தில் இதே விஷயமாய் புதிதாக 1920-ம்வருடத்து 5-வது மூனிசிபாலிடி ஆக்டு எற்படுத்தும்போது செக்ஷன் 21-ல் அதிகமாக சோட்டை உயர்த்தியிருக்கிறார்கள். ஆனல் நாம் செய்கிற எற்பாடானது ஜனங்களுக்கு விசேஷ அதிருப்திக்கு இடமிருக்கப்படாது. அப்படி இந்த 1920-ம்வருடத்து 5-வது ஆக்டு எற்பாட்டுமேல் ஜனங்கள் சோட்டை

[Mr. P. C. Muttu Chettiyar] [13th October 1921

அதிகப்படித்தினதினால் சொற்ப அதிருப்தி காட்டினதும், அடியில்கண்ட சில காரியங்களினால் எராளமான அதிருப்தியும் சமாதானக் குறைவும் ஏற்பட்டது. பழைய 1881-ம்வரித்து 4-வது ஆக்டு 47-ம் செக்ஷனில் டோல்ரேட்டில், எருமை, எருது, காளை, பசு, அல்லது குதிரை, சுமைபுடனிருப்பது அல்லது சுமையில்லாமலிருப்பது, இவைகள் நெம்பர் 1-க்கு 1 அணு ஆகவும், 13 பிடிக்கு உள்பட்ட குதிரை 1-க்கு 1 அணு, 13-க்கு மேற்பட்ட குதிரை 1-க்கு 2 அணு, சுமை வண்டி 1-க்கு 4 அணு, சுமையில்லாத வண்டிக்கு 4 அணு, ஏற்பட்டிருக்கிறது. இப்பொழுது 1920-ம்வரித்து 5-வது ஆக்டு 21-வது செக்ஷனில் டோல் ரேட்டில், குதிரை, சேவேறு கழுதை, எருமை, எருது, காளை, நெம்பர் 1-க்கு 2 அணு, வண்டி 1-க்கு 3 அணு ஆகவும் ஏற்பட்டிருக்கிறது. இதில் முக்கியமாக கவனிக்கவேண்டியது வண்டிகள் விஷயத்தில் சுமையுள்ளது என்பதையும், ஜந்து (animal) விஷயத்தில் பழைய ஆக்டுபடி சுமையுள்ளது அல்லது சவாரியுள்ளது என்பதையும் சேர்க்கவேண்டியது அவசியமாகயிருக்கிறது. அன்றியில், விவசாய சம்பந்தமாக டோல்கேட் சமீபத்தில் இருக்கிறவர்களுக்கும் மலைக்கு சமீபமாக இருக்கிறவர்கள் சம்பந்தமாயும் விலக்கின விதிகள் ஏற்படுத்தவும் வேண்டியிருக்கிறது. சமீபமாயும் கிட்டகிட்ட டோல்கேட்டுகள் ஏற்பாடாயிருக்கும் அதேக திருப்தி குறைவான ஏற்பாடுகளும் கண்டிராக்டர்களுக்கும் குடிகளுக்கும் கடங்கிருக்கிறது. சில லோகல் போர்டுகளில் சிலவற்றை கவனித்து எச்சரிக்கை செய்திருக்கிறார்கள். ஆனால் பெரும்பாகம் நிவின்யூவை உத்தேசித்து மாக்வமித்திலிருக்கும் மற்ற காரியத்திலும் ஆலோசனைக்கு இடம் வைக்கிறதில்லை. ஆகையால் வேறே நிசலூஷனில் இதை யோசிக்க எண்ணுமலே இந்த நிசலூஷனை சிலக்ட்டு கம்மிட்டிக்கு அனுப்பி எல்லாவற்றையும் யோசிக்கும்படி ஏற்படுத்த விரும்புகிறேன்"

Mr. A. RANGANATHA MUDALIYAR :—"Sir, I feel constrained to oppose the motion before the House. The Hon'ble the Secretary of the Local and Municipal Department said that he did not quite see 4 p.m.
why the old rates were changed in favour of three annas for all carts laden and unladen. I feel no difficulty in understanding the reason. Before, they had to make a difference between carts which were laden and those which were not laden, and the toll-keepers must have had considerable difficulty in seeing which carts came into the municipal limits with a load on and which did not. Those who are acquainted with the municipal conditions in the mufassal municipalities will easily bear out my statement. Passengers might get down from the carts just outside the municipal limits and then the toll-keeper would say: 'No, you must pay the full rate', and the other men would contend: 'The cart is empty'. In order to avoid all this difficulty, I take it, the Government did away with this distinction of rates between a laden cart and one not laden and struck the average of three annas for all carts without distinction.

"Then, Sir, the same member continued to say that the rate of taxation in the Indian municipalities was very low when compared with that in Britain, for example. I admit that. The Honourable Member said that there are no toll systems in England, but that the people living in the municipalities are taxed very high. I should say that that example should be followed in Indian municipalities as well instead of trying to put the taxation on the wrong people. Well, Sir, the municipality wants more money to spend for municipal improvements. And who are the people really benefited by the improvements? Those living within the municipality; the people who own houses and lands there, the people who pursue

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different avocations of life in the municipality—these are the people who are primarily benefited by the municipal improvements, and it stands to reason that the burden of taxation for these improvements should fall in the first instance on the residents of the municipality and not on the outsiders. This is, however, an attempt, Sir, to find money from people who are not morally responsible, for paying these things, and I think this is in fact too objectionable a principle to be given countenance to by the members of this House. It is different in the case of local boards. The roads are all outside the municipal limits and the people use a considerable length of these roads and there may be some reason to call on them to pay a higher tax. But what about the municipality? Cart-owners come there for a day or half a day and spend there a few hours and go away, and I think it is enough to punish them with a payment of three annas. I say punishment because there are some municipalities which are so badly managed that one feels it a punishment to live in them for even a short time. I am strongly against any increased taxation being imposed on these people."

Mr. B. MUNISWAMI NAYUDU :—"Mr. President, I rise to support the motion. The object of the Bill is to give power to municipalities to tax to the extent of four annas with a view to increase their resources. I may state to the Council that the particular municipal council to which I belong has not raised the taxation and it will not be possible at all to do so for the present. But the question is whether the municipalities which have been already enjoying the taxation at four annas can make both ends meet by any reduction under this head. Secondly, this Council will also remember that the chances of the municipalities being aided by the Government, or from its revenues, at any rate for this year, or for the year to come, have not been very encouraging, having regard to the way in which the municipalities have been suffering from want of funds. In these circumstances, is it fair to the municipal councils to deny this when they want more money for various purposes and when the taxation is inadequate? In these circumstances, power is asked to be given to the municipalities to tax to the extent of four annas and it will be open to the individual municipalities either to raise it to the maximum or not.

"One objection that has been raised is that under the old Act there was a division of the carts into two classes, laden and unladen, and then it was possible to tax unladen carts at a lower rate than the laden carts. Sir, I may state that there is absolutely nothing in the Act as it now stands to prevent any particular municipal council to resort, in fixing the rates under these conditions, at a certain rate for laden carts and another for unladen carts. I think it is a wrong view to take that unless the Act definitely says that so much can be levied for laden carts and so much for the unladen carts, the Council has no power to make a distinction. The Council has got ample powers even now to fix varying rates between laden and unladen carts. Of course if any municipal council has not done its duty properly in regard to this, it is certainly in the hands of the constituency to see that it is done.

"Another objection is as regards the point raised by Mr. Ranganatha Mudaliyar that it would be unfair to persons coming from non-municipal areas that they should be made to pay four annas or a higher taxation, merely because they come and stop in the municipal area for a few hours. Sir, he evidently forgets that in fixing all these toll-gates, there is always an arrangement come to between the municipalities and the district boards for distributing the amount of income that is got from these toll-gates and also when a toll-gate is fixed in a

municipal limit, a district board will be prevented from fixing another one within 20 miles; so that it is necessary to make such an arrangement between a district board and a municipal council."

Mr. A. RANGANATHA MUDALIYAR (*interrupting*):—"It is not 20 miles, Sir, I think it is 10 miles."

Mr. B. MUNISWAMI NAYUDU (*continuing*):—"I do not know what it is exactly, but whatever it may be, whether 10 miles or five miles, the income that accrues from these tolls would be one that benefits both the district boards and the municipalities. Of course, with regard to the question that has been raised recently that, under the construction of the new Act, a municipal council is not bound to make any contribution, it has been ruled by the Government that it is bound. So, that is not a valid ground of objection.

"Then my friend Mr. Krishnan Nayar said that simply because the district boards have adopted the maximum rate, that is no reason why the municipalities also should do that, and I would draw the attention of the Council to the remark that only presidents of district boards spoke in favour of it. To this I would only say, Sir, that it is only the wearer who knows where the shoe pinches. I submit, Sir, that this is a case in which persons who are in charge of the administration feel the necessity for further taxation. The only way in which they can do it is either by raising taxes, or by getting more money from the Provincial Government. If the Provincial Government would not give it, I do not know if the local bodies should not take to any taxation at all. Therefore the municipal councils will have to be given sufficient power to raise taxation if necessary.

"Then it was said that this must be brought in the form of a Bill to be introduced by the Government. I would only submit that this is not merely a provincial revenue, but it is a local revenue, and it is for the municipalities to determine whether they want further taxation or not, and if the honourable the mover, as representing a municipal council, has thought fit to introduce it, I submit, Sir, that it is certainly competent for him to bring this Bill.

"For all these reasons, I heartily support the motion, and I would strongly urge upon the members of this Council to view it from the point of view of members who are in charge of the municipal administration"

Mr. S. SRINIVASA AYYANGAR:—"Mr. President, I agree with my friend Mr. Krishnan Nayar in the convention which he seeks to establish that it is only for the Government to take upon itself the responsibility of bringing in a measure which involves an addition to the existing taxation, whether that taxation is provincial or local. I entirely agree with that view and would only hope that the Council would set that example by defeating the motion which has been made. Of course there is no law to prevent that, but that it is a wholesome convention, and the responsibility should be shouldered by the Government, whether the taxation is local or provincial.

"In the second place this District Municipalities Act was most carefully examined, and all its provisions, I am sure, were settled after the most elaborate consideration only last year (1920), and I think this department was presided over, if I mistake not, by you, Sir (referring to the Hon'ble the President), and I do not agree with Mr. Richards in his observation that this was overlooked. He talked about fairness, but there were members who were presidents of district boards in the older select committees under the older dispensation, and in fairness to them I think they were not less careful as far as I have noticed. Therefore, what I would venture to submit is that we must presume—and it must be an irrebuttable presumption—that this Bill, which must have been according to

practice carefully examined in the office, again and again hung up for years and then brought up by the Department again before the Council and passed, must have received most anxious consideration of all the members of the older Legislative Council, who, I am sure, were equally experienced in municipal affairs and dealt with this matter most carefully. And now what is the necessity for amending upon this point this Bill which was passed only last year? That seems to me going back upon the very good object with which it presumably was passed by the old Council. I do not at all agree with Mr. Richards in his view that it was done through oversight by the draughtsmen. But where is the authority for it? Was it ever suggested by anybody? I think, in justice to those persons who were in charge of the Municipal Secretariat, I must say that they must have looked into the matter very carefully and I am not willing to assign to them any kind of blame, even though the blame be only one of oversight. I have some experience of the Legislative Council in connexion with municipalities, and I know the deep interest which every member of the Select Committee used to take in these matters and, therefore, I say they must have considered this point very carefully, and they deliberately reduced it to a uniform rate of three annas, instead of four annas for the laden and two annas for the unladen carts. Therefore, the change, which was a deliberate one, must have been come to after the most anxious consideration.

"In the next place, while I sympathise very much with the remarks made by Mr. Richards and Mr. Muniswami Nayudu that the municipalities must be advanced funds and they must get funds either by additional taxation, or from the provincial funds, I should suggest that the only way to do is by cheapening the municipal expenditure, by making these institutions very much less costly."

The Hon'ble the PRESIDENT:—"Order, order. I think the Honourable Member is gradually going away from the point. If the Honourable Member is going to talk generally about expenditure, it seems to me that that has not got much connexion with raising the tolls from 3 annas to 4 annas."

Mr. S. SRINIVASA AYYANGAR:—"Well, Mr. President, I bow to your ruling. I am not going to speak further upon that. My submission is that there is absolutely no necessity made out for this Bill. I do not think it is right that a taxation of this description should be added by means of tolls. I agree with Mr. Krishnan Nayar as to the undesirability of resorting to taxation by means of tolls. I also agree with Mr. Ranganatha Mudaliyar who contended that this burden should not be inflicted. He strongly pointed out that people who are outside and who bring in their carts are made liable to pay a tax for the benefit of men living in the municipal area. Upon these grounds, I most emphatically object to this Bill."

4-15 p.m.

Mr. N. A. V. SOMASUNDARAM PILLAI:—"I beg to support this motion. It is those who are really connected with the working of municipal councils who can find out the difficulties thereof. It is all very well to say that people who live within the municipal limits and they alone must pay for the municipal expenses. But so far as the carts that enter the municipalities are concerned, they come there to supply grains or other articles to be sold within the municipal area, or they carry persons who have got to transact business within the municipal limits. In these circumstances there is absolutely no objection to tax such people or such persons who bring articles for sale within the municipality. As a matter of fact, by reason of several carts entering into the municipal limits, the roads within the municipal limits get spoiled and damaged. The cost of materials, the cost of labour and the cost of maintaining roads have grown enormous and for this purpose it is very necessary that the carts entering into the municipality should contribute. There

was a technical objection taken that because this motion is not made by the Government and is made by a private member it ought not be considered. It has got the entire support of the Government as stated by Mr. Richards, and there is no objection on that ground. With regard to the tolls that are now proposed to be imposed we have to see whether the tolls are really heavy and cannot be borne by the cart owners. These cart owners charge a heavy hire for the cart. Originally they were charging about an anna per mile; now they charge about two or three annas and the persons that come in these carts easily pay, and in selling the articles they bring for sale, they take into account the amount due for the cart hire. The persons within the municipality purchase these articles, and they have to pay for them. As a matter of fact, this levy of four annas is practically borne not by persons coming from outside but only by persons residing within the municipalities. In these circumstances, seeing that the finances of the municipalities have to be supplemented in some way or other, either by local taxation or by grants from provincial revenues, and seeing that it is a matter which ought to be borne by the cart owners, there can be no objection at all for enhancing the toll from three to four annas. With regard to the distinction that was sought to be made between laden and unladen carts, as a matter of fact most of the carts that enter the municipalities are laden. Even the carts going out of the municipalities take some articles in exchange. Even if they do not come laden there is generally a hitch between the toll gate-keeper and the cart man, the former saying that there is some article in the cart that will make it laden. So a uniform rate of four annas for all carts laden or unladen is quite reasonable, and with these words I beg to support the motion."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"Mr. President, I beg to oppose the motion that has been made by the Hon'ble Mr. Siva Rao. The motion can be considered in two aspects, and I propose to confine myself to only one. The two aspects that I have in my mind are whether it will be desirable that a private member such as my honourable friend should trouble himself to bring forward a motion like this. And the second aspect is whether on the merits the motion is one that deserves the support of this House. On the latter point some arguments have already been advanced before this House, and I do not want to in any way trouble the House with any arguments of mine in that direction. With reference to the first point, I feel, Sir, that a question of grave importance is involved in this House allowing this motion to be brought by my honourable friend. It is not that this House is in any way unsympathetic to particular limbs of the Government for the purpose of carrying on the general administration of the country. There is a department which is under a responsible minister who is in touch with the needs of the department and the various local committees or municipalities or boards which are connected with that department; who must, therefore, know what exactly is required to be done by way of raising taxation or finding funds in connexion with that department. The responsibility, Sir, is entirely his and he has greater facilities and opportunities of knowing what particular sources could be tapped and how exactly the needed revenue could be found. And I think it will be a very undesirable sharing of responsibility by private members with the Minister who is in charge of this department, if they should propose to him or should put before the House motions intended to supplement the finances which are under the control of the Minister. The case would be different if there was anything in a particular municipality which was within the special cognisance of particular members of this House, and if the particular case required the raising of funds intended to meet the wants of that particular municipality. As a matter of fact, Sir, nothing of that

kind has been urged. And in this particular case, I am fortified by the fact that the Government itself is prepared to support the Bill. For this reason, Sir, there is nothing to prevent the Government from putting forward a Bill of their own, containing provisions similar to this Bill which will be considered on its own merits. We are on the threshold of the career of reformed councils and we have to be very careful before we create precedents which will become very dangerous in their character as time passes on. This is a matter I wish that the Council will consider before it makes up its mind to accord its assent to this motion being brought before this House. I may say, Sir, that there is a great deal of wisdom in restricting responsibility for the carrying on of the administration of particular departments to Ministers or Members of Government who are in charge of them. The function of the others may be to suggest ways, but the responsibility for carrying out the administration, for doing all that is necessary, must be solely and undividedly the responsibility of those who are in charge of these departments, and it will be perfectly competent, once this motion is carried, for Members of Government or Members of the Cabinet to come forward and say that even if they have not shown themselves equal to the work that has been entrusted to them, it was competent for the private members of this House to come forward and suggest ways and means by which the administration could be carried on. That will be I submit, Sir, a very undesirable state of things to be brought into existence and in these circumstances I am bound to oppose this motion that is now before the House."

Mr. B. P. DEVARAJULU NAYUDU:—"Mr. President, Sir, I beg to support this resolution for this reason. My hon'ble colleague Mr. Krishnan Nayar was saying that last time when there was a similar resolution passed in regard to the local boards, several of the district board presidents spoke on the occasion and carried the House by their persuasion. I stand here as a councillor and I wish to speak as a councillor interested in the welfare of the municipalities. In fact as representing the council there could be no question that I am not alive to the consequence of the situation, viz., the increase of taxation. I think that if people living in the local board areas can benefit themselves by four annas toll, I cannot see any reason why the people who live in municipal areas should not equally benefit by such an increase. The people of the taluks get into the municipal limits and sell their wares and realize profits. If it is a point that has to be looked from a peoples' or rate-payers' point of view, I think the rate-payers in the municipal limits have a right to ask the people who are in the taluks to pay the same amount which people in municipal limits are compelled to pay when they go out of the municipal limits. I do not understand why there should be one rule or rate for taluk boards and another for municipalities in this matter. It is no doubt a fact that municipalities are hard hit by the introduction of three annas rate. Apart from viewing the question as a case of mere increase of taxation or not I think equity requires that so long as the taluk people come and enjoy the benefits supplied to them by the people who are in the municipalities, the latter have a right to tax the former to the same extent. I really cannot understand why the municipalities should be denied this equity. At the same time one can very well understand what amount of damage is generally done, what amount of nuisance is caused by people coming from outside if one can only see the condition of the important roads and markets where these people come and sell their commodities and realize how much extra attention has to be paid and money spent to maintain and keep these resorts in proper condition. Under these circumstances I do not understand why the municipalities should not insist upon the taluk or outside people to pay them as much as they expect others to pay when these get into their

jurisdiction. For this reason I strongly support the resolution that in the interest of the people of the municipalities they should also have the benefit of this increase in the amount for keeping their roads and other places in a proper condition."

Mr. T. SIVASANKARAM PILLAI:—"Sir, I rise to support this motion. I am sorry to say that the opposition to the Bill is not in consonance with the spirit of the times. We are living in an age of decentralization and self-determination is much in the air. Here is a municipal chairman who comes forward and says that the municipalities shall have the tolls raised. I do not see any force in the argument that such Bill should emanate from the Member for Government. The Government Member in the department of Local Self-Government is a representative of the people and is on a par with the honourable mover of this Bill in a double degree, if I may say so.

4-30 p. m.

"After all the object of the Bill is to give power to municipalities to regulate their taxes. There has been an all-round increase in expenditure of these local bodies. Even ordinary people are required to pay more in every walk of life. As Mr. Somasundaram Pillai rightly pointed out, even cart-owners themselves are charging high rates. The municipality is only a house-keeper on a larger scale. It has to meet the increase in expenditure year in and year out. If they are not given facilities we cannot blame them for incompetency. All that the Bill aims at is to give the power to municipalities to levy the enhanced toll if they like. Of course it is open to each municipality to levy this enhanced rate or not to levy. It is perfectly open to any municipality to refuse to levy the same. But it is not open to this Council to say that only this much shall a municipality levy and no more. For these reasons I support the motion."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, during the course of this debate reference has been made by some honourable members to the fact that when the Government introduced a Bill regarding the district boards for the enhancement of the tolls to the maximum limit, no objection was raised in this Council and that it is strange that when a similar motion is made by a private honourable member for the benefit of the municipalities, there should be opposition in this House. Sir, I wish to point out the difference between the local boards and municipal councils with respect to the toll taxation. In the case of local boards, it can be safely asserted that the taxes are paid by the inhabitants of the local board areas. They have got their own representatives in the local boards and it is just and reasonable that full latitude should be given to the district board members to determine the rates, the council having fixed a maximum limit. In my humble opinion, the same conditions do not arise in the case of municipalities, because in the case of municipalities the tolls are levied by the municipal council not upon its own constituency, not upon its own inhabitants but upon the inhabitants of rural areas—strangers to municipal councils. But so far as the local board is concerned, it is levying taxes on its own inhabitants. Therefore the question requires very careful examination from this point of view.

"It was stated that full liberty should be given to municipalities to raise their own taxes. Now, Sir, my humble submission is that if it is a tax to be raised by the municipality from its own inhabitants, I do not think there is the least objection for its scrutinising very closely the maximum limit of taxation. But as long as the municipalities have to collect their toll income from outsiders, I think every municipality will be ready and willing to levy the maximum tax. They are not subject to public opinion. They are not the persons who pay it. Under the circumstances, this requires very close examination.

"I wish to present to the Council one other aspect of the question. First of all when the District Municipalities Act was passed the difference between laden and unladen carts was done away with. The former schedule contained this distinction and the present schedule does not contain this distinction. In the ordinary course we are expected to construe this wilful omission of that distinction in the present schedule as restricting the discretion of the municipalities to make any distinction in the matter of laden and unladen carts. Of course it was asserted by one of the honourable members during the course of this debate that such a liberty has still to be exercised by the municipal council. For myself, I extremely doubt whether such a course is open to the municipalities and it is more for the Hon'ble the Advocate-General to advise this House whether such a construction is possible or not. If I remember aright the distinction was made in that schedule under the impression that most of the carts that get into municipalities will be laden carts and it is not at all material to retain the distinction between laden and unladen carts. In the case of the Local Boards Act, the schedule was merely copied and what construction has to be placed in both cases is not an easy thing to assert and I do not think we can come to any conclusion on that basis. As long as that proposition is not authoritatively laid down, it is not safe for this Council to accept the construction now attempted to be placed upon the deliberate omission made by the former legislature. With these words, Sir, I wish to oppose this motion."

Mr. S. T. SHANMUKHAM PILLAI:—"Sir, I rise not to oppose but to support this motion. The rate of toll may be raised to four annas if it is found to be absolutely necessary to do so. But I wish to press on the attention of the Council one important fact, namely, that it works a great hardship on the people when they are called upon to pay double taxes, one to the municipalities and another to the local boards one and the same day and within a few miles. I think in such cases the carts should be exempted from the payment of the municipal tax. It causes a great hardship to owners of wheeled traffic to pay a tax a second time to the municipality merely for the sin of crossing the municipal limits on the same road. As it is a question of raising the rate I am mentioning this hardship to the Council for the very same reason, even a union may claim a right to levy a tax for the third time on the same road and on the same day and within a few miles' distance."

Mr. S. SOMASUNDARAM PILLAI:—"Mr. President, this question has two sides. From the point of view of the cart-owners, it is highly objectionable to raise the tolls; but from the point of view of the finances aspect of the municipalities, it is very reasonable. Of course municipal taxes are always in proportion to the benefits that people derive. But the cart-owners do not derive any benefit excepting the driving of carts along roads which are some times very dangerous. The district boards are kind enough to give greater facilities to the carts, though the man himself is not much benefited. On the other hand if the taxes are increased, greater facilities will be afforded to the municipalities and there will be more efficient administration than at present. Otherwise, it will be difficult for the municipalities to get on with the amount that they get from the people. Of course, I really pity both parties. The unfortunate cartman has got to pay increased tolls. However as the municipal administration cannot be managed properly unless there is proper income, all people must share the burden of the expenditure. The cartman has no business to go there if he is not willing to share the difficulties with the municipal authorities. So I support this motion."

[The Hon'ble Mr. P. Ramarayaningar] [13th October 1921

The Hon'ble Mr. P. RAMARAYANINGAR :—"Sir, I have listened to the debate on the motion of Mr. P. Siva Rao and I have no doubt he has made out a strong case for enhancing the maximum rate of the toll-fee. Some honourable members who took part in the debate raised an objection to the motion on the ground that a private member cannot introduce a Bill for the levy of taxation. There seems to be some force in the objection. It may not be sound in principle to allow a private member to introduce a Bill for levying taxation. This objection if it is an objection that can stand ought to have been taken at the time when leave was sought to introduce the Bill. That was not done. Leave was granted for the introduction of the Bill. At this stage I think it is better that the discussion is allowed to go on and to leave the final decision to the sense of the House. I therefore support the motion."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, I should like to make a few observations on this matter not necessarily to examine the merits of this proposal but purely from the established conventions in this Council. The other day the Hon'ble Mr. Whyte in dealing with this question referred to the desirability of establishing sound conventions in our Legislative Councils. It is true that we are not obliged to follow slavishly every convention of the House of Commons but it is a fundamental principle that in the matter of taxation those who are responsible for these proposals should be those who are in charge of the administration. If any other course is adopted, I am afraid that some other member might come forward with a proposal that the schedule relating to the profession taxes should be amended because a certain municipality is in want of funds. Again it is quite possible that somebody else might come forward with a proposal to enhance the house-tax because a certain other municipality is in need of funds. Therefore these are matters of general importance and it is a very sound constitutional principle that such proposal should emanate from the Government member and not from a private member. As this will form a precedent, I want to give my vote against this motion. I am sure that if I give my silent vote now, my honourable friend will turn up and say: you voted for this measure though it was a private member's measure. So far as I am concerned, I feel strongly that my honourable friend should have taken the responsibility of introducing this measure as he did in the case of local boards. I do not understand why the obvious course was not taken by the Government and why it was left to a private member to bring forward such a measure. Therefore, I must give my vote against this motion certainly not for want of sympathy to the municipalities. As my honourable friend Mr. Richards pointed out, it is altogether unsound to throw away resources in this country such as the levying of tolls. I would therefore appeal to the House to make sound constitutional conventions. I have nothing to say on the merits of the Bill itself."

The President then rose to put the question.

Mr. P. SIVA RAO :—"I want to reply, Sir."

4-45 p.m.

The Hon'ble the PRESIDENT :—"You should have done it earlier, I have now risen."

Mr. P. SIVA RAO :—"I thought I would be called upon to reply."

The Hon'ble the PRESIDENT :—"It is an erroneous principle which I should repudiate. It is not my function to call upon the mover to reply. There may be cases in which an honourable member may not care to reply. It is no function of mine to ask what his wishes are and I cannot possibly take up that function. The

13th October 1921] [The Hon'ble the President]

Bill had been discussed for some time; and it was open to the honourable mover to have risen to reply if he had any wish to do so. Once I have risen to put the motion to the House no honourable member will be in order in attempting to stay my action. That will be an irregularity."

The motion that the Bill be read in Council was put and carried. A poll was then taken with the result that 66 voted *for* and 20 *against* it.

The following voted *for* the motion :—

1. The Hon'ble Sir Lionel Davidson.
2. The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
3. The Hon'ble Mr. K. Srinivasa Ayyangar.
4. The Hon'ble Mr. A R. Knapp.
5. The Hon'ble Mr. P Ramarayaningar.
6. The Hon'ble Rai Bahadur K. Venkata Reddi Nayudu.
7. The Hon'ble Rao Bahadur A. P. Patro.
8. Mr. F. J. Richards.
9. ,, C. W. E. Cotton.
10. ,, R. Littlehailes.
11. ,, E. Periyanayakam.
12. ,, P. Subbarayan.
13. ,, A. Ramaswami Mudaliyar.
14. ,, S. R. Y. Ankinedu Prasad Bahadur.
15. ,, Appala M. Narasayya Nayudu.
16. ,, R. Appaswami Nayudu.
17. Rao Bahadur T. Balaji Rao Nayudu.
18. Mr. B. P. Devarajulu Nayudu.
19. Rao Sahib P. C. Ethirajulu Nayudu.
20. Mr. K. Gopalakrishnayya.
21. Diwan Bahadur Sir P. Tyagaraya Chettiyar.
22. Diwan Bahadur R. Venkataratnam Nayudu.
23. Mr. T. A. Ramalinga Chettiyar.
24. ,, O. Tanikachala Chettiyar.
25. ,, B. Muniswami Nayudu.
26. ,, M. Narayanaswami Reddi.
27. ,, C. Natesa Mudaliyar.
28. ,, V. Pakkiriswami Pillai.
29. ,, P. T. Rajan.
30. ,, Ramayya Punja.
31. ,, K. Sarabha Reddi.
32. ,, L. C. Guruswami.
33. ,, A. M. MacDougal.
34. Mr. S. T. Shanmukham Pillai.
35. ,, Saundara Pandia Nadar.
36. ,, R. K. Shanmukham Chettiyar.
37. ,, T. Somasundara Mudaliyar.
38. ,, N. A. V. Somasundaram Pillai.
39. ,, S. Somasundaram Pillai.
40. Diwan Bahadur K. Suryanarayana Murti Nayudu.
41. Mr. A. Tangavelu Nayagar.
42. ,, T. C. Tangavelu Pillai.
43. ,, V. C. Vellingiri Goundar.
44. ,, W. Vijayaraghava Mudaliyar.
45. ,, P. Siva Rao.
46. Rai Bahadur T. M. Narasimhacharlu.
47. Mr. T. Sivasankaram Pillai.
48. ,, K. V. Ramachari.
49. ,, M. Suryanarayana.
50. ,, M. D. Devadas.
51. Rai Sahib E. C. M. Mascarenhas.
52. Mr. A. T. Palmer.
53. Rao Sahib P. Venkatarangayya.
54. Raja of Ramnad.
55. Sri Meka V. Apparao Bahadur.
56. K. Prabhakaran Tampan.
57. The Rev. W. Meston.
58. Mr. Abbas Ali Khan Bahadur.
59. Saiyid Diwan Abdul Razac Sahib Bahadur.
60. Khan Sahib Muhammad Abdur Rahman Sahib.
61. Munshi Muhammad Abdur Rahman Sahib.
62. A. D. M. Bavoiti Sahib.
63. Hamid Sultan Marakkayar Sahib.
64. Saiyid Ibrahim Ravuttar.
65. Muhammad Sadulla Badsha Sahib.
66. Muhammad Usman Sahib.

The following voted *against* the motion :—

1. Mr. K. Adinarayana Reddi.
2. Rao Sahib S. Ellappa Chettiyar.
3. Mr. K. P. Gopala Menon.
4. ,, K. A. Kanlaswami Kandar.
5. ,, A. T. Muttukumaraswami Chettiyar.
6. ,, P. Venkatasubba Rao.
7. Diwan Bahadur M. Ramachandra Rao Pantulu.
8. Mr. S. Srinivasa Ayyangar.
9. Diwan Bahadur L. A. Govindaraghava Ayyar.
10. Diwan Bahadur M. Krishnan Nayar.
11. Rao Bahadur A. S. Krishna Rao Pantulu.
12. Mr. C. V. S. Narasimha Raju.
13. ,, A. Ranganatha Mudaliyar.
14. ,, K. Sadasiva Bhat.
15. Sriman Sasi Bhushana Rath.
16. Mr. R. Srinivasa Ayyangar.
17. ,, T. C. Srinivasa Ayyangar.
18. ,, C. V. Venkataramana Ayyangar.
19. ,, S. Arpudaswami Udayar.
20. ,, T. Arumainatha Pillai.

The Secretary then read the tittle of the Bill.

Mr. P. SIVA RAO :—"I now move that the Bill be not referred to the Select Committee, for this reason that there is nothing to be referred to the Select Committee. As pointed out by Mr. Muniswami Nayudu this solely provides for the maximum rate. It will be quite open to the municipalities to levy four annas to laden carts and continue two annas in the case of unladen carts. I move that this Bill be not referred to a Select Committee."

Rai Bahadur T. M. NARASIMHACHARLU :—" I second the motion."

The motion was put and carried.

Mr. P. SIVA RAO :—" I request the Hon'ble the President to suspend Standing Order No. 39 and move that the Bill be taken into consideration at once."

Rai Bahadur T. M. NARASIMHACHARLU :—" I second the motion."

The Hon'ble the PRESIDENT :—" I hereby suspend Standing Order No. 39 and I now put the motion that the Bill be taken into consideration at once to the House."

The motion was put and carried.

Mr. P. SIVA RAO :—" I now move that the Bill be passed into law."

Rai Bahadur T. M. NARASIMHACHARLU :—" I second it."

Before the Hon'ble the President put the motion to the House, Mr. S. Srinivasa Ayyangar wanted that the Bill should be put clause by clause.

The Hon'ble the PRESIDENT :—" That is within the discretion of the President."

Mr. S. SRINIVASA AYYANGAR :—" The reason is that there are difficulties in this Bill. For instance sub-section 2 of clause 1 says that the Bill extends to the whole of the Presidency of Madras, whereas the District Municipalities Act of which this is an amendment says that the Act applies only 'beyond the city of Madras.' Then in clause 2 it is said 'there shall be substituted the item.' "

The Hon'ble the PRESIDENT :—" May I know what is the Standing Order under which the Hon'ble Member is addressing me ? "

Mr. S. SRINIVASA AYYANGAR :—" It is rule 48. Unless the President has exercised his discretion, I may point out that there is a necessity not to exercise that discretion and that the Bill should be put clause by clause. I was explaining it."

The Hon'ble the PRESIDENT :—" Is it the wish of the honourable mover that the Bill should be put clause by clause ? I have not yet exercised my discretion in the matter."

Mr. P. SIVA RAO :—" It may be put clause by clause.

" I move that clause 1 be passed into law."

Rai Bahadur T. M. NARASIMHACHARLU :—" I second it."

Mr. S. SRINIVASA AYYANGAR :—" I submit, Sir, that clause 1 should not be passed because it says that it extends to the whole of the Presidency of Madras. The District Municipalities Act says beyond the city of Madras.' Therefore, Sir, I oppose this clause."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I think that sub-clause 2 may be deleted altogether. It is quite unnecessary so far as this Bill is concerned. I find that in the Madras District Municipalities Act, section 1, sub-section 2, expressly states : 'It extends to the territories for the time being administered by the Governor in Council of Fort St. George and situated beyond the city of Madras as defined in the Madras City Municipal Act, 1919.' This is only an amending Act. This provision is not only incorrect but also misleading. So I oppose it ; and move for the deletion of sub-clause 2."

The motion was duly seconded.

Mr. P. SIVA RAO :—" I agree to that."

The Hon'ble the PRESIDENT :—" In view of what has now been said by the honourable members including the mover of the Bill I have to put before the House the motion to delete sub-clause 2 of clause 1 and to omit the mark 1 opposite to sub-clause 1."

The motion was carried.

Clause 1 as amended was then passed.

The Hon'ble Sir LIONEL DAVIDSON :—" May I ask, Sir, if the word 'Preliminary' cannot be omitted ? The amendment is merely verbal. You announced that the clause was passed before I had time to rise."

5 p.m.

Mr. S. SRINIVASA AYYANGAR :—" The clause has been passed."

The Hon'ble the PRESIDENT :—" I think the word 'Preliminary' must stand for the present, as the clause has been passed."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I propose that the House do now adjourn. I extremely regret that this Bill has not been scrutinized in the way in which it ought to have been. If legislation, whatever may be its scope and importance is not properly scrutinized, I do not think that our proceedings will be an example to our successors. It was the duty of the Government to have carefully scrutinized the Bill through their law officers. The Hon'ble Sir Lionel Davidson very properly pointed out that the word 'Preliminary' is quite out of place in a legislative enactment like this. I am really surprised that a Bill to which the Government has been committed should be brought forward and amended on the spur of the moment, and that this legislation should be rushed through this Council in this manner. I therefore move that the House do now adjourn."

Mr. S. SRINIVASA AYYANGAR :—" I beg to second the motion."

Mr. P. SIVA RAO :—" The motion that this Bill may be taken into consideration has been passed. I do not think that the objection is in time."

The Hon'ble the PRESIDENT :—" I have put the first clause to the House and it has been passed. A motion for adjournment may of course be made at any time. But the House will have to note that, when it meets again, it will have to take up clause 2 only. It must take up the Bill where we are now leaving it. I will put to the vote the motion that the House do adjourn."

Mr. T. A. RAMALINGA CHETTIYAR :—" I am unable to understand why this motion was made. Is it a vote of censure on the Government for failure to scrutinize the Bill ? Or is it intended as a protest against the framer of the Bill ? I may say at once that I am not familiar with the procedure of the House of Commons ; but from what I have read of it I do not know whether such motions are made in the House of Commons. But looking at it as a member of this House it seems to me that it is waste of time of the members and of the Government also to propose motions like this. We have discussed the Bill. And I do not think that a motion like this at this stage is reasonable at all. So far as the procedure is concerned, I think it is likely to be more obstructive than anything else. It is likely to create bad feeling. So I oppose the motion for adjournment."

The Hon'ble Sir LIONEL DAVIDSON :—" May I rise, Sir, pending your ruling whether a discussion on such a motion for adjournment is allowed ? Personally I think it is open to any one to oppose the motion and give his reasons for doing so. If that is so, I have a solution to suggest which will cover the whole difficulty. If you refer to Standing Order No. 49, you will find these provisions—possibly I am anticipating what the President would have said—

'(2) If any amendment be made any member may object to the passing of the Bill at the same sitting.

(3) Where the objection prevails, the Bill shall be brought forward again at a future sitting; and may then be passed with or without further amendment.'

"I propose therefore to object to the passing of the Bill now and when it comes up at a future sitting I shall be able to secure the omission of the word 'Preliminary' before it is finally passed."

The Hon'ble Mr. P. RAMARAYANINGAR:—"A word of explanation, Sir. It is said that the Government have been negligent and have not scrutinized the Bill. The Bill was introduced as a private measure by Mr. Siva Rao. Neither at the time when leave was granted nor at the time when it was introduced was it known to the Government that it would not be referred to a Select Committee. If it had been referred to the Select Committee, there would have been an opportunity for the Government to scrutinize the Bill. The motion that it should not be referred to the Select Committee was passed by the Council including Mr. Ramachandra Rao. That being so, I do not understand why Mr. Ramachandra Rao should level this criticism against the Government. So, Sir, in these circumstances he is not justified in making the motion for adjournment."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I am afraid the Hon'ble Mr. Ramarayaningar and Mr. Ramalinga Chettiyar have misunderstood this motion as a censure against the Government. I wanted to give the Government, Mr. Siva Rao and every member of this Council some time to scrutinize this Bill and see whether it is in a proper form. To go on amending a Bill on the spur of the moment would certainly not be a safe and proper procedure. This is a measure which the Government ought to have initiated, in which case all these troubles would not have cropped up. The Hon'ble the Minister should have introduced the measure into this Council. I want to assure the House that my object was to give Mr. Siva Rao and others some time to consider the draft over night and give them time till 11 o'clock to-morrow."

The Hon'ble the PRESIDENT:—"The honourable member's intentions cannot be carried out if his motion is carried. Under Standing Order No. 48, I am putting the Bill clause by clause. The first clause has been put and passed. In that clause an amendment was brought in and accepted by the House. After the clause had been put to the House and passed, the Hon'ble Sir Lionel Davidson pointed out that the word 'Preliminary' should be removed. Then the Hon'ble Member Mr. Ramachandra Rao rose to move the adjournment of the House. I have no doubt that the House will accept his assurance that his object is to give the Honourable Member for Government and the Hon'ble Member Mr. Siva Rao time to put things in order. But unfortunately they cannot do that. The Standing Orders will have to be carried out. The only way out of the difficulty is to allow Standing Order No. 48 to complete its operation, and then the motion that the Bill be passed into law need not be made. If the Bill is taken up on a subsequent day it will be open to honourable members to bring in further amendments, and I have no doubt that one of the amendments will be to omit the word 'Preliminary' on which we have stumbled. If the Hon'ble Member Mr. Ramachandra Rao's motion that we adjourn is carried out, on the adjourned day, whatever may be the intentions of the honourable member and the Hon'ble the Minister, nothing could be done. I am bound to proceed with clause 2. There are stages in all these things which have to be strictly adhered to. The only object in view being that the Bill should be put on correct lines, I would appeal to Mr. M. Ramachandra Rao to withdraw the motion for adjournment so that I can put clause 2 to the House and then Standing Order No. 49 will come into operation when the

Honourable Member Mr. Siva Rao will at a later stage remove not only the word 'Preliminary' but bring in such other amendments as may be necessary. I hope that my appeal will be listened to."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Yes, Sir."

The Hon'ble the PRESIDENT:—"I am very much obliged to the honourable member. The motion for adjournment is withdrawn. I will now put to the House clause 2 of the Bill."

Mr. S. SRINIVASA AYYANGAR:—"This clause too is not well-worded. I am really unable to understand it. It must read thus:—

2. For the item

	RS.	A.
'On every cart	0	3'

in paragraph 21 of Schedule IV of the Madras District Municipalities Act, 1920, there shall be substituted the item

	RS.	A.
'On every cart	0	4'

This seems to be a mere printer's error. If this is agreed to there will be no trouble."

The Hon'ble the PRESIDENT:—"I suppose I may go so far as to suggest that such verbal amendments can be made later on."

Mr. S. Srinivasa Ayyangar then explained that it was due to the fact that inverted commas were not placed in the proper position.

Mr. P. SIVA RAO:—"I am thankful to the honourable member for pointing out the error. It will be printed correctly."

Mr. C. V. VENKATARAMANA AYYANGAR:—"There was no opportunity given for bringing an amendment. There was no notice about this Bill being referred to a Select Committee. There was no notice at all. Therefore, if you will allow me, Sir, I shall move the amendment." 5-15 p.m.

The Hon'ble the PRESIDENT:—"I think that this question of laden *versus* unladen carts has been discussed at considerable length already. The honourable member's amendment goes to the root of the Bill. I do not think that an amendment like that, going wholly against the principle of the Bill, will be in order at this stage."

Mr. C. V. VENKATARAMANA AYYANGAR:—"All that I say, Sir, is this; on page 5 of the agenda paper there are two distinct items, item VII, Mr. Siva Rao's Bill and item VIII, Mr. Ramalinga Chettiyar's Bill."

The Hon'ble the PRESIDENT:—"I have already said that the honourable member will not be in order."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Then I oppose the motion, Sir. I think that some of those who supported the motion that this Bill might be introduced referred to the fact also that we might go into the old Act."

The Hon'ble the PRESIDENT:—"I am sorry to interrupt the honourable member; but do I understand the honourable member again to go into that question which has already been discussed and voted upon? I must say that ordinarily, when once the House has come to a decision on a subject, it cannot go again into the same

subject. That is a fundamental principle. If the honourable member objects to the Bill as a whole, if I may go so far as to offer my advice to him, the proper thing for him will be to object when the motion that the Bill be passed into law is made. Then he can say 'I don't agree to this Bill being passed into law' and deliver the speech which he is now proposing to do."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"If the President will permit me I wish to submit this: The Bill was discussed as to its principle when it was introduced. Now we are discussing it clause by clause, each individual member can oppose each clause even on the question of principle and he may oppose the whole Bill when it is put. There are thus three stages. Is the right of individual members to oppose the particular clause, when the clause is under discussion, barred because at the general discussion when the Bill was introduced, its principle was discussed?"

The Hon'ble the PRESIDENT:—"It is always easy to put a question; but sometimes it is difficult to give an immediate answer. Of course I understand the honourable member's position. Honourable members will again have an opportunity to oppose the Bill when the motion that the Bill be passed into law is made. But if any honourable member wants again to discuss just now the question of raising As. 3 to As. 4, I do not think he can do so."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I am not speaking of the particular Bill. I am only submitting to the chair whether individual members will be in order in opposing the clause of a Bill when the clause contains the same principle that was discussed at the time of the introduction of the Bill. I only want a ruling on the general question and not on this particular point regarding this Bill."

The Hon'ble the PRESIDENT;—"Of course the honourable member is aware that I am not bound to answer hypothetical questions. But I will have this question examined and give a considered ruling on the subject."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I may be permitted to say one or two words, Sir. The President will also be in sympathy with the minority who oppose the Bill. Are they not entitled to exercise their right of saying what they wish? Supposing I am not sure I shall be in the House taking a case which may or may not occur—when the general question of passing the Bill is taken up, then I shall not be able to say what I have to say. I oppose this clause and I must give my reasons for doing so. It may be that this question has been discussed already. I may possibly raise some other poiuts that were not raised before. I shall be very brief, Sir, if I am permitted to speak."

The Hon'ble the PRESIDENT:—"I assured the Hon'ble Member Mr. C. V. S. Narasimha Raju that I would examine the general question and give a ruling. So far as this particular point is concerned, I am quite convinced that the honourable member will not be in order if he speaks again on this question of raising As. 3 to As. 4 and I beg of him to accept this ruling."

Mr. C. V. VENKATARAMANA AYYANGAR;—"I suppose I cannot bring in any amendment also when that general question is taken up."

The Hon'ble the PRESIDENT:—"May I suggest to the House that the Council is yet in its infancy? We are all new to our work. I am as new as any other honourable member. Theoretically I am infallible but I am quite conscious of my own infirmities. But I must see that the rules and Standing Orders are worked: otherwise we are bound to break down. I have already promised the Hon'ble

Member Mr. C. V. S. Narasimha Raju to examine his point and give a considered ruling and I have already requested the Hon'ble Member Mr. C. V. Venkataramana Ayyangar not to raise a discussion on a particular matter just now which has been already discussed and voted upon."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I accept the ruling, Sir, I am always ready to bow to your rulings, Sir. I only wanted to know whether I shall be in order at that time to move an amendment."

The Hon'ble Sir LIONEL DAVIDSON:—"I move the following verbal amendment:—

That the following clause be substituted for clause 2 of the Bill:—For the words and figures 'on every cart Annas 3' in clause 1 of paragraph 21 of Schedule IV of the Madras District Municipalities Act, 1920, there shall be substituted the words and figures 'on every cart annas 4'.

"This I think is in accordance with the usual drafting practice. It merely puts into a regular form the substance of the honourable member's clause 2."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I second it."

The amendment was put and carried.

Clause 2 as amended was put and carried.

Mr. P. SIVA RAO:—"I move that this Bill may at once be passed."

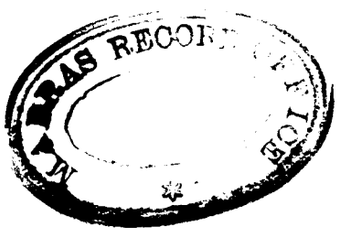
Mr. R. K. SHANMUKHAM CHETTIYAR:—"I second it."

The Hon'ble Sir LIONEL DAVIDSON:—"I object, Sir."

The Hon'ble the PRESIDENT:—"Standing Order No. 49 gives the President discretion, when an amendment has been made, either to allow the Bill to be passed at once or not to allow it. I am not prepared to use my discretion in favour of having this Bill passed into law at once. That motion cannot be put now."

The Council then adjourned at 5-30 p.m. to meet at 11 a.m. on Friday the 14th October 1921.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.



The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Friday, the 14th day of October 1921, the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E., President, presiding.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions, and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Survey of zamindari villages.

821 *Q.*—Mr. M. APPALANARASAYYA NAYUDU : To ask the Hon'ble the Member for Revenue to state—

(*a*) whether, when zamindari villages are surveyed under the Survey and Boundaries Act, IV of 1897, any portion of the cost of survey is recovered from tenants ;

(*b*) to whom the survey records, i.e., land plans and land registers, are handed over after completion of survey ;

(*c*) if they are handed over to the zamindar, whether any rules exist to enable tenants to obtain public or private copies of the said survey records after they are so handed over to the zamindar ;

(*d*) if no such rules exist, whether the Government will consider the point and see that necessary arrangements are made to facilitate tenants getting public or private copies from the zamindars through Government officers ; and

(*e*) whether it is a fact that at present the survey of inam villages in zamindaris is made without consulting the inamdars concerned and without their application ; and, if so, whether the Government have any objection to consult the wishes of the inamdars in future.

A.—(*a*) The attention of the member is drawn to section 20 of the Madras Survey and Boundaries Act, 1897.

(*b*) The survey records are handed over to the zamindars after completion of the survey.

(*c*) There are no such rules.

(*d*) The suggestion will be considered.

(*e*) The attention of the member is drawn to section 17 of the Survey and Boundaries Act of 1897 and to section 164 of the Estates Land Act of 1908.

Sri M. V. APPA RAO Bahadur :—"Will the Government be pleased to say if they have received any complaint from the tenants that they are not given any copies after the records are handed over to the zamindars ?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I am sorry, Sir, I cannot answer that question off-hand."

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Zamindari irrigation tanks in Ganjām district.

822 Q.—Mr. M. APPALANARASAYYA NAYUDU: To ask the Hon'ble the Member for Revenue—

(*a*) whether it is a fact that private zamindari irrigation tanks in the Kallikota and Attagada estates of the Ganjam district were repaired from Government funds to the extent of several lakhs in the last famine of 1919 and 1920;

(*b*) to state the amount of money so spent from Government funds;

(*c*) whether the said amount has been or will be recovered from the zamindar, and, if not, why not; and

(*d*) whether the said repairs were made under the orders of the Government.

A.—(*a*) & (*b*) Fifty-five irrigation works were repaired in the two estates by famine labour during the famine of 1919. The total sum expended was Rs. 7,03,331. But this includes the cost of relief to dependants of workers also. The exact amount spent under the heads (1) works and (2) relief of dependants cannot be ascertained without considerable expense.

(*c*) The question of recovery is under correspondence.

(*d*) Yes.

Tree-tax for tapping toddy.

823 Q.—Diwan Bahadur C. ARUNACHALA MUDALIYAR: To ask the Hon'ble the Minister for Education (Excise)—

(*a*) whether it is a fact that the tree-tax for tapping toddy in Chingleput and Tinnevelly districts was raised by 25 per cent;

(*b*) to state the reason why it was raised;

(*c*) whether it has affected the rentals of the year, and, if so, how;

(*d*) to state the rentals realized by the Government in the recent auction as compared with the previous year in the Chingleput district for every taluk; and

(*e*) to state the amount that will be realized by the raising of the tree-tax by 25 per cent.

A.—(*a*) Yes.

(*b*) The main object is the control of consumption.

(*c*) It is not possible to estimate the effect of each factor affecting the sales in the year.

(*d*) A statement is given below:—

Name of taluk.	Rentals realized for lease 1920-21.	Rentals realized for lease 1921-22
	RS.	RS.
Conjeeveram	1,45,044	1,24,800
Chingleput	1,13,220	92,208
Madurantakam	72,984	51,144
Tiruvallur	67,860	49,908
Ponneri	1,32,312	87,240
Saidapet	2,77,560	2,32,440
Sriperumbudur..	95,400	65,460
Total ..	9,04,380	7,03,200

The figures for the lease 1921-22 are only provisional.

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(*e*) The maximum amount will presumably be 25 per cent over the tree-tax of last year, but the actuals may be much less than this.

Preliminary reports of persons to be assessed.

824 Q.—Diwan Bahadur C. ARUNACHALA MUDALIYAR: To ask the Hon'ble the Member for Finance—

(*a*) whether it is a fact that revenue inspectors and village munsifs are primarily responsible for sending in preliminary reports of persons to be assessed to income-tax and that, if so, it gives room for extortion and injustice; and

(*b*) whether the Government propose to issue orders that revenue inspectors and village munsifs should not be allowed to send in preliminary reports for the assessment of income-tax.

A.—(*a*) & (*b*) Revenue inspectors and village munsifs are generally responsible for sending preliminary reports of persons who are liable to be assessed to income-tax.

The Board of Revenue has already issued instructions that the reports of village officers and other subordinate officials should not be accepted without verification but should always be checked by the independent and systematic enquiries of a superior officer not below the grade of deputy tahsildar, and that, where possible, the village officers' agency should be dispensed with altogether for income-tax purposes. The Government do not consider that any further orders on the subject are required.

Willingdon Spinning and Weaving Mill Company.

825 Q.—Diwan Bahadur C. ARUNACHALA MUDALIYAR: To ask the Hon'ble the Member for Revenue to state—

(*a*) what the Government propose to do with the reserve forest lands given to the Willingdon Spinning and Weaving Mill Company, now that the said mill is being wound up; and

(*b*) whether the Government cannot consider the desirability of handing over these forests, converting them into grazing porambokes, to the adjoining villages.

A.—(*a*) The Government have decided to sell the land by auction in suitable plots subject to a reserve price.

(*b*) The answer is in the negative.

Recruitment to the Imperial Forest Service.

826 Q.—Diwan Bahadur C. ARUNACHALA MUDALIYAR: To ask the Hon'ble the Home Member to give the names of persons who applied for the Imperial Forest Service from this Presidency during this year; also their qualifications and their community, whether Brahman, non-Brahman, Christian or Muhammadan; and to give the names of selected candidates and the communities to which they belong.

A.—Applications were received from twenty-one candidates. Out of these the following five persons only possessed the qualifications prescribed by the Government of India. Nos. 1 to 3 in the list were finally selected by the Government of India—

Name.	Community.	Qualifications.
1. N. Anantanarayanan.	Brahman ..	B.A. (Honours), ii-A. Science.
2. C. R. Ranganathan ..	Do. ..	B.A. (Honours) Chemistry (First in Presidency).
3. M. Kesavannunni Nayar.	Non-Brahman.	B.A. (Honours) Zoology.
4. R. Ramaswami ..	Brahman ..	B.Sc., Chemistry (Mysore).
5. B. Gopalakrishnamurti.	Do. ..	B.A., ii-B. Physical Science I Class and first in Presidency in Chemistry.

Muhammadan Revenue Inspectors for appointment as Sub-Magistrates.

827 *Q.*—Mr. A. D. M. Bavotti Sahib: To ask the Hon'ble the Member for Revenue whether, with reference to the interpellation 299 (*b*) put by me at the meeting of the Council held on 5th August 1921 and the answer given thereto by the Hon'ble the Home Member, the Hon'ble the Home Member will enquire whether there are one or more Muhammadan revenue inspectors in the Malabar district qualified for appointment as sub-magistrates.

A.—The Government do not consider it necessary to call for the information.

Tellicherry station platform.

828 *Q.*—Mr. A. D. M. Bavotti Sahib: To ask the Hon'ble the Home Member to state—

(*a*) whether inconvenience is felt by passengers at the Tellicherry railway station on account of there being no overbridge on the platform as a short cut to the bazaar, and to public offices and important houses; and

(*b*) whether the Government cannot issue necessary orders to provide such an overbridge.

A.—(*a*) Yes.

(*b*) The question will be brought to the notice of the Railway Administration.

Scholarships for Mappilla students.

829 *Q.*—Mr. A. D. M. Bavotti Sahib: To ask the Hon'ble the Minister for Education to state—

(*a*) how many scholarships per annum and of what value are being held by Mappillas in high school and college classes respectively in Malabar; and

(*b*) how many scholarships and of what value were held by Mappillas in high school and college classes respectively in the district in 1901 and 1911.

A.—(*a*) No scholarships in high schools and colleges are specifically earmarked for Mappillas. Mappillas are eligible both for special scholarships ear-marked for Muhammadans and for the general scholarships allocated for all classes of the community. Attention is invited to the scholarship notification appearing in the Gazette, especially to the notification appearing on the 23rd August 1921, pages 802 to 803.

(*b*) The information is not available.

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Subordinate Educational Service.

830 *Q.*—Rao Sahib E. C. M. Mascarenhas: To ask the Hon'ble the Minister for Education to state—

(1) what was the average number of years taken by officers of the Subordinate Educational Service (Collegiate branch) in the old scale of pay to reach the maximum of that scale;

(2) whether the revised scale of pay enables them to reach the maximum within the same period, if not, why the period has been lengthened;

(3) whether it is a fact that these officers are all M.A.-L.T.s and whether there is any difference in the nature of the work done by them and that done by the vast majority of the officers of the Indian Educational Service and Madras Educational Service in the various Government colleges;

(4) whether all the officers of the Subordinate Educational Service (Collegiate branch) will be taken into the Madras Educational Service automatically; and

(5) whether the officers of the Subordinate Educational Service (Collegiate branch) have submitted memorials asking for revised pay Rs. 150—10—250, and whether the Government propose to sanction the same.

A.—(1) From ten to twelve years within recent years.

(2) The answer to the former part of the question is in the negative. The maximum in the new scale is higher than the maximum in the old scale.

(3) The answer to both parts of the question is in the affirmative.

(4) The answer is in the negative.

(5) The answer to the former part of the question is in the affirmative and the latter part in the negative.

Guntūr Taluk Board.

831 *Q.*—Munshi Muhammad Abdur Rahman Sahib: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) whether the money granted to the Taluk Board of Guntūr for providing house-sites for the depressed classes lapsed to the Government;

(*b*) if so, what the amount was and why the amount was allowed to lapse; and

(*c*) whether the Government will be pleased to call for the information if not available at headquarters.

A.—(*a*) The Taluk Board surrendered to the Government some of the grants sanctioned to it in 1919–20 for the provision of house-sites for the depressed classes.

(*b*) & (*c*) The amount surrendered was Rs. 7,609. The necessary acquisition proceedings could not be completed, and the Taluk Board had to refund the grants under G.O. No. 366, L. & M., dated the 28th February 1921, which required the refund of all grants relating to works which were not in progress or for the execution of which contracts had not been entered into before the 3rd March 1921.

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Registration of documents at private residences of parties.

832 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education (Registration)—

(*a*) whether it is a fact that the attendance fee for registration of documents by sub-registrars at private residences of parties has been raised from Rs. 10 to Rs. 20;

(*b*) what the reasons are for doubling the amount;

(*c*) whether the Government are aware that this increase particularly affects Muhammadan gosha women; and

(*d*) whether the Government cannot maintain the old fee of Rs. 10 for Muhammadan gosha ladies.

A.—(*a*) Yes.

(*b*) The object of the enhancement of the rate of fee is to prevent the misuse of the privilege of registration at private residences and to check the steady and large increase in cases of such attendance with the resulting inevitable inconvenience to the general registering public.

(*c*) & (*d*) The Member is referred to the answer to question No. 616.

Assistant professors for Urdu, etc., in the Presidency College.

833 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education to state—

(*a*) how many Assistant Professors there are for Sanskrit alone in the Presidency College;

(*b*) how many Assistant Professors there are for Urdu, Persian and Arabic in the Presidency College;

(*c*) if the answer to (*b*) is nil, how the Muhammadan students in the Presidency College are receiving education in Urdu, Persian and Arabic in that college;

(*d*) whether it is a fact that Muhammadan students reading Urdu, Persian and Arabic in the Presidency College are made to go to the Government Muhammadan College, Madras, situated on the Mount Road, a long way from the Presidency College, to receive their lessons in those languages and then go back to the Presidency College for lessons in other subjects;

(*e*) whether the Government are aware that this is causing expense, trouble and discontent among the Muhammadan students; and

(*f*) whether the Government cannot appoint Assistant Professors in Urdu, Persian and Arabic in the Presidency College, as the present arrangement puts students to expense and waste of time.

A.—(*a*) Three (two permanent and one temporary).

(*b*) None.

(*c*) & (*d*) There is at present only one student (in the senior Intermediate class) in the Presidency College who requires instruction in Urdu. He receives that instruction at the Government Muhammadan College, Mount Road.

(*e*) The answer is in the negative.

(*f*) The Government consider it desirable to concentrate the teaching of Muhammadan Oriental languages in the Government Muhammadan College.

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Assistant Professors for Urdu, etc., in Government Muhammadan College.

834 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education to state—

(*a*) how many Assistant Professors there are for Urdu, Persian and Arabic in the Government Muhammadan College at Madras; and

(*b*) whether the Government cannot appoint at least two for the three languages, viz., Urdu, Persian and Arabic.

A.—(*a*) None.

(*b*) The staff employed which consists of a professor and two munshis meets fully the needs of the college at present.

Pandits and Munshis in general reorganization scheme.

835 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education to state why the *pandits* and *munshis* alone are given biennial increments as stated in the new general reorganization scheme.

A.—The presumption underlying the question is incorrect. Under the scale given on page 6 of G.O. No. 215, Finance, dated the 4th March 1921, the increment will be annual.

Waiting room at Fort and Park stations.

836 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: To ask the Hon'ble the Home Member to state whether the Government will be pleased to move the Administration of the South Indian Railway to provide sufficient accommodation for a passengers' waiting room at the Fort station and Park station in the Madras City.

A.—The Government are informed that the South Indian Railway Administration is arranging to provide temporary facilities for the accommodation of passengers.

Government control over cinema shows.

837 Q.—Mr. A. T. PALMER: To ask the Hon'ble the Law Member to state whether any control is exercised on the cinema shows in the Madras Presidency, and particularly in Madras.

A.—Yes, and the Member, Legislative Council, is referred to the rules published in Part I of the *Fort St. George Gazette* as noted below:—

Number and date of the notification.	Page and date of the Gazette.
576, dated the 25th June 1920.	839–843, dated the 29th June 1920.
51, dated the 18th January 1921.	94–95, dated the 25th January 1921.
35, dated the 17th March 1921.	421, dated the 19th April 1921.
130, dated the 27th May 1921.	357–358, dated the 31st May 1921.

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Burial-grounds for the Indian Christian community.

838 Q.—Mr. A. T. PALMER: To ask the Hon'ble the Minister for Local Self-Government to state if there are any rules in vogue regarding the walling in and the maintenance of burial-grounds granted to Indian Christians and if the answer is in the affirmative, to place those rules on the table.

A.—The Government are not aware of any such rules.

Erode Bench Court.

839 Q.—Mr. T. A. RAMALINGA CHETTIYAR: To ask the Hon'ble the Home Member to state—

(*a*) whether it is a fact that the Bench Court of Honorary Magistrates at Erode is given jurisdiction over the Perundurai Deputy Tahsildar's division also and whether cases occurring in that division are tried by that Court;

(*b*) whether it is a fact that parties and witnesses concerned living in the Perundurai division have to travel long distances and to put themselves to great inconvenience on account of this arrangement;

(*c*) whether it is a fact that the Erode Bench Court holds its sittings in the morning and parties and witnesses coming from some distance have to come to Erode on the day previous to that to which their cases are posted;

(*d*) whether there is any special reason for this arrangement seeing that a Magistrate's Court is located in Perundurai itself; and

(*e*) whether the Government cannot consider the advisability of transferring the jurisdiction exercised by the Erode Bench Court over cases in the Perundurai division to the Perundurai Magistrate as before or the establishment of a Bench Court at Perundurai itself.

A.—(*a*) Yes.

(*b*) to (*e*) The Government will call for a report from the District Magistrate.

Acquisition of bungalow for the Divisional Officer, Puttur.

840 Q.—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Member for Revenue—

(*a*) whether it is a fact that the Government has made a declaration in the local official gazette that a bungalow with a large compound in the enjoyment of a leading vakil of Puttur, South Kanara, is to be acquired under the Land Acquisition Act for quarters for the Revenue Divisional Officer;

(*b*) whether the Government are aware of the proceedings of a public meeting at Puttur, South Kanara, recording its disapproval of the policy of the Government in depriving a leading vakil of his residence by resorting to compulsory acquisition in order to give that house to the Revenue Divisional Officer;

(*c*) whether it is a fact that the public of Puttur, South Kanara, have challenged an open enquiry in the matter of selection of suitable sites or houses for the present purpose, and are also prepared to point out other sites or houses;

(*d*) whether the Government have taken any, and, if so, what steps to allay the excitement and resentment of the public of Puttur as indicated in the proceedings of the public meeting;

(*e*) to place on the table the estimate of the claimants, if any, put in after the Government notification in the gazette;

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(*f*) whether the Government will be required to spend any money in repairing the building in question or making improvements to it in addition to payment of acquisition money; and

(*g*) whether the Executive Engineer has inspected the building in question and condemned the same.

A.—(*a*), (*b*), (*c*) & (*f*) Yes.

(*d*) The Government are not convinced that this is necessary.

(*e*) The Government have no information as to the estimate referred to.

(*g*) The Executive Engineer who inspected the building did not condemn it.

Village Panchayat Act.

841 Q.—Mr. A. RANGANATHA MUDALIYAR: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) what action has been taken to give effect to the Village Panchayat Act; and

(*b*) whether the Government propose to take any action in the near future.

A.—The attention of the Member is invited to G.O. No. 1885, L. & M., dated 26th September 1921, which has been placed on the Editors' Table.

Collector's report on the recent floods in Trichinopoly.

842 Q.—Mr. M. R. SETURATNAM AYYAR: To ask the Hon'ble the Member for Revenue to state with reference to answers to questions Nos. 337, dated 21st February 1921 and 578, dated 2nd April 1921—

(*a*) whether the further report from the Collector of Trichinopoly, called for in G.O. No. 615, Revenue, dated 11th March 1921, has been received on the floods in the district;

(*b*) if so, (i) the total acreage of crops affected by the floods in the several taluks and to what degree they have been affected, and (ii) the amount of remission of land revenue granted to the affected ryots in each taluk;

(*c*) (i) whether it is a fact that Mr. Legh, the then Collector, wrote to the Tahsildar of Trichinopoly taluk regarding the suspension of the collection of land revenue, in the most affected parts of the taluk, but that the Tahsildar collected the land revenue as usual;

(ii) whether there was any delay in making the collections in the most affected parts, and, if so, for what period;

(*d*) (i) how many breaches were caused by the floods on the northern bank of the Wyacondan and whether they were repaired immediately;

(ii) if not, whether the Government cannot issue necessary instructions to expedite the repairs before the coming rainy season.

A.—(*a*) Yes.

(*b*) (i) The Collector's report which contains the information is laid on the table.*

(ii) The Government have no information as to the amount of land revenue actually remitted in the affected taluks.

(*c*) The Government have no information.

* Vide Appendix I on page 1131 infra.

(*d*) A statement showing the several works sanctioned in connexion with the flood damages in the upper and lower reaches of the Wyacondan channel and the progress made thereon is laid on the table.* It is understood that all the breaches were closed to such an extent as to admit of water being passed down the channels for irrigation before the next floods.

Need for a well in the Kshatriya school compound at Vengadampatti.

843 Q.—Mr. W. P. A. SAUNDARA PANDIA NADAR: To ask the Hon'ble the Minister for Education and Public Works—

(*a*) whether it is a fact, that the correspondent of the Kshatriya School Committee, Vengadampatti, Tinnevelly district, applied to the Government to dig a well in the Kshatriya school compound;

(*b*) whether it is a fact, that on application, the Divisional Officer visited the place, expressed himself convinced of the need of the desired well and promised to do his best for it;

(*c*) what stage the application has reached;

(*d*) whether the Government cannot expedite the grant.

A.—The Government have no information on the subject.

Mr. W. P. A. SAUNDARA PANDYA NADAR:—"Will the Hon'ble the Minister for Education be pleased to call for the information?"

The Hon'ble Rao Bahadur A. P. PATRO:—"No useful purpose would be served by calling for the information."

Nadar representation in Tenkāsi Taluk Board, Tinnevelly.

844 Q.—Mr. W. P. A. SAUNDARA PANDIA NADAR: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) whether it is a fact that the Tenkāsi Taluk Board, Tinnevelly district, contains no Nadar representative;

(*b*) whether it is a fact that the Nadars form in that taluk, numerically and otherwise, an important minority deserving special representation in the taluk board;

(*c*) whether the Government propose to take steps to remedy the defect.

A.—(*a*) There is no Tenkāsi Taluk Board. The Tenkāsi revenue taluk is included in the area of the Tinnevelly Taluk Board. There is no Nadar on the Tinnevelly Taluk Board.

(*b*) The Government have no information.

(*c*) The appointing authority under the Local Boards Act, 1920, is, in the case of taluk boards, the President of the District Board.

Teaching of Tamil in training schools.

845 Q.—Mr. T. C. TANGAVELU PILLAI: To ask the Hon'ble the Minister for Education to state—

(*a*) whether it is a fact that the headmasters of training schools have intimated their inability to teach Tamil in the training schools; and

(*b*) if so, what proposals the Government intend to carry out immediately to teach Tamil in the training schools.

A.—(*a*) The answer is in the negative.

(*b*) Clause (*b*) does not require an answer.

* Vide Appendix I on page 1131 infra.

Toddy shops burnt in Trichinopoly.

846 Q.—Mr. T. C. TANGAVELU PILLAI: To ask the Hon'ble the Minister for Education (Excise) to state—

(*a*) the number of toddy shops burnt down in the Trichinopoly district;

(*b*) whether the Government have inquired into the causes of such fires; if not, whether the Government will inquire;

(*c*) whether the Government have received any complaints from the abkāri contractors from Trichinopoly, requesting remission of licence fees for the unexpired period;

(*d*) if so, to state what orders were passed on the said representations;

(*e*) whether the Government have received any complaint from the Assistant Commissioner of Abkāri about the grievances of the abkāri contractors in Trichinopoly;

(*f*) whether the Government have inquired into the allegations in the said complaint; if not, whether the Government will inquire; and

(*g*) what steps were taken to safeguard the abkāri contractors.

A.—(*a*) The Government have no information as to the exact number of shops burnt in the whole of the district, but from the reports so far received it would appear that some four or five shops were burnt in the Trichinopoly town.

(*b*) The Collector has sent a report. No further inquiry is contemplated.

(*c*) Petitions were received.

(*d*) One petition was forwarded to the Collector of the district for necessary action. No action was taken by Government on the rest as the parties themselves have approached the District Collector. The Board of Revenue and the Collector deal with such matters in the first instance.

(*e*) A report was sent by the Assistant Commissioner to the Deputy Commissioner, Southern division, and Government have seen a copy of the report.

(*f*) No. The Board has issued the necessary order. Government do not propose to make any enquiry.

(*g*) The attention of the Honourable Member is invited to the press communiqué, dated 3rd September 1921, on the subject of the picketing of liquor shops.

Non-official medical institutions.

847 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Minister for Local Self-Government (Medical)—

(*a*) to state the number of medical practitioners holding diplomas granted by the non-official institutions known as the College of Physicians and Surgeons, Calcutta, practising in this Presidency;

(*b*) if it is a fact that medical practitioners holding diplomas from the College of Physicians and Surgeons, Calcutta, are refused registration in the Madras medical register;

(*c*) if it is a fact that such practitioners undergo systematic training in medicine and surgery and that their efficiency is tested by examination before they are granted diplomas;

(*d*) if it is a fact that such practitioners are registered in other provinces, e.g., the United Provinces; and

(*e*) if the Government have any objection to consider the feasibility of directing the registration of these practitioners in the medical register of this Presidency.

A.—(*a*) & (*c*) The Government have no information.

(*b*) The answer is in the affirmative.

(*d*) The Government understand that of eight Councils in India only the United Provinces Medical Council registered certain practitioners who hold this qualification and who were in practice before the introduction of the Act in that province.

(*e*) The Government will be prepared to consider individual applications on their merits in consultation with the Madras Medical Council as provided in section 13 of the Madras Medical Registration Act, 1914.

Reduction of establishments.

848 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Member for Finance to state whether the Government will be pleased to state in connexion with question No. 139, answered on 1st August 1921, whether any reductions of establishment have been decided upon apart from the abolition of one hundred and twenty-five attenders' and peons' posts mentioned in answer to my question No. 129.

A.—A statement showing the further reductions of establishments so far decided upon is laid on the table.* Proposals are also being considered for certain reductions in the Revenue and Public Works Departments.

Non-official taluk board presidents in the Salem district.

849 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) to state if it is a fact that the Salem district has several taluk boards presided over by non-official presidents whose work has been appreciated by the Government; and

(*b*) whether the Government have considered the desirability of appointing a non-official president for the Salem District Board and making the appointment an elective one.

A.—(*a*) The answer is in the affirmative.

(*b*) The Government have already appointed a non-official as President of the Salem District Board. They are not in favour of granting the elective privilege at present.

* Vide Appendix II on page 1133 infra.

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APPENDIX I.

[Vide answer to question Nos. 842 (*b*) (i) and 842 (*d*) asked by M.R.Ry. M. R. Seturatnam Ayyar Avargal at the meeting of the Legislative Council held on the 14th October 1921, pages 1127–1128 supra.]

Regarding question No. 842 (*b*) (i).

Letter— from the Collector of Trichinopoly.
To—the Secretary to the Board, Revenue Settlement.
Dated—the 20th April 1921.
No.—D. Dis. C. 4560/20.

I submit a statement showing the damages done to the lands in the various taluks of my district by the recent floods.

Taluk.	Acreage affected.	Degree of damage.
Kulittalai	269·01	Completely lost
Lalgudi	6·73	Completely lost Silted up.
Musiri	80·00	Partial damage.
Trichinopoly	2,236·39	The outturn of crop on 928 acres was reduced to four annas and that on the rest to less than four annas.
Total ..	2,592·13	

Regarding question No. 842 (*d*).

Statement showing the stages of detailed estimates for which lump sum estimates have been sanctioned.

Serial number	Name of work.	Amount of estimate of detailed estimates.	Remarks.
	I. Flood damages, Wyacondan Upper breach.		
1	Repairs to the Wyacondan nose	Rs. 1,700	The work is half done and the materials are being collected for the rest.
2	Thogakanai bank	2,020	Nearing completion.
3	Minor breaches of the Wyacondan	2,550	Do.
4	Perugamani breach	1,980	
5	Analai breach	2,000	
6	Pulivalam west breach	800	
7	Pulivalam east breach	1,700	
8	Perur breach	770	
9	Reconstructing the front head wall of Manjakuppam sluice.	400	The work is just started for execution.
10	Reconstructing the rear head wall of Marthandakarichi sluice.	1,170	These works are nearing completion.

Statement showing the stages of detailed estimates for which lump sum estimates have been sanctioned—*cont.*

Serial number.	Name of work.	Amount of estimate of detailed estimates.	Remarks.
	I. Flood damages, Wyacondan Upper breach—cont.		
		Rs.	
11	Closing breaches at Parayam head	5,220	These works are nearing completion.
12	Closing Ariyar flood bank	4,100	
13	Closing Alanandanur sluices	2,800	Nearing completion.
14	Closing Notchikurichi	1,480	Do.
15	Closing the breach at Notchikurichi north sluice and at Pandamangalam.	1,900	Do.
16	Closing the breach below Kadappu sluice or Gandyamadam.	1,020	Do.
17	Repairs to the Wyacondan Tirumalai sluice.	1,200	Do.
18	Reconstructing the front and rear head wall of the Notchikurichi.	1,100	Do.
19	Reconstructing the Pandamangalam sluice.	850	Do.
20	Closing the breaches between L.B. from sluice No. 53 up to Panakollai breach	4,050	Do.
21	Closing the breach at Panakollai	2,200	Do.
22	Amount spent up to 31st March 1921 in forming ring bunds and in payments of revenue bills.	6,736	
	II. Flood damages of the Wyacondan Lower breach.		
		Rs.	
1	Emergent repairs to Puthur weir	4,900	Nearing completion.
2	Closing breach L.B. No. 1 below 17" B.M. high bank.	2,130	The work is half done.
3	Closing breach L.B. No. II below 17" B.M. high bank.	1,730	The work is nearing completion.
4	L.B. Wyacondan channel opposite to the Collector's office.	1,580	Do.
5	Closing breaches right flood bank from the Collector's office up to Korayar.	2,280	Do.
6	Constructing a new outlet sluice at breach No. I, high bank, left side.	1,100	This work is not yet commenced.
7	Reconstructing outlet No. II sluice ..	900	Do.
8	Closing breaches at sites of sluices from 20" to 24" B.M.	930	This work is nearing completion.
9	Raising the bank in the Vanabanur limits ..	505	Do.
10	Closing breaches between 25" to 28" B.M.	890	Do.
11	Closing breaches between 28" and 29" B.M. and providing revetment to sluice No. 117	1,170	This work is nearing completion.
12	Closing breaches between 29" and 30" B.M. of Wyacondan channel L.B.	1,645	Do.
13	Closing breaches L.B. 30' to 31' B.M. ..	1,490	Do.
14	Do. between 31" to 36" B.M.	3,550	Do.
15	Repairs to damaged sluice of the Wyacondan lower from 25" to 36" B.M.	6,000	Do.
16	Closing breaches 36" to 43" B.M.	480	Do.
17	Emergent repairs to the flood damages of the Korayar river.	5,420	This work is almost completed.
18	Emergent repairs below Local Fund bridge up to infall.	1,200	Do.
19	Amount spent up to March 31st of 1921 in forming ring bunds and in payment of revenue bills.	1,683	

APPENDIX II.

[Vide answer to question No. 848 asked by Mr. C. V. Venkataramana Ayyangar at the meeting of the Legislative Council held on the 14th October 1921, page 1130 supra.]

The statement of further reductions in establishments so far decided upon.

1. Staff of the special Public Works Department subdivision, Cuddapah.

2. Staff of the additional Public Works Department subdivision in the Nilgiris division (to take effect from 1st November 1921).

3. Fifteen per cent vacancy reserve among the constabulary.

4. Portion of the staff employed in the Police subdivision offices.

5. Reader Sub-Inspectors in Police Department as a result of their substitution by clerks.

6. Staff in Police hospitals as a result of their amalgamation with the Headquarter hospitals.

7. Certain posts in the Criminal Investigation Department, viz.—

(*a*) One Deputy Superintendent.

(*b*) One Special Assistant to the Deputy Inspector-General, Criminal Investigation Department.

(*c*) Two Sub-Inspectors.

(*d*) Four head constables.

8. Two typists and one Examiner in the Madras Record office.

9. One Abkāri Deputy Commissioner, as a result of his replacement by an Assistant Commissioner.

10. Three posts of Assistant Commissioners in the Salt, Abkāri and Customs Department and their staff.

11. Four clerks, one ball-man and one attender in the office of the Board of Revenue (Separate Revenue).

12. Two copyists, one clerk and one muchi in the Inam Commissioner's office.

13. Three attenders and six peons in the offices of the Deputy Commissioners, Salt, Abkāri and Customs Department.

14. Fifty-two petty officers and peons in the West Coast (to be abolished as vacancies occur), Salt, Abkāri and Customs Department.

15. Three petty officers and fifteen peons in the Tiruvallūr Circle—Salt, Abkāri and Customs Department.

16. One daftarband and two peons in the Income-tax Department.

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II

The Hon'ble Sir LIONEL DAVIDSON :—" With your permission, Sir, and with reference to the announcement which you made on the opening day of this sitting with regard to the future treatment of questions, I would ask you to consider whether it is not possible to issue a definite ruling as to the date from which the seven-day period allowed to Government for the preparation of answers to questions should count. The reason why I ask for this ruling, Sir, is that, while the new procedure will undoubtedly reduce the volume of work devolving upon Government, particularly in respect of the future disallowance of questions of excessive length questions which take the form of a citation from newspaper articles and questions which ask for statement of policy or suggest a particular course of action, all these are matters of some difficulty to answer with precision at short notice. Notwithstanding the improvement which I am confident will result from the new procedure, there is still one aspect of the case on which I venture to ask for your ruling: that is, the date from which the seven-day period should reckon. The Government do not always receive orders with regard to admission of questions until some little time after they are put in by the members of the Legislative Council. The number is so great—we have had over one thousand questions since this session commenced in August—that we have made it a rule of practice in the Secretariat to postpone the examination of questions which have not been admitted. What therefore I am asking you, Sir, is whether you cannot yourself pass a ruling, or whether it is necessary to frame an amendment to the standing orders, so as to make it clear that the seven-day period reckons from the date upon which the fact of admission is communicated by the Legislative Council Secretary to the Government Secretary."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I should like to say that, if that is so, it may be that many questions are delayed in the Legislative Council Office. Assuming that, in the Legislative Council Office, the admissibility of questions is not considered for some time, it seems to me that there will be no way of getting any answers at all. I know that questions have accumulated in the Council and that was one of the things that I was intending to bring to the notice of the House myself.

" I should think, Sir, that the rule as it stands gives sufficient time to the Government to prepare answers and there is no other way of getting answers on very important questions. In fact questions which were really urgent at the time that they were asked are now answered three months and two and a half months after they were asked by the members. I think the best course for Sir Lionel Davidson will be to table an amendment of the standing orders if he considers such a course is desirable. But I do not know how you can by a ruling extend the time beyond the actual wording of the present standing orders."

The Hon'ble the PRESIDENT :—" Do I understand the Hon'ble the Home Member to say that a question is communicated twice by the Council Office, firstly the moment it is received, and secondly after it is admitted ? "

The Hon'ble Sir LIONEL DAVIDSON :—" I think, Sir, that is the case; but I am not certain. There are instances of questions that have been communicated to the Government Secretary after the expiry of the seven days allowed. In cases of that description the Government are placed in a very difficult position. All that I ask with reference to the remarks of Mr. Ramachandra Rao is, whether you cannot pass a ruling on the point. If however, it is possible to secure the object in view only by an amendment of the standing orders, I shall be most happy in due course to propose such an amendment."

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The Hon'ble the PRESIDENT :—" I do not think that questions are communicated twice. I have passed orders that no question shall be communicated till it is admitted. That should save trouble to the Government. I may also mention that in working the standing orders I have directed that the period should in practice count from the date of the communication of the question to the Government ; that is what is now being done. I have even gone further and instructed the Secretary to push forward only those questions which have been with the Government, after communication of admission, for periods ranging from two to three weeks, my idea being to get rid of all the old questions first. As Standing Order 10 now stands, notice of a question has to be given by a member at least seven clear days before the sitting of Council at which it has to be answered. That standing order is intended as much for the protection of the member who puts the question as of the member answering. The former is entitled to say that he has nothing to do with the period his question may take in the Council office. At the same time I see that, unless the Government have the full seven days, it may not be possible for them in some cases to get ready the answer. In working the rules I have been using my discretion freely so as to facilitate the getting of answers. But at the same time I think that the Hon'ble the Home Member, if he wishes to place the matter on a sound footing, can table an amendment to the standing orders, in which case it would come before the House. Till then I shall work the standing orders in regard to notice as I am now doing.

" What I am now doing is that in regard to the questions which have been admitted before the end of the previous month's meeting, I insist upon their being brought on the list for answers on the first day of the new meeting, which really means an interval of about three weeks. I do not think that the standing orders are being worked unreasonably. But if any amendment to the standing orders are put forward, the House will gladly consider them and deal with them on their merits."

11-15 a.m.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I take it, Sir, that the department concerned will have to apply to you in each individual case and on each individual question and show cause why the time should be extended. Otherwise, as has been the case hitherto, there will be an accumulation of questions over three months old. I am rather startled to look at the agenda paper for the last three or four months. The date of receipt is 12th April 1921 and the date of tabling is 12th August 1921, printed side by side. It is rather an extraordinary thing to see an accumulation of questions such as we have had during the last three or four months. I am not going into the question as to how and where the delay took place. It is quite a different matter. I do think that this rule of going to you and asking for an extension of time is much more likely to wake up the departments concerned than anything else."

The Hon'ble the PRESIDENT :—" The proviso to the standing order runs thus : " Provided that the President may, with the consent of the Member in charge of the department concerned, allow a question to be asked with shorter notice than seven days, or may extend the time for answering a question." I have already said in that, whenever the Government want an extension of time, they had better apply for it. I am doubtful if the proviso to the standing order can be construed to mean that I cannot give more time unless it is applied for. After all, the preparation of the agenda rests with me. If certain questions are not put on the agenda, there the matter ends."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" May I say a word, Sir ? I have recently given this instruction to my department to apply formally for extension

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of time. That is the best way. I am not concerned with the first portion. The President can always allow a question at shorter notice. So far as the extension of time is concerned I have given instructions, merely as executive instructions, to my department that they should apply formally. That is for the sake of convenience to both officers. I may mention this, Sir, that in many cases, we have to ask for time, because oftentimes questions are asked and we have got to communicate them to the High Court or the district officers, for the information is not available here. We are anxious to secure all the information which we can get with reference to particular questions. I want to give complete answers as far as possible and get any information if it is available. It is quite easy to say we have no information and wait for a supplemental question. If we get the information we wish to avoid that too. That is why sometimes it takes time. It is practically in such cases that I have asked my department to apply to the President for time. I do not know whether it is necessary to state the reasons for each extension."

The Hon'ble the PRESIDENT:—"I do not think that any useful purpose is served by our continuing this discourse further. As I have already said, my discretion as to the grant of extension of time is absolute under standing order 10. It does not depend upon any member of the Government specifically applying for it. And in practice I am prepared to count the period of seven days from the date of admission of the question. But if the answer is not forthcoming within seven days after admission, the question will be put on the agenda and the Government will have to accept the position that they have no answer to give. Therefore I strongly advise the Government to apply for time sufficiently early."

The Hon'ble Sir LIONEL DAVIDSON:—"I understand, Sir, that that is already a standing order in all departments of the Secretariat."

The Hon'ble the PRESIDENT:—"I am very glad it is so. I am confident all members will co-operate with me in this matter. At the same time I would urge on all honourable members to study carefully the rules and standing orders. There is the danger that, if the right of interpellation is used recklessly, important questions to which urgent answers are necessary may get delayed."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I have one small suggestion to make. With reference to your directions the other day in regard to questions, I venture to think that that portion of it which relates to adopting allegations made in a newspaper by a member, is I am afraid, one which is not at all possible for any member to do. Assuming that a particular statement appears in a newspaper to ask the member to adopt that statement for the purposes of his question is somewhat hard upon the members, the object of the member being only to call attention to the statement which has appeared; but if any member wishes to proceed further and certify to the accuracy of the statement, he will undoubtedly do so. But the object in most cases is really to draw the attention of the Government. Government sometimes say: 'we have read the newspapers,' sometimes, 'we have not noticed the allegations.' But it very often happens that the Government have not seen the articles referred to. The object is to find out whether these allegations are true. It is hard on the members that for purposes of calling attention to an article, they should adopt the whole of the article in the question itself. I have ventured to bring this to notice not with a view to get a categorical answer, but only to place our view of the case before you for such modification of the ruling as you may consider necessary at a later stage."

The Hon'ble the PRESIDENT:—"Are such questions allowed in the House of Commons? I mean questions asking this or that member of the Cabinet whether he has read this or that article in this or that newspaper?"

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Diwan Bhadur M. RAMACHANDRA RAO PANTULU:—"The House of Commons has been quoted so often here that I wish that we were the House of Commons. I can tell you that in the House of Commons, if any Member of Government takes up the attitude of not answering a question fairly and correctly, well, there are ways in which the Member can be brought to book. I am perfectly willing to take the liberties as well as the discipline of the House of Commons as it at present exists. I venture to think that the House of Commons should not be merely invoked when it is against us."

The Hon'ble the PRESIDENT:—"I may now mention what I have not already mentioned. This particular point raised by the honourable member was discussed at some length at the Conference of the Presidents of Provincial Legislative Councils. It was pointed out by the President of the Legislative Assembly that this kind of question was incorrect. As a matter of fact, what I have said, so far as this particular matter is concerned, is supported by Mr. Whyte's view. He has urged upon all of us that, unless this thing about questions is put on a sound basis, the chances are that lax practices will spring up, by which a valuable instrument for obtaining information from the Government will, by constant misuse, get useless for the purpose for which it is primarily intended. Of course the honourable member may say that what is wanted is to draw the attention of the Government to the article in the newspaper. That is just what I say. Is it a matter of *public* concern that a member of the Government has or has not read a particular newspaper article? A member of the Government may conceivably say that he does not care to read a particular newspaper."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Nobody in the House of Commons dare say so. Any member of an Indian Government may say so, but no member of the House of Commons will dare to say: 'We have not read it; we are not going to read it; we will not take action.'"

The Hon'ble the PRESIDENT:—"No member of the House of Commons ever asks the Government, 'Have you read such and such a newspaper'. We here do it. This practice is an old practice. It has come to us from what I may call the pre-Reform days; but unless we make an earnest attempt to work up the rules strictly, the chances are that a lot of lax practice will grow up which would be detrimental to the usefulness of questions. So far as newspaper articles are concerned, there is not much chance of my changing the view that has been already expressed by me."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I only wish to suggest that the practice of starring questions, which has now been recently adopted in the Legislative Assembly might be tried in this House. There are questions of an urgent character which a member might indicate by a star to show that he is particularly interested in getting an answer to them as early as possible. My honourable friend Sir Lionel Davidson will agree with me that in dealing with a large number of questions it is desirable that there should be some discretion in dealing with a particular set of questions first. I am only suggesting it to him."

The Hon'ble the PRESIDENT:—"I have seen the working of the starring system. Starring is intended to indicate those questions for which oral answers have to be given. The starring system, if I may explain matters, is being tried elsewhere. Each member stars a question to indicate that he wants an oral answer. The question to which he does not want an oral answer he leaves alone. Each starred question is called out, the member puts it, the Honourable Member of the Government reads out his answer, but the questions which are not starred are

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neither put nor answered nor is there any opportunity for putting supplementary questions by other members. Pray note that the right of putting a supplementary question is not necessarily confined to the member who puts the question. It is the privilege of all honourable members. And if I remember aright, we have had several instances here in which one member put a question and another member puts a supplementary question. If you adopt the starred system as is adopted in other Councils, it will be in the discretion of the member who puts the question to decide whether any supplementary question shall be put either by himself or any other member. I have seen in other Councils that the whole of the first hour is taken up with the putting of questions and the giving of answers and sometimes the thing is not finished in the first hour and it has to be continued the next day. I am rather doubtful about the new method of starring proposed by my Hon'ble friend Mr. Ramachandra Rao. The principle of that system is to distinguish between what is urgent and important and what is non-urgent and less important. I leave that to the general wish of the members. I would only say that every member who puts a question is apt to consider that his question is urgent and important. That is a contingency that has to be faced. Starring may become abundant; almost all questions may get starred, and the questions not starred may become so few that it may not be worth while to keep up the distinction. I only put that aspect of the case before honourable members. If it is the wish of any honourable member to adopt this device of starring, either for the purpose for which it is used in other Councils, or for the purpose mentioned by my Hon'ble friend Mr. Ramachandra Rao, or for other purposes, it is open to him to bring it up by means of an amendment to the standing orders."

III

ANNOUNCEMENT REGARDING NEXT MEETING OF THE COUNCIL

11-30 a.m.

The Hon'ble the PRESIDENT:—"Before I proceed to the next order of the day, I think it will be convenient if I make the usual announcement regarding next month's meeting so that honourable members may make their arrangements. Ordinarily we should meet on the second Monday, i.e., on Monday the 14th November. It has been represented to me, however, that several committees have to sit and it would be inconvenient for honourable members from the mufassal to come twice in the month, once to attend a committee and again to attend the Council. To make it convenient for them, I would leave Monday blank and start the Council on Tuesday the 15th of November, the understanding being that such committees as have to sit in which honourable members are concerned may do so on Monday and the honourable members may attend the Council on Tuesday.

"With regard to the duration of the November meeting, it will last for four days, Tuesday, Wednesday, Thursday and Friday. There may be committees to sit on Saturday, and hence the proposal to adjourn on Friday evening. If however we find that there are no committees on Saturday, and if the condition of our work is such that we had better sit for an extra day, we could sit on Saturday also. That need not be settled now."

IV

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1921-22

Demand XVIII—Grant to the Madras Corporation.

The Hon'ble Mr. P. RAMARAYANINGAR:—"Sir, I beg to move Grant XVIII that the Government be granted an additional sum of Rs. 5 lakhs under

14th October 1921] [The Hon'ble Mr. P. Ramarayaningar]

33. Public Health Grants for Public Health purposes—Grant to the Madras Corporation for the water-supply and drainage schemes.

"Sir, it is proposed to advance Rs. 5 lakhs as a grant and Rs. 10 lakhs as a loan to the Corporation of the Madras City in connexion with the completion of the comprehensive water-supply and drainage schemes. The Hon'ble the Finance Member will move the demand for the loan. The present motion is a demand for the grant. In May 1920 the Government undertook to contribute one half of Rs 125 lakhs the estimated cost of the comprehensive schemes, subject to the sanction of the Secretary of State. Under the reformed Government the sanction of the Secretary of State is not necessary. But the grant will have to be voted by the Legislative Council. The whole of the amount that the Government have to contribute, namely, Rs. 62½ lakhs, need not be paid at once as the expenditure which the Corporation will have to incur will spread over a number of years. The expenditure, however, may exceed the estimate in which case before the Government commit themselves to make any excess grant they will place the grant before the Legislative Council for vote. The grant is absolutely necessary as the Corporation is in urgent need of funds."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I feel considerable difficulty in supporting this motion for a supplementary grant at this stage. I may state at the outset that I am not against the Corporation being assisted by the Government for the purpose suggested, and that at a more favourable opportunity the grant required by the Corporation may be given to the extent suggested. But, Sir, I find that the present occasion for a supplementary grant is not in proper order and it is not supported by the rules of financial business. I draw the attention of the Council to the Legislative Council Instructions section 106 (rule 32 of the Legislative Council rules) at page 27 of Volume II of the Council Manual. It is said: '(1) an estimate should be presented to the Council for a supplementary or additional grant when (i) the amount voted in the budget of a grant is found to be insufficient for the purposes of the current year, or (ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the budget for that year,' and then sub-section (2) says, 'Supplementary or additional estimates will be dealt with in the same way by the Council as if they were demands for grants.' Therefore there are only two sets of circumstances under which this application can be made by the Government for a supplementary grant. I shall now place before the Council all the facts dealing with the first portion of this section. It is to be considered whether the amount voted in the budget is found to be insufficient for the purposes of the current year. I draw the attention of the council to the Civil Budget Estimate at page 157 wherein we have reference to grants for public health purposes. Under the detailed account No. 33-B Public Health purposes, we find grants made for water-supply and drainage schemes and also for grant to the Madras Corporation for water-supply and drainage works. It will be found that in revised estimate for 1920-21 a sum of Rs. 8,98,250 or nearly Rs. 9 lakhs is provided under head 'Grants for water-supply and drainage schemes', and for the Madras Corporation a sum of Rs. 5 lakhs is provided for. In the budget Estimate this year which was passed by this Council a sum of Rs. 11,50,000 has been provided against both these heads together, namely, 'Grants for water-supply and drainage schemes' as also 'Grants to the Madras Corporation for water-supply and drainage works.' I now wish to know from the Hon'ble the Minister whether this amount of Rs. 11½ lakhs, which has been included in the budget estimate for 1921-22 for grants for water-supply and

drainage schemes as also for grant to Madras Corporation, does nor does not include the grant of Rs. 5 lakhs proposed to be given to the Madras Corporation. Is it to be understood that this grant of Rs. 11½ lakhs is intended solely and entirely for some other water-supply and drainage schemes than that of the Madras Corporation and that this extra sum of Rs. 5 lakhs is now required for that purpose? I would submit that, unless it is stated that the sum of Rs. 11½ lakhs provided for is intended solely for the water-supply and drainage schemes of any other parts of the Presidency and that an additional sum is now found necessary for a grant to the Madras Corporation, it cannot come under the first portion of the first clause of rule 106.

"Now coming to the second portion of it, I think the case for the Government is still weaker. It is stated, 'an estimate should be presented. . . . when a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the budget for that year.' It cannot come under that, because in the budget there is a specific provision for grants to Madras Corporation to the extent of Rs. 5 lakhs, and so it cannot come under that portion of section 106 of the Legislative Council instructions. That is my objection on this point.

"There are even graver reasons for our being in a position of difficulty to sanction this grant at present. It is necessary for us to have a comprehensive view of the financial condition of this province before we are called upon to vote for this or the other grants which are placed before the Council. We know that there has been a loss of revenue as disclosed in the answers given to questions yesterday to the extent of Rs. 70 lakhs under the head of sales of toddy shops, and we are not in a position to know how this loss is proposed to be made up. We are not in a position to know whether there have been any definite schemes of retrenchment of expenditure which we can rely upon for the purpose of adjusting our finances. We are not in a position to know whether there are other sources from which we can make up for the loss, which we have incurred on this account. Therefore I would say that to ask for a supplementary grant just at present, without having a clear indication as to where we stand so far as our finances are concerned, is not proper.

"The next question I would wish to ask you is whether due arrangements have been made or whether due provision has been made for other water-supply and drainage schemes in the Presidency. We have no information yet furnished regarding those facts and we are therefore not in a position to state how those claims are proposed to be met.

"Another point which also I wish to place before the Council is this. The supplementary grants proposed to-day not only include this grant of Rs. 5 but also a loan of Rs 10 lakhs, and so far as this grant of Rs. 5 lakhs is concerned. . . ."

The Hon'ble the PRESIDENT:—"Order, order. Is the grant for a loan of 10 lakhs to be proposed to-day? Probably it comes later on."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Yes, on page 2 of the agenda."

The Hon'ble the PRESIDENT:—"I am much obliged to the honourable member."

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*):—What I would suggest is this, whether we cannot wait for a further period so far as this grant of 5 lakhs is concerned, apart from the loan for which no reasonable objection can be taken, to enable us to examine the financial condition of the province and to enable us to see whether we are in a more solvent

11-45 a.m.

position than we were. It is also to be understood that there have been before this Council various proposals of a very urgent character for which due provision has not yet been made. I will recall the attention of the Council to the debate which took place on 18th February asking for subventions for local bodies for expansion of elementary education. On that occasion definite proposals were made asking for grants to improve the position of elementary school teachers and it will be interesting to notice that if there is any one question regarding which opinion was fairly unanimous, it was the question of improving the condition of elementary school teachers. It is interesting to note that debate; it will be found that all sections of this House gave their support to that proposal to improve their condition and to find funds for that purpose. The fact that the following honourable members took part in the debate and supported that motion is proof positive of the circumstance:—

Mr. T. Sivasankaram Pillai—the mover.	Mr. B. P. Devarajulu Nayudu.
Mr. M. C. Raja.	Rev. E. M. Macphail.
Mr. G. Vandanam.	Mr. M. R. Saturatnam Ayyar.

The Hon'ble the PRESIDENT:—"Order, order. I find the honourable member is reading out a long list.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I am only pointing out that the proposal had the unanimous acceptance of this House."

The Hon'ble the PRESIDENT:—"About what?"

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"About the need for providing for elementary school teachers. I am only pointing out that there are more urgent schemes which have had the acceptance of this Council for which no provision has been made. I am going to point out now that in the course of that debate, the Government Member, the Minister for Education, then gave out hopes that at the time of the budget he will be in a position to do something in that direction to improve their lots, and that upon that assurance the honourable mover Mr. Sivasankaram Pillai withdrew his resolution. He wanted to withdraw it conditionally, but in reply to a ruling from the President that there should be no conditional withdrawals in the Council, he had to withdraw it unconditionally. On a later occasion, I moved a resolution for a grant to local bodies of a portion of the excise revenue, and in the course of the debate several honourable members of this Council pointed out that it was at least necessary to find funds for improving the lot of elementary school teachers, I may mention on this occasion that they are getting far less pay than even our peons—the trained teachers get Rs. 12, whereas peons in our office get at least Rs. 13, apart from the attenders who are getting something more. It was in this condition of affairs that those proposals were made and the Hon'ble the Minister for Education was good enough to state, no doubt in his own cautious manner, that he would view it with sympathy and that he would consider and do something. Then the Hon'ble the Finance Member—Mr. Todhunter said that he would also do his best to improve the condition of local bodies and there the matter was dropped."

The Hon'ble the PRESIDENT:—"Order, order. This is a difficult matter to deal with. The honourable member is perfectly in order in saying that there are other matters more urgent. But if we are going to discuss in detail the nature of the urgency, the extent of the urgency and all that, we shall be landed in this position. The moment the Government propose any expenditure, every honourable member who has got some other expenditure to propose which he considers more urgent, may deal with all the merits of that other expenditure. I would appeal to the honourable member to consider where that is likely to lead us to. I am

quite prepared to admit that the honourable member has got a strong case for his elementary school teachers, but what I am saying is that there must be some limit to a discussion of what after all is a side issue. We are now dealing with the question of giving 5 lakhs of rupees under 33. Public Health—Grant for Public Health purposes—to the Madras Corporation. The honourable member is entitled to say that that grant is not necessary. He is also entitled to say that, if the money is available, there are other things on which it could be better expended. He is also entitled to indicate in quite a brief way what the other things are. But if the merits of the other things are going to be dealt with elaborately, I am bound to warn the Council that that will create a most inconvenient precedent which will greatly protract discussion and have most undesirable results. Any number of side issues will be opened up and I would appeal to the honourable member to bear that aspect in mind before he goes further into the merits of the increase of pay which he considers necessary for schoolmasters."

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*) :—"I gladly accept your suggestion, Sir, and I am about to close so far as this aspect of the question is concerned. I am only going to point out how the matter is really very urgent; I am not going further than that. And in trying to point out that the question of improving the lot of elementary school teachers is very urgent, I shall, with your permission, Sir, and the permission of the Council, read an extract of the speech of my honourable friend Mr. Patro, who, before he assumed charge of the Department of Education . . . ."

The Hon'ble the PRESIDENT (*interrupting*) :—"Order, order. May I know for what purpose the honourable member wants to read it?"

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*):—"To show that it is dangerous to put it off and that the need is very urgent now."

The Hon'ble the PRESIDENT (*interrupting*) :—"Then that exactly contravenes my ruling, viz., that a further elaborate discussion of the merits of other things will not be relevant."

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*) :—"In that case I shall not proceed with that matter further."

"Therefore, when we are satisfied that there are more urgent things which have already been accepted by the Council and for which no provision has been made, we should hesitate before we give our assent to this grant at this stage. If the Hon'ble the Minister for Local Self-Government, or the Hon'ble the Minister for Education, finds adequate funds for the purpose of satisfying other more urgent needs, and then comes forward with a proposal for this supplementary grant, this Council need not have any hesitation in accepting such a proposal. But as we have no idea whatever as to what the Government proposes to do in respect of other urgent matters which have been placed before it from time to time, and since we are to-day called upon without any exact idea of the finances, to vote for this grant of 5 lakhs and for others to follow, I think we ought to hesitate before we accept this motion."

The Hon'ble Mr. A. R. KNAPP :—"Sir, I am not surprised at honourable members knowing as they do in what state our purse is should expect to be told how we are going to get not only this sum of 5 lakhs, but also further demands totalling altogether more than 37 lakhs, which the Council is being asked this morning to pass. It will be convenient if at this stage I give some explanation on that point.

"As regards all demands which have come up for consideration this morning, excepting those under heads 22 and 23, it is proposed, if the Council agrees, to meet them from money to be borrowed from the Government of India. The position in regard to the borrowing from the Government of India is this. When we prepared our budget last December we found a large number of demands on us for loan money which it was thought could be usefully employed. The total arrived at was 130 lakhs. We approached the Government of India and suggested to them that either they might lend us the money, or that we should go on the market ourselves with a provincial loan, and we mentioned that if we took the latter course, we might perhaps have to offer interest at 7 per cent. The Government of India demurred to our offering anything like so high an interest as that no doubt on the ground that it was likely to get in the way of their own loan and they finally offered us a loan of 70 lakhs of rupees. That loan we accepted and it is embodied in the expenditure from loans in the budget estimate which we passed in the early part of this year. That 70 lakhs left balance of 60 lakhs of money required for loans which we were not able to provide. Later in the year we got information that the Government of India were lending to the Government of Bombay a very considerable sum of money out of the loan which the Government of India themselves were raising, and we lost no time in approaching them to see whether they could not do for us what they were doing for Bombay. After a certain amount of correspondence, we got a promise from them that, if we could put up a list of works which could be usefully carried out from loan money, they would be prepared to lend us a certain amount, viz., 40 lakhs. The position now is that, if we like to take this money, we can have it on comparatively easy terms. We shall not pay interest on it until we actually draw the money and if we can pay it back within a year we shall get it on the same terms on which Treasury Bills are being issued, which would roughly be about $5\frac{1}{2}$ per cent. If, however, we do not pay it within the year, it becomes a long-term debt, and the rate of interest charged us will probably be $6\frac{1}{2}$ per cent; but the actual figure is not yet determined. Now the advice of the Government to this Council is that we should accept that offer of 40 lakhs; and if that advice is accepted, then the funds for these demands which are being made to-day by the Members of Government will be forthcoming. So far as the loan is concerned that I think is all that I need say.

"But perhaps I had better make some reference to the attitude which my honourable friend Mr. Krishna Rao has taken towards this particular item of 5 lakhs which my friend on my right has asked for. Mr. Krishna Rao bases his chief objection, as I understand it, on the fact that this particular demand does not come under any of the heads in rule 32 of the Legislative Council Rules. It does come, Sir, most distinctly under head 32 (1). In our budget, page 171, there is an item of Rs. 11,50,000 which my honourable friend will observe has a bracket opposite, the bracket indicating that part of it is for the Madras Corporation and part for the mufassal. The sum which went to the Madras Corporation was 5 lakhs. That has been found to be insufficient and an explanation of the insufficiency will be found in one item to which Mr. Krishna Rao has already referred, viz., the 10 lakhs which the Madras Corporation proposes to borrow from us. The position is—for this year at any rate, I don't say anything about future years—we have promised to give to the Madras Corporation as a grant rupee for rupee against the money they put up for themselves. They propose to put up ten lakhs and we are bound by our promise to make an equivalent grant. Unfortunately, by an accident we did not realize at the time of preparing the budget that the Madras Corporation intended to put up so much as ten lakhs. By an error we took it that they were going to spend only ten lakhs in all out of which they would pay

five lakhs and that we would have to pay five. That is the explanation of having provided five lakhs in the budget and it is also sufficient justification for saying that the present demand comes under rule 32 (1), viz., that the amount provided in the budget, viz., five lakhs, is found to be insufficient for the purposes of the current year. Now as regards the other uses to which Mr. Krishna Rao would like this money to be put, I gather, Sir, that you ruled his observations on that point out of order. Sir, if I may venture to say so, your ruling is perfectly sound, for it is a constitutional principle of some importance that proposals for the spending of money should come from the executive. We refer a great deal to the practice in the House of Commons. I think my honourable friend Mr. Ramachandra Rao will certainly support me in saying that the principle is fully recognized there. I cannot help thinking that the proper method for my honourable friend Mr. Krishna Rao, if he wishes to bring forward proposals in favour of expenditure on education or anything else, is by means of an ordinary resolution and not by opposition to a particular demand for a grant for other purposes.

"But there is another point. This particular money, as I have explained, is loan money which cannot be held to be available for such recurring expenditure as subventions to local bodies for educational purposes. If that money is to be found, I think it must be found from our ordinary revenues. We should not be justified in using for ordinary recurring expenditure money which obviously can only safely be expended for capital purposes. I may have occasion later on, Sir, to refer to the same point in connexion with some of these demands which I myself shall have to move, and if honourable members desire any further information, I shall be able to give it then."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I am glad that the Hon'ble Mr. Knapp has made a statement to clear the ground. I do not wish to make any lengthy observations as regards this grant. I must, however, demur to the statement of my honourable friend Mr. Knapp that all proposals for expenditure from the executive should be accepted by this Council."

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The Hon'ble Mr. A. R. KNAPP (*interrupting*) :—" I did not say so, Sir. My statement was that proposals for spending money should emanate from the executive."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*) :—" I agree with him then. There is absolutely no quarrel in that case. It does not at all require any statement, for it is perfectly certain that such proposals should emanate from the executive. What my friend Mr. Krishna Rao submitted to the Council was not that this amount for elementary schoolmasters should be voted by the Council, but he suggested in answer to the demand: 'Do not allot this money for that purpose, because there are other urgent calls for other purposes.' And therefore there was no question at all so far as my friend was concerned of any request for funds. I do not think it necessary to dilate at length upon that aspect of the case. I think there is one statement made by my honourable friend Mr. Knapp. He said that it was a wrong financial policy to allot funds for current expenditure, as subventions to local bodies, from loan funds."

The Hon'ble Mr. A. R. KNAPP (*interrupting*) :—" I said, recurring expenditure."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*) :—" Recurring expenditure for subventions. I heard the honourable member say subventions, Sir."

The Hon'ble Mr. A. R. KNAPP (*interrupting*) :—" Subventions for recurring expenditure on educational purposes."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*) :—" I do not know whether the Hon'ble Mr. Knapp draws a distinction between subventions for educational purposes and subventions for local bodies for other purposes. The question is whether any grants could be made from loan funds either for educational expenditure or for other purposes such as water-works or drainage scheme. I have no objection to my honourable friend Mr. Knapp giving as much as he can spare to municipal bodies, like the Corporation of Madras, as loans. He has provided ten lakhs of rupees and it was good of him to get forty lakhs from the Government of India to distribute among the local bodies as loans. I think the Government acted promptly in putting forward the case of Madras before the Government of India. But the question we have to consider is whether in addition to getting itself these loans to local bodies the Local Government which is in impecunious condition as far as I can judge from current events should go further and take five lakhs out of loan funds and make a grant to the Corporation of Madras or any other municipality, not out of current revenues but out of loan funds. I understand Mr. Knapp to say that this particular amount of five lakhs came out of the loan fund and that exactly is my objection to this grant. Of course, the Hon'ble Mr. Knapp recognizes that this five lakhs carried interest at the rate of 5½ per cent. The interest has to come out of provincial revenues and the benefit of this will go to the Madras Corporation which will not pay a single pie on the five lakhs of rupees. It has to be met from current revenues. I think that this amount should not be granted and that is the reason why I requested Mr. Knapp to tell us exactly the position of affairs on the 1st of April 1921 when the budget was closed whether there was any balance from current revenues out of which this can be met. He was not in a position to tell us what exactly was the position though it is seven months since the financial year was over. If he can tell us that there is a balance from current revenues out of which the Local Government can make a grant, that would be quite a different matter. To make a grant of five lakhs out of a loan and to pay interest on that grant from provincial revenues and then to call it a matter of urgency when there are hundreds of other claims seems to be without justification. Of course there would be no objection if the Madras Corporation borrowed the five lakhs in addition to the other amounts which it is willing to borrow. I would not object to such a course. Again, this matter can be held up, if it is necessary, for further consideration in view of other applications from other local bodies. To make a grant and that in spite of various other requests which have been put off is a thing which I would not be a party to."

Mr. P. SIVA RAO :—" Sir, I thank the Hon'ble Mr. Knapp for the lucid statement he has made on the question. Before he made that clear statement we were not in a position to know wherefrom these five lakhs were proposed to be advanced or out of what funds. He used to tell us in some previous discussion that he had as much as a glorious sum of two thousand rupees in the Provincial Exchequer and when they were making proposals for spending 37 lakhs some of us were beaten hollow; we were at a loss to understand wherefrom all this money was to come. It comes to this, that a sum of 20 lakhs has to be advanced to the Madras Corporation during the current year. They have already allotted five lakhs for the purpose in the budget. To sum up, I may say, Sir, 20 lakhs have to be utilized for the Madras Corporation and out of what funds? Not out of the current revenues, not out of the surpluses. They had to borrow they say, they had to

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apply to the Government of India, borrow a sum of 40 lakhs and they will have to pay interest on it, never mind whether it is small or heavy and out of that loan fund they are making a charity or a grant of five lakhs to the Corporation. I do not think, Sir, it needs many words on my part to expose the unsoundness of the financial proposal that is put forward now. I may say, Sir, that there are many urgent schemes requiring our immediate attention like the case of the low-paid elementary school teachers. I may also draw the attention of the Hon'ble the Minister for Local Self-Government how the sanitary services are starved, how the sanitary improvements throughout the presidency have been closed, how the water-works and drainage schemes have been held out, how the non-gazetted officers have been told that the Government have not enough money to satisfy their wants even though the Government feels at times the justice of their demand, and how many schemes which have been sanctioned have been held up because there was not even a pie as in the case of the non-gazetted officers and the village munsifs. It looks to me this is like Nero's fiddling while Rome is burning. It is extremely unreasonable for the Madras Corporation to ask in the present state of financial stringency for excessive help. I very strongly object to this charitable grant of five lakhs out of the forty lakhs which we have to borrow from the Government of India and pay interest thereon out of the current revenue. I may say, Sir, that we have not been taken into the confidence of the Government when these forty lakhs were proposed to be borrowed though I am not positive that the sanction of the Council is necessary in such cases."

Sir P. TYAGARAYA CHETTIYAR:—"Mr. President, I rise to support the demand brought by my honourable friend, Mr. Ramarayaningar, for a grant of five lakhs. It is not a charity, as several of my friends have been saying here, to the Corporation. It is an obligation of the Madras Government to the Madras Corporation. It is on the promise of the Madras Government to extend its help in carrying out the schemes that the Madras Corporation has undertaken them. If this promise had not been made, the Corporation would not have undertaken the schemes and apply to the Government for financial help. So, it is a matter of absolute necessity for the Government to keep to their promise, rather to the terms of their contract. The Corporation has found that if they did not spend twenty lakhs for this year, there would be much waste of money in the way of supervision. We have a very costly establishment, a special engineer and a costly machinery for working up the drainage scheme and the water-works scheme and if sufficient funds are not placed at our disposal it would be hard upon us and we will have to disestablish the staff. Once disestablished it will be very difficult to take up the schemes again when funds are available. And it will be a source of a great deal of danger to Madras if we shut up the schemes just at this stage. It will be impossible to go on with them later on. And unless the Government now comes to give its share of the budgeted amount of the Corporation my honourable friends should realize that the schemes would have to be stopped. Moreover we have several orders placed in England and other places for several materials for these schemes and if we now stop them I do not know what loss it will involve to the Corporation. Sir, another question was raised by Mr. Siva Rao as to why the Government should give a loan of ten lakhs."

Mr. P. SIVA RAO (*interrupting*):—"No, Sir."

Sir P. TYAGARAYA CHETTIYAR (*continuing*):—"I thank the honourable member then. It has been asked whether the Corporation cannot get on with its

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part of the debt and I wish to point out in reply that it is the duty of the Government to pay half the share of the money necessary for carrying out these schemes. So I think every member of this Council will see that it is the duty of the Government to keep up to their contract and give the ten lakhs that the Corporation wants. The whole scheme costs 165 lakhs; we have already spent about 70 or 80 lakhs and it will not be wise to put a stop to the carrying out of these schemes at this stage. I therefore wish that the Council sanctions this amount."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, I wish to say one word regarding the way in which the supplementary grants are asked for. Rule 106 of the Legislative Council Instructions says that an estimate should be presented to the Council for a supplementary or additional grant and rules 98 to 100 deal with the regular budget. Rule 98 says that a budget containing a statement of the estimated annual expenditure and revenue of the province is to be presented and a demand for grant is to follow such an estimate. Here for the sake of brevity of expression, the estimate as well as the grant is included in the same rule. I think it is the duty of the Government to present a supplementary estimate both showing the sources of revenue as well as the expenditure and then come in with a grant. The intention of the Government must be clear and it is merely a question of demand. I do not think a bald demand from the Government will at all give any satisfaction to the members of this Council so as to enable them to be in a position to vote for. Anyhow it is a matter for you, Sir, to see whether such a thing is really meant by rule 106 and whether it is to be enforced hereafter or not. Now it has been stated that the amount for which demand is made is all the amount that has to be granted and that it ought to be met from the to-be-borrowed capital of 40 lakhs.

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"Now, Sir, I will refer to the rules under section 30 (1-A) of the Government of India Act. Rule 2 of the said rules states: A Local Government may raise loans on the security of the revenues allocated to it for any of the following purposes, namely: (i) to meet capital expenditure on the construction or acquisition, etc., etc., *provided that the proposed expenditure is so large that it cannot reasonably be met from the current revenues and*; (ii) *if the project appears to the Governor-General in Council unlikely to yield a return of not less than such percentage as he may from time to time by order prescribe, arrangements are made for the amortisation of the debt.* Sir, in this case we do not know whether the provisions of the above rule are satisfied. A reference was made by my honourable friend Mr. A. S. Krishna Rao regarding the grant by this Government for subvention to local bodies regarding elementary school teachers. If I remember aright, Sir, at the end of the budget meeting, the Government came forward with an additional grant and the additional grants included a demand from the Government for paying this subvention to school teachers. On technical grounds it was then objected to wisely or unwisely that the matter cannot then be discussed and you, Sir, said that urgent matters will be put to the Council as a matter of convenience and the other matters will be brought forward at subsequent stages. That additional grant was never brought forward. There was an overt act on the part of the Government at one stage and now we find that the Government is not pleased to come forward with the same identical motion. Putting aside that identical grant, they now come forward with some extra grants.

"Sir, it has been pointed out by the Hon'ble the Finance Member whether it is parliamentary method that we should oppose this demand. I remember to have read very carefully the working of the parliamentary system—I am only

speaking from my knowledge from reading and not from personal experience—and I found that one of the best methods of inducing the Government to attend to more urgent matters in the matter of expenditure is by opposing the other unnecessary grants. I therefore think that the position of my honourable friend Mr. Krishna Rao is entirely constitutional and I hope the Hon'ble Mr. Knapp will correct me if I am in the wrong. Every one of us does wish to follow the entire parliamentary method as far as we humbly can.

"Sir, I wish to bring one more fact to the consideration of this House. After the new dispensation regarding the subvention to local bodies, the Government has adopted the formula, namely, 'You had better spend the amount this year, whatever share you have got, we shall pay next year.' That is the system that is advocated or adopted or proposed to be adopted in the case of other local bodies. I wonder why the same system should not be adopted in the case of the Madras Corporation. The Council has already voted five lakhs and instead of borrowing ten lakhs, the Corporation may borrow something more without indenting upon the ordinary revenues of the province. If funds permit, the additional amount of five lakhs may be allotted next year along with some other amount that may be necessary for the Corporation to complete its drainage scheme. Sir, we do not here complain of the grants made to the Corporation. We only want that all the demands of the various local bodies must be examined and subventions must go on on an evenly basis. In this case it may be pointed out as one wonderful way in which after the new dispensation, subventions for minor sanitary works in rural areas are entirely omitted. Is it to the credit of the Government that the vast population should be neglected and that some 45 lakhs of people in the city alone should be looked after by the Madras Government?

"Sir, I request the Council to examine one other question. It has been stated by the Hon'ble the Finance Member that on account of a mistake only five lakhs has been entered as the grant to the Madras Corporation at the time of the budget, that the real requirements of the Corporation now turn out to be 20 lakhs and that out of which ten lakhs ought to be given by the Government. I wish to know where the mistake occurred. The head of the Corporation now states that he has got on expensive engineering staff and unless the whole extent of 20 lakhs is made during the current year he will be made to suffer as the working charges will be higher than the real expenditure. True it is: but it is the duty of the Government to ascertain what is the spending capacity of the Corporation, what is the special staff and what is the amount they can spend in the course of a year. These are very simple facts and at the time of the budget the Government ought to have called for all this information and then put in their figure in the budget as to the amount of contribution that is required during the current year to the Madras Corporation."

Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"Mr. President, I have very great pleasure in supporting this demand for grant made by the Hon'ble the Minister for Local Self-Government. I am sure, Sir, the honourable members will sympathize with the Madras Corporation when I say that we have undertaken these expensive schemes of drainage and water-supply not on our own initiative but we were driven to do it by the Madras Government some 12 or 13 years ago. At that time, on the initiative of the Madras Government, a motion was brought in the Corporation for the purpose of undertaking these expensive schemes of underground drainage and water-supply. I learn that at that time many councillors were against the said motion, but that the same was carried by

the casting vote of the official President. Then, Sir, the Madras Corporation time after time pointed out to the Madras Government that unless and until the latter assisted the former with generous grants it will not be possible for them (the Corporation) to continue the works. No doubt we are very thankful to the Government for the generous grants they gave for some years. But during the last three or four years, the Madras Government has been very obstructive and stated that the Corporation should bear the financial responsibility for these works. Last year the Corporation definitely told the Madras Government that unless and until they made themselves responsible for 50 per cent of the expenditure, they (the Corporation) would have to close the special works. The Government agreed with the Corporation in its demand and in accordance with that agreement the Hon'ble the Minister for Local Self-Government has come before this House for a special grant of 5 lakhs. It is now the duty of the honourable members to sympathize with the Corporation and show their sympathy in a practical manner by giving their votes in favour of this demand.

"Sir, I remember that the late Dr. Nayar once in this House described Madras as a death-trap and unless and until honourable members take a sympathetic view and vote for grants like these, Madras will ever continue to be a death-trap."

12-30 p.m.

Mr. R. K. SHANMUKHAM CHETTIYAR:—"Sir, I have very great pleasure in supporting this demand for a grant made by the Hon'ble the Minister for Local Self-Government. No one will question the soundness of the financial principle that all expenses, as far as possible, must be met from current revenues. It is no doubt the ideal to be aimed at in all financial arrangements, but I doubt very much whether even in countries which are financially very stable this principle has ever been attained. In the midst of the great war, when millions of people were dying on the battle-fields and when the needs of the battle-fields were greater than anything else, it was Mr. Fisher, the Minister for Education, that asked for a huge grant for educational purposes. Well, Sir, if the Honourable Members of the House of Commons were actuated by the same motives by which the honourable members opposite are impelled, they would have at once said that while millions of human beings were dying on the batttlefields, it was absurd to think of spending some millions for educational purposes.

"But then, Sir, the financiers of Great Britain thought otherwise and they realized that even in the most acute financial crisis there were certain items of expenses which cannot be dispensed with. As a matter of fact this argument that there are other more urgent needs, that there are other more urgent schemes pending, can be brought forward at every stage of the procedure in this House. Sir, it is well known that the water and drainage system of Madras are in a very deplorable condition and when we are looking at this scheme we must not look at it purely from a selfish point of view. We must take the broader aspect that it is affecting the metropolis of the Presidency and that the requirements of the capital city must be inevitably greater than the requirements of other cities. It was the late Dr. Nayar that named the water that we drink in Madras as 'Molony's mixture'. That mixture is not drunk by the citizens of Madras alone but we have also to drink it for almost eight days in a month. So we are also interested in improving the quality of this Molony's mixture. Unfortunately my friend Mr. Siva Rao's proverbs and illustrations are not very apt. I do not think, Sir, that this demand for a supplementary grant is like Nero fiddling when Rome was burning. His position looks like this. The whole of Rome is no doubt burning, but Mr. Siva Rao who lives at one end of the town says that he will not

help to quench the fire because his house is in the interior. He says that Cuddapah and Bellary are in greater need of water-supply. The non-gazetted officers are in greater need of increase of pay. Therefore he would not protect the people of Madras. Such argument, I think, is very unfortunate. No doubt the motive underlying the opposition that has been brought forward to a measure like this can be plainly seen. But I hope, Sir, that the honourable members of this House will realize the constitutional position in which we are placed if a motion like this were rejected and I hope, Sir, that this motion will be carried."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"Mr. President, I take it that the trend of opinion of the debate, Sir, has raised certain questions on which it is, I think, the duty of a person like myself to also express his own views. I have this advantage, Sir, that I belong at present, at any rate, to the City of Madras and I am therefore affected by any considerations by which the citizens of Madras are affected. Anything which will tend to the promotion of the health conditions of this town must certainly find support from me. I, therefore, Sir, in making the few observations that I propose to do, am going to confine myself purely to considerations which are binding, whatever may be the sympathies one may have in the matter on which he is asked to speak. Sir, it was, in the first place, stated that the Government would be going back on its contract if at the present moment this Council withheld this sum of 5 lakhs of rupees. The circumstances in which the municipality will be placed, supposing this 5 lakhs of grant was withheld, have also been placed in full detail and with sufficient clearness. I think we are bound to sympathize with the conditions of the Municipal Corporation. But if the Government owes a duty to the Municipal Corporation the Corporation also owes a duty to the Government. If I understood the Hon'ble Mr. Knapp correctly, they were not aware at the time the original grant was budgeted, for that there would be a need in the current year for this additional grant being made to the Municipal Corporation."

The Hon'ble Mr. A. R. KNAPP (*interrupting*):—"May I offer a word of explanation, Sir? The point is that the Corporation was aware. The mistake was made, I understand, in the Finance Department. The Finance Department thought that 10 lakhs was required for the whole expenditure while the Corporation wanted ten lakhs from the Government."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR (*continuing*):—"Sir, that explanation, I submit, does not take away the force of the argument that I propose to urge upon this House. There are members of the Municipal Corporation who are members of this Council. It is at least the duty of the Municipal Corporation to find out how much of the sum that they asked for has been allowed as a grant. They kept quiet over it, notwithstanding that there was sufficient time for the discussion of the budget grant. After the grant was passed, now we are told that there is need for additional expenditure. I do not think, Sir, the Municipal Corporation is acting fairly to this House in coming up at this juncture and asking for a grant. The reason is this. When the original grant was asked for, the House was in a position to co-ordinate this grant with other grants and to see how exactly it stood. Early in the year the House would have been in a position, if it was unable to make the grant asked for by the Municipal Corporation, to intimate that fact to the Municipal Corporation so that the Municipal Corporation might adjust itself accordingly. Of course, Sir, a promise had been made, and the promise has to be kept. But how exactly that promise has to be executed was left to the development of events. It is certainly unfair, if I may say so, on the part of the Municipal Corporation to hold us to the bond without taking care to see that they on their part discharge their duties reasonably. That is what I would submit so far as that part of the case is concerned.

"I am afraid there are other insuperable objections to the sanction of this grant. If honourable members will look to the rule to which the attention of the House has been drawn by my Hon'ble friend Mr. C. V. S. Narasimha Raju they will find that loans can be utilized for only particular purposes. For the purpose of explaining my position, let me state the facts. Here we have a certain amount given to us by the Government of India as a loan and it is out of that loan fund that we are going to grant to the Municipal Corporation a certain sum of money, not as a loan but as a grant. Now what the purposes are for which a loan taken from the Government of India could be utilized are mentioned at page 106, Volume 1 of the Madras Legislative Council Manual; and I venture to think, Sir—I am open to correction, and I do not profess expert knowlege in these matters—that this particular purpose of utilizing 5 lakhs of the loan that has been taken from the Government of India will not come under any of the clauses to which rule 2 on page 106 refers. That, I submit, Sir, is an insuperable objection, provided of course it is well founded, and I venture to think, Sir, subject to what may be said on the Government side, that the rules stand as follows: "The Local Government can raise loans. . . . . ."

The Hon'ble the PRESIDENT:—"Order, Order. May I point out to the honourable member that at present the motion is 'to give 5 lakhs to the Corporation', not to raise a loan from the Government of India? It is true that the Hon'ble the Finance Member explained that this money is going to come from the loans. If in view of that explanation any honourable member considers that the procedure will not be correct, he can deal with that separately. But I do not think I can, in a motion for giving 5 lakhs to the Corporation, allow a wide discussion on the question whether this Government will be right in taking a loan from the Government of India for certain definite purposes. I think the two issues are separate."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR (*continuing*):—"Sir, perhaps I have not made myself clear. The purpose you ask me to keep in mind was exactly the purpose which I wanted to place before the House. This being a loan fund, no part of it can be utilized for a grant and the purposes for which a loan can be utilized are indicated at page 106. Now, Sir, your ruling has obviated my need for further expatiating my point. The sum of 5 lakhs to be granted is a portion of the sum of 40 lakhs which was given by the Government of India as loan. I submit it is not proper, it is not justifiable, that any portion of the loan that has been taken from the Government of India should be utilized for the purpose of making grants. If the Government says that it is from other funds not borrowed from the Government of India, then it is perfectly competent for them to utilize such a sum as a grant. Then the question will arise whether this is the most urgent demand. If there is any possibility by which the Municipal Corporation could be helped, whatever may be the way in which the Municipal Corporation has been dealing with this thing, they should be helped by reason of the hardship which both the citizens and the corporation are suffering. If only the question of taking an additional loan had been brought to the notice of the House, it would have considered the purpose for which the loan was required and would have had a general idea of the way in which the loan would be utilized, in which case

motions such as this would have been passed for the mere asking or they would not have been brought to the notice of the House because honourable members would be aware that such motions would not be granted."

Mr. S. SOMASUNDARAM PILLAI :—"Mr. President, the question is whether this grant is required or not. Of course the grant is not intended at all to beautify the city. The water we drink has been called by the late Dr. Nayar, Molony's mixture, but I call it malaria mixture. The drainage system is abominable and the roads are stinking. If spending money on these things is not considered very necessary, I do not know for what purpose the money could be better spent. Sir, these mufassal gentlemen seem not to have gone into the alleys and by-lanes of the Madras City where poor people live. Almost in every house a number of people are suffering from malarial fever. The population of Madras City is about 5 lakhs. Before we have finished discussing and have arrived at a conclusion as to the necessities, certainly the 5 lakhs will be reduced to 2 or 3 lakhs. If the Government think that the money is for the welfare of the population I cannot understand how the Government can reduce the grant. Of course the mufassal people cannot understand our difficulties. But I see my Hon'ble friend Mr. L. A. Govindaraghava Ayyar is also opposing the motion. Probably he lives at a distance in his own bungalow. I think it is absolutely necessary that this grant should be sanctioned. We must find funds somehow or other."

12-45 p.m.

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—"I just rise, Sir, to point out that there is not much force in the technical objection which has been raised by Mr. C. V. S. Narasimha Raju and our esteemed friend Mr. Govindaraghava Ayyar by referring to rule 106 of the instructions and rule 2 of the rules under section 30 (I-A) of the Government of India Act.

"In the first place it has been said, referring to page 106, that the estimate should have been placed before the House and the procedure that was ordinarily allowed in the case of budget discussions is not provided here. The word estimate is used in the rule, with the object of the estimate being placed before the House before the latter sanctions this additional grant. That estimate is a cut and dry one. It is before the House. The Corporation of Madras borrowed 10 lakhs of rupees and under the contract with the Government they expect this Government to make a grant of a similar amount. So 5 lakhs of rupees have already been granted, and this 5 lakhs is intended to make up the balance."

Rao Bahadur C. V. S. NARASIMHA RAJU (*interrupting*) :—"When I said 'estimate', I meant an estimate of receipts and expenditure according to the instructions."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*continuing*) :—"I accept the position. Forty lakhs was borrowed from the Government of India. The grants applied for form the expenditure for 37 lakhs. And the remaining 3 lakhs will be duly accounted for."

Rao Bahadur C. V. S. NARASIMHA RAJU (*interrupting*) :—"I submit that such an estimate was not presented to the House."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*continuing*) :—"There cannot be any question of accuracy of the amount that is given. In the present case, it is five lakhs of rupees, not a rupee more nor a rupee less. The amount that is to be granted and the estimate is before the House.

"Coming to the devolution rules it has been suggested that this grant does not come under rule 2 on page 106, as not being a grant for the purposes for which a loan can be raised. Rule 2 says that loans may be raised 'to meet capital expenditure on the construction or acquisition of any work of permanent asset of a material character in connexion with a project of lasting public utility . . .'."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I wish to raise a point of order. You were pleased to rule when Mr. Govindaraghava Ayyar was interpreting the rule on page 106 that it was out of order."

The Hon'ble the PRESIDENT :—"What was out of order?"

Rao Bahadur C. V. S. NARASIMHA RAJU :—"The devolution rule No. 2 on page 106. When the honourable member Mr. Govindaraghava Ayyar attempted to explain it, you were pleased to rule him out of order."

The Hon'ble the PRESIDENT :—"I said that the question before the House was that the Government should be given five lakhs to give to the Corporation and not whether the Government should borrow. I believe the honourable member accepted that. The allegation now is that the Government committed an illegality. A member of the Government is entitled to say 'We have not committed any illegality'."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—"Yes, Sir, I will now quote the material portions of the rule. 'A local Government can raise loans . . . . for any of the following purposes :—

'(*a*) to meet capital expenditure on the construction or acquisition . . . of any work of permanent asset of a material character in connexion with a project of lasting public utility.'

"That it is capital expenditure it will not be denied ; that it is for construction it will not be disputed ; that it is a work of a material character it will not be questioned ; that it is a project of lasting public utility, it cannot be doubted. These conditions are satisfied. There are two provisos. The first is 'the proposed expenditure is so large that it cannot reasonably be met from current revenues.' Our budget is a sufficient evidence that this proviso is satisfied. The second proviso is : 'if the project appears to the Governor-General in Council unlikely to yield a return of not less than such percentage as he may from time to time prescribe, arrangements are made for the amortisation of the debt.' Now that question has been examined, and it was found that it will not yield such a percentage. Arrangements are however made for the elimination of the debt in due course. What is it then in this clause that is against our procedure."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"I wish to understand if arrangements have been made for the amortisation of the five lakhs of rupees that is to be given to the Corporation."

The Hon'ble Mr. A. R. KNAPP :—"Yes. This is a matter which I omitted to mention. Our present intention is to raise a provincial loan next year. That is why I referred to the probability of repaying the whole of the present loan. If we are to raise a provincial loan the question of gradual amortisation does not arise."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"If no arrangements have been made and there is only a contemplation to make arrangements to meet the present expenditure, that is not what is contemplated by the rules."

[The Hon'ble Sir Lionel Davidson] [14th October 1921

The Hon'ble Sir LIONEL DAVIDSON :—" May I rise to a point of order, namely, whether this discussion is relevant to the matter before the House. As I understand them, the devolution rules govern the purposes for which a local Government may raise a loan. The subject which is now being discussed is the object on which the Local Government may expend loans supplied to it by the Government of India. I thought, Sir, that you had already ruled in effect that the devolution rules do not apply to the case, and I venture to say that Mr. Govindaraghava Ayyar erred—no doubt unconsciously in speaking of violations of such rules."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—" Apart from the technical point that these rules are made for the purpose of raising a loan, I would submit that the decision of this Government to raise a loan next year out of which this amount will be discharged, is a sufficient arrangement within the meaning of this rule. After all it is a small item of Rs. 5 lakhs and it can be discharged even out of ordinary revenues. In any case it is certain that this amount is not intended to remain as a debt next year."

Mr. T. SIVASANKARAM PILLAI :—" I must join in opposing this grant strongly. It is no consolation to us to be told that the grant is to be made out of the loan funds. Much less is it a consolation to be told that the Corporation is going to spend the grant on a permanent work of public utility. Next year we will have to repay that out of our current revenues. To that extent we shall be worse. Our capacity to meet more urgent items of expenditure will thus be reduced to that extent. It is from that point of view that I object to this grant being made."

Mr. A. Ramaswami Mudaliyar moved that the question be put.

The motion for closure was unanimously carried.

A poll was then taken with the following result :—

Ayes.

1. The Hon'ble Sir Lionel Davidson.
2. ,, ,, Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
3. ,, ,, Mr. K. Srinivasa Ayyangar.
4. ,, ,, Mr. A. R. Knapp.
5. ,, ,, Mr. P. Ramarayaningar.
6. ,, ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. ,, ,, Mr. A. P. Patro.
8. Mr. F. J. Richards.
9. ,, C. W. E. Cotton.
10. ,, R. Littlehailes.
11. ,, E. Periyanayagam.
12. ,, P. Subbarayan.
13. ,, A. Ramaswami Mudaliyar.
14. ,, S. R. Y. Ankinedu Prasad Bahadur.
15. Dr. Appalanarasayya Nayudu.
16. Mr. R. Appaswami Nayudu.
17. Diwan Bahadur C. Arunachala Mudaliyar.
18. Rao Bahadur T. Balaji Rao Nayudu.
19. Mr. B. P. Devarajulu Nayudu.
20. Rao Sahib P. C. Etirajulu Nayudu.
21. Mr. K. Gopalakrishnayya.
22. ,, K. A. Kandaswami Kandar.
23. Diwan Bahadur Sir P. Tyagaraya Chettiyar.
24. Diwan Bahadur R. Venkataratnam Nayudu.
25. Mr. T. A. Ramalingam Chettiyar.
26. ,, B. Muniswami Nayudu.
27. ,, P. C. Muttu Chettiyar.
28. ,, Muttukumaraswami Chettiyar.
29. ,, M. Narayanaswami Reddi.
30. ,, C. Natesa Mudaliyar.
31. ,, V. Pakkiriswami Pillai.
32. ,, P. T. Rajan.
33. ,, A. Ramayya Punja.
34. ,, K. Sarabha Reddi.
35. ,, S. T. Shanmukham Pillai.
36. ,, W. P. A. Saundara Pandya Nadar.
37. ,, R. K. Shanmukham Chettiyar.
38. ,, T. Somasundara Mudaliyar.
39. ,, N. A. V. Somasundaram Pillai.
40. ,, S. Somasundaram Pillai.
41. ,, A. Subbarayudu.
42. Diwan Bahadur K. Suryanarayanamurti Nayudu.
43. Mr. A. Tangavelu Nayagar.
44. ,, T. Tangavelu Pillai
45. ,, W. Vijayaraghava Mudaliyar.
46. Diwan Bahadur P. Kesava Pillai.
47. Mr. S. Muttumanikkachari.

14th October 1921] [The Hon'ble Mr. K. Venkata Reddi Nayudu]

48. Mr. A. T. Palmer.
49. ,, G. Vandanam.
50. ,, M. V. Apparao Bahadur.
51. ,, K. Prabhakaran Tampan.
52. ,, J. A. Richardson.
53. ,, Abbas Ali Khan Bahadur.
54. ,, Sayid Diwan Abdul Razak Sahib.
55. ,, Khan Sahib Muhammad Abdur Razak Bahadur.
56. ,, Munshi Muhammad Abdur-Rahman Sahib.
57. ,, Bavotti Sahib.
58. Mr. Hamid Sultan Markkayar.
59. ,, A. P. I. Saiyid Ibrahim Ravuttar.
60. ,, Muhammad Abdulla Badsha Sahib.
61. Khan Bahadur Muhammad Usman Sahib.
62. Mr. L. C. Guruswami.
63. ,, R. T. Kesavulu Pillai.
64. ,, M. C. Madurai Pillai.
65. ,, Simpson.
66. ,, A. M. Macdougal.
67. ,, Rao Bahadur T. Namberumal Chettiyar.
68. Rao Sahib P. Venkatarangayya.

Noes.

1. Mr. K. Adinarayana Reddi.
2. ,, K. P. Gopala Menon.
3. Diwan Bahadur M. Ramachandra Rao.
4. ,, ,, L. A. Govindaraghava Ayyar.
5. Rao Bahadur A. S. Krishna Rao.
6. Mr. P. Siva Rao.
7. Sriman Biswanath Das.
8. Rai Bahadur T. M. Narasimhacharlu.
9. Rao Bahadur C. V. S. Narasimha Raju.
10. Mr. A. Ranganatha Mudaliyar.
11. ,, K. Sadasiva Bhat.
12. ,, M. R. Seturatnam Ayyar.
13. ,, T. Sivasankaram Pillai.
14. ,, M. Suryanarayana.
15. ,, C. V. Venkataramana Ayyangar.

The grant was declared carried, 68 voting *for* and 15 *against*.

Demand XX—Civil Veterinary Services.

1 p m. The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—" Sir, I beg to move—

'*Grant XX—Civil Veterinary Services. That the Government be granted an additional sum of Rs.* 6,000 *under* 34-*B. Agriculture—Veterinary charges—Veterinary instructions—Contingencies—Cost of indented European stores—Microscopes.*'

" This sum of Rs. 6,000, Sir, is intended for purchasing certain microscopes and other surgical instruments. The college possesses a laboratory room for the teaching of bacteriology and pathology with everything except microscope and a science lantern. If these are not now provided the whole work of the college classes will suffer. Other scientific apparatus is required for the college working laboratory in the preparation of the material for the working of bacteriological and pathology classes and also for the carrying out of other work which the college undertakes. The surgical instruments are required for the working of the hospital. The want of them is a great drawback on the working of the hospital. I therefore beg that this grant may be made. I may mention, Sir, that this is to come out of the ordinary revenues by reappropriation and does not go to the loan account."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, Sir, it has been stated by the member in charge of this grant that this expenditure is to be met by reappropriation. If it is a reappropriation within the grant for veterinary charges he need not come to this House for this grant. May I know what he means by reappropriation and what is the process by which the Finance Member is going to allot this amount ? "

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—" I may at once explain that, Sir. That reappropriation by me is possible only in cases under the same minor head. If the reappropriation is to come from a major head, I have to go to the Finance Member and Finance Committee and it is equally possible that money may not be available under these two heads, but may have to be taken out of the surplus at the end of the year in which case I think the best course will be to apply to the House. I have not exercised the right supposed to be in me and I may perhaps claim this credit that I am trusting this House by placing the matter before it and taking its sanction."

[The Hon'ble Mr. K. Venkata Reddi Nayudu] [14th October 1921

The motion was put and carried. The grant was made.

Demand XXIII—Industries.

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—" I beg to move—

'Grant XXIII.—Industries. That the Government be granted an additional sum of Rs. 34,000 for the purchase of a sea-going launch under 35-B. Industries—Transferred—Pearl and Chank Fisheries—Contingencies.'

" In moving for this grant of Rs. 34,000 for the purpose of a sea-going launch, I may at once state that a motor launch to be built to the design of the Assistant Director of Fisheries, Mr. Allen, was actually sanctioned sometime in August 1920, and the contract was very nearly signed by the builders, arrangements being made by the Secretary of State. This proposal was held up by a cable because Mr. Hornell, Director of Fisheries, proposed the alternative of buying a Danish cutter and a Danish seine. The Government were not satisfied with the alternative and asked Mr. Allen who was then in England to go to Denmark and examine the proposal at Esbjerg. Mr. Allen reported unfavourably and the proposal had to be dropped. The present proposal is a slight modification of Mr. Allen's original proposal. In substance it is to carry out the order for the purchase of the original launch with some slight modifications. This is estimated at Rs. 34,000. The object of purchasing this launch is to carry on fish-catching experiments on a large scale. If this is successful, ordinary fishing capitalists can copy the experiments for they can get somewhat rougher boats for a much smaller sum, say Rs. 15,000 or 16,000. The present one is a little more costly because we have to find accommodation for the officers of the Fisheries department or the master fishermen who are to live in the launch during their excursions. This will not be necessary in the case of the Indian Master Fishermen. If the experiment is to succeed a great future for Fishing Industries in this country may reasonably be expected."

The motion was put and carried. The grant was made.

Demand XXVI—Civil Works.

The Hon'ble Sir LIONEL DAVIDSON :—" I rise, Sir, not to move that this grant be given at once but to move under Standing Order 34 that this item of business be adjourned till to-morrow. The reason why I do this is that after the Council rose last evening two members representative of the Vizagapatam district, Mr. C. V. S. Narasimha Raju and Dr. Appalanarasayya Nayudu made certain representations to me about this particular grant and suggested that I should consult a Government officer concerned in regard to the matter. I have consulted the officer named and I propose to convene a small and informal committee at half past two to-day in order to discuss, and I hope meet, the objections which those two Honourable Members put before me last evening. If, Sir, I can satisfy their objections, I propose to move for this grant to-morrow."

The motion was put and carried. Grant XXVI was adjourned to be taken up as the first business to-morrow, the 15th October 1921.

Demand XXVII—Civil Works.

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—" I beg leave, Sir, to move—

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'Grant XXVII—Civil Works. That the Government be granted the following additional sums under 41. Civil Works in charge of Public Works officers, namely :—

	LAKHS. RS.
(i) Agriculture—	
Additions to the Coimbatore Agricultural College and Research Institute	1
(ii) Industries—	
(1) Madura Special—Madura—Extension of Madura Industrial Institute	·85
(2) North Presidency—Madras—Constructing buildings for the Madras Trades School	·70
(3) West Coast—Malabar—Constructing Kerala Soap Institute, Calicut	·50 '

" I take this, Sir, item by item and point out the need for each work.

" So far as the first item is concerned, it will be noticed that it is for the expansion of the College and Research Institute at Coimbatore. In 1918 the Government of India granted Rs. 3 lakhs for this purpose and in September 1919 another sum of Rs. 2 lakhs. The College and the Research Institute have been housed in the present building for ten years. The present accommodation is now fully occupied and there is no room for (1) natural expansion of the College courses, including special courses and higher teaching, (2) natural expansion of the research section and staff expansions recently sanctioned and opened in micrological sections, (3) new research sections that are in view to be opened, in connexion with cotton, ground-nuts, millets, etc. The College has thoroughly outgrown its accommodation. Apart from this the existing building provides no further expansion for College classes or research sections or for the new officers. Two new officers have been appointed and one more is likely to be recruited shortly. It has been found necessary to defer recruitment of this new officer for want of accommodation. The work is thus specially urgent and an additional sum is required to carry out the work as early as possible.

" I may also bring to the notice of the House that the 5 lakhs of rupees granted by the Government of India have been absorbed and merged into the general revenues and by making this grant the Council will be giving back only that which has been granted for this purpose by the Government of India. There would thus be no difficulty about that.

" Next, as regards the item of ·70 lakhs (item 2) under Industries. This is for constructing buildings for the Madras Trades school. The school was started in 1916 and then there were two classes and only 40 students. In 1898 Mr. Innes, the officer in charge of the Department of Industries, recommended that the school should be placed on a permanent footing. After that the report of the Industries Commission was published and it was found that the Trades School was organized on the lines of the recommendations of the Commission regarding the teaching of the mechanical engineers. The school has since grown very considerably and on 31st March 1920 there were 370 students on the rolls. Instruction in mechanical engineering, electric wiring, machine drawing, plumbing, practical mathematics, etc., is given at the school. The school is at present accommodated in a rented building on a rent of Rs. 1,000 a month. Working at the rate of 6 per cent this rent works out at a capital expenditure of 2 lakhs. Yet the present building does not suit the purpose and it is necessary that we should have one specially constructed for the purpose so that proper instruction might be given in this important direction.

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"I may also here bring to the notice of the House that in 1918 this Government applied to the Government of India for a grant of Rs. 75,000 and that was granted by the Government of India. Later on in 1919 we again applied for and obtained a further grant of Rs. 1 lakh from the same Government. As in the case of the Agricultural College, here again, these grants have been merged into the provincial balances, the plans and estimates not being then ready. So that what I am asking for now is the money which had been granted for this purpose by the Government of India and which this Government used for their own purposes. Now the estimates are ready. They amount to Rs. 3,08,469. The provision in the current year's budget is only Rs. 30,000. We can spend some Rs. 70,000 more this year. Hence this motion.

"Then, Sir, as regards constructing the soap factory at Calicut. This factory is the result of one of the most successful experiments of Sir F. Nicholson. It has been worked on a commercial basis and has already brought in a total net profit of 1 lakh of rupees. It is now proposed to push on the profitable production and sale of soaps manufactured in this factory. The present building is not suited for factory work. We are paying on the whole Rs. 460 per mensem as rent. Calculating at 6 per cent, this rent works out at a capital expenditure of Rs. 92,000. Yet the accommodation is most unsatisfactory. The present conditions unduly limit the production and consequently the profits. They prevent the proper co-ordination of the processes and hinder the proper conduct of the experiments such as the extraction of glycerine, a profitable by-product. As long as these difficulties about accommodation continue, it is most difficult to train students in the process of soap manufacture. In fact the work was sanctioned in 1917 and plans and estimates were prepared in 1920, so that it will be noticed that is not a new project at all.

"Then as regards item (1) Rs. 85,000 under industries. This is for certain buildings for the Madura Industrial Institute. This institute was once a district board work and later on taken up by Government. Government sanctioned the construction of the institute on the new site at an estimated cost of three lakhs and twenty-four thousand rupees. Sanction was also accorded to the construction of a students' home at a cost of Rs. 50,000. When the buildings were in progress, the report of the Industrial Commission was published and this necessitated a review by Government of their policy and they accordingly had to direct Mr. Davies, the then Director of Industries, to submit a report to the Government. He submitted a report suggesting the abolition of the institute or the establishment of commercial works and industrial works on the lines of the Madras Trades School. The Government referred the report to the various Collectors for their opinions and after considering their replies the Government thought it undesirable to accede to the Director's proposal to abolish the institute altogether and accepted his other proposal to re-start the institute as a Government commercial undertaking, including however as one of its main functions, the training of a large number of apprentices. The main buildings and the hostel, for which sanction had already been obtained, have been constructed. But there is still remaining the construction of kitchen for the hostel and warden's and superintendent's quarters, tiffin-sheds, lavatory, tank for circulating water drains, etc. The site has to be raised. These items come up to one lakh and fifteen thousand rupees. Detailed plans and estimates for the warden's quarters and raising of the site coming up to Rs. 40,000 are ready. Plans and estimates for other works are under preparation and are expected to be ready before long. There is

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only a provision of Rs. 30,000 in the current budget and the balance of eighty-five thousand rupees will have to be granted. Hence this application for this grant.

"It will thus be seen, Sir, that all these are very important works connected with the Development Department and I hope the House will extend the same sympathy to that department as they have previously been accustomed to extend to it."

The motion was put and carried. The grant was made.

Demand XXXV—Loans.

1-15 p.m. The Hon'ble Mr. A. R. KNAPP:—"Sir, I move that the following grants aggregating to Rs. 29·70 lakhs be granted to Government:—

I. Class—IV Loans.

		Rs.	Rs.
(i)	Loans to the Madras Port Trust for Harbour Works.		7·00
(ii)	Loans to the Madras Corporation—		
	(*a*) for water-supply and drainage schemes ...	10·00	
	(*b*) for the construction of elementary school buildings	1·00	
		——	11·00
(iii)	Loans to Local Boards and mufassal municipalities—		
	(*a*) School buildings	1·61	
	(*b*) Roads and bridges	2·67	
	(*c*) Remunerative enterprises	0·72	
		——	5·00

II. Loans for railway construction.

(iv)	Loan to the Tinnevelly District Board for the relaying of the lines on the Tinnevelly-Tiruchendur Railway	6·70

"The details for the last three will in the ordinary course be supported by my colleagues on my right in whose portfolios the subject matter of the loan stands. I am more directly concerned with the loan of Rs. 7·00 lakhs for Harbour Works to the Madras Port Trust. In that connexion I may mention that the Madras Port Trust was anxious to raise a loan of six lakhs and proposed to go into the open market for the purpose. Their more immediate requirement was a loan of 1·5 lakhs and they wanted to raise a loan first of all for that amount. But seeing that we ourselves had before us the possibility of a provincial loan and seeing also that the Government of India advanced loans on easy rates we thought this a good opportunity for raising for them that amount. We are only acting on their behalf and our position is only that of a middleman but working without any profit to ourselves.

"I may perhaps add as regards (iv) loan to the Tinnevelly District Board, that comes out very much on the same category. The railway from Tinnevelly to Tiruchendur was practically ready when work was stopped during the war. The line was actually taken up by the District Board and they are very anxious to proceed in the matter and require this amount of Rs. 6·70 lakhs for the purposes of buying materials."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, I want to have some information about these loans. In the month of June the Government were pleased to issue an order that in the case of municipalities they would charge

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interest at 7½ per cent and in the case of the Corporation of Madras they said that the rate would be fixed later on. In these days all varieties of loans are promised and I wish to know what is the rate of interest the Government is going to recover from the Madras Port Trust, the Madras Corporation and the Local Boards. A hint has been thrown out or it has been stated by the Hon'ble the Finance Member that in the case of the Port Trust Government are only acting as a middleman and are not getting any profit for themselves. I hope the Hon'ble the Finance Member will be pleased to explain the various conditions on which these loans are being made to the various bodies and if there is any principle on which this difference is based."

The Hon'ble Mr. A. R. KNAPP:—"Sir, when the honourable member tabled a resolution on the last occasion on the same matter, he might have asked for the information."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I was not then in the Council."

The Hon'ble Mr. A. R. KNAPP:—"He tabled the resolution, I think, perfectly properly, and this information could have been asked for at that time. I do not think it right to go into that elaborate question in connexion with this proposal of giving a loan now. If he comes forward with a resolution, I shall be glad to give him the information.

"The Government have no intention of making any profit out of this transaction. The order which fixed 7½ per cent was made at a time when we had no very clear idea as to the rate at which the Government of India were themselves prepared to pay. We had therefore to fix that rate until further notice. The Local Boards and the Port Trust are to be given loans at rates which will leave us no profit whatever and whether it would leave anything just over the expenses is not quite clear."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I think there are other persons besides Mr. Narasimha Raju who are interested in this matter. Because my friend does not move a resolution it does not mean that the information should not be furnished. The information asked for is perfectly relevant to this question. Apart from that I should like to know from the Hon'ble Mr. Knapp whether the policy which he enunciated, the policy of a middleman, is the one that has been adopted in the case of loans to the municipalities."

The Hon'ble Mr. A. R. KNAPP:—"Yes, in all loans."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"That is a correct policy. I think there were some complaints on the part of municipalities and local boards that the rate charged by the Local Government has deterred them from borrowing freely from the Local Government. Sir, you are perfectly aware of the question; and I should think that this policy is rather a welcome decision that they should charge 7½ per cent."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, in the case of loans to local boards I wish to have the particulars as to (c) remunerative enterprises. I would ask that the details may be furnished."

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The Hon'ble Mr. P. RAMARAYANINGAR:—"The details to the 'remunerative' proposals are these—

	In lakhs. Rs.
Guntūr market	0·03
Periyakulam market	0·06
Vellore municipal market	0·16
Negapatam market	0·15
Negapatam slaughter house	0·03
Tiruppur—godowns in cotton market	0·29

"That covers the amount opposite 'Remunerative enterprises.'"

The motion was then put to the House and carried.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, the House may remember that at its meeting held in July last the Survey and Demarcation Bill was referred to a select committee of which the Hon'ble the Raja of Ramnad was one of the members. I have received a letter from him yesterday, regretting his inability for certain personal reasons to continue as member of the select committee. A meeting of the committee comes off on the 18th and I therefore ask for the nomination of Mr. P. Subbarayan in the place of the Raja of Ramnad."

Diwan Bahadur M. KRISHNAN NAYAR:—"I second the motion."

The motion was then put to the House and carried.

The Council then adjourned for lunch at 1-30 p.m.

The Council reassembled after lunch at 2-30 p.m.

V

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.

Mr. T. A. RAMALINGAM CHETTIYAR:—"Sir, I beg to place before the House Bill No. 9, a Bill to amend the Madras District Municipalities Act, 1920, and move that it be read in Council. The principle of the Bill has already been discussed once when I brought the question two months back in the form of a resolution and again at the last meeting. The Bill is a very short Bill. The object of the Bill is to take away the provision that has been made in the District Municipalities Act, 1920, newly passed last year, providing for the annual election of municipal chairmen. Before that, Sir, the term of chairman, in the case of those who were municipal councillors, was the unexpired portion of their term as councillors as now proposed. The change was not made on the representation of the municipal councils. Their opinion was that the change was not necessary, and a large number of municipal councils passed resolutions to that effect and sent the same to the Government. In spite of that they passed this into law. In this connexion, I may say it will be interesting to note what took place in the Legislative Council then. This new provision, Sir, was adopted by seventeen members voting against eleven. I have got lists of those who voted for and against. I find that of the seventeen who voted for this provision twelve are Government officials; of the remaining five, two gentlemen are from Madras—Mr. Thonger and Mr. Simpson—who have no personal knowledge of the working of district municipalities. There are only three gentlemen left. Of these Diwan Bahadur T. Desika Achariyar and Rao Bahadur N. Subba Rao were nominated members of the Council. The only elected member who voted with the Government to have this provision made was Rao Bahadur V. K. Ramanuja Achariyar. On the other hand, those who were against it, except two, were elected members, men who were in intimate connexion with the councils.

[Mr. T. A. Ramalingam Chettiyar] [14th October 1921.

"Then, with regard to what my friend Mr. S. Srinivasa Ayyangar was saying about democratic principles, I am sorry he is not in his place to-day. Gentlemen of such undoubted democratic principles as Mr. B. V. Narasimha Ayyar and Mr. Konda Venkatappayya were strong in supporting the principle which I seek to obtain the sanction of this Council for to-day. When such people had actually supported the principle and when the principle was supported by eleven non-official members of the old Council, I beg to submit that the mere statement of these facts will be sufficient to show that even in the old Council the real opinion was in favour of the principle I am fighting for. So, Sir, the change made in the Act was not authorized either by the representation of municipal councils concerned or by the non-official opinion in the old Council. It was introduced and passed by the official block which existed in the old Council and by none else. Mr. Narasimha Ayyar, at the meeting of the Council at which this Act was passed, said that this provision, being a provision in which the Government was not interested, at any rate ought not to be interested, should be allowed to be decided by the non-official votes alone. But that was not acceded to by the then President, with the result that the officials had also voted. If that request of Mr. Narasimha Ayyar had been conceded, the result would have been eleven against the provision in the Act and only five in favour of it, and so the provision could not have found place in the Act at all. The Bill which I now bring to get the sanction of the Council for is not a Bill which goes against the democratic principles; it is not a Bill which is against public opinion or anything like it. I have heard it stated that the new Act was only passed in 1920 and came into operation only lately and this provision might be given a trial for some time. Now, Sir, the change was not made in deference to any public opinion. Public opinion was against it. I submit, Sir, that no cause has been made out for introducing this change in the old Act. It is a thing which has been forced by the official block and there is no reason whatever why we should give it a trial.

"There is one other objection raised, namely, that the Bill, if passed into law would automatically extend the term of municipal chairmen who have been elected recently on the distinct understanding that they would be in office only until the first week in November. This is one of the objects of the Bill no doubt. I do not want to deny it. But then it will have to be considered that these municipal chairmen, most of them, have been elected during the last two or three months. It was contemplated in the Act that one-third of the councillors should vacate in October, this month. In November a new set of councillors should come in to take their place. That rule has been abrogated by a Bill passed by this Council last month at the instance of the Hon'ble the Minister for Local Self-Government and it has received the sanction of His Excellency the Governor and the Viceroy. So, there will be no change in the personnel of the councils. These municipal councils have elected their chairmen during the last two or three months. So it is absolute waste of time to resort to another election by the same body of people for chairmanship, and I say these new chairmen have been in office only for the last two or three months in several cases and for a longer time in some cases. And so it seems to me that the extension of the term of these municipal chairmen will not be in any way improper or wrong. If the Council is not in favour of this, the Bill need not apply to the case of those who were elected recently and that won't go against the principle of the Bill. All that I ask for is the change in the principle. Even if it is passed into law now, the consents of His Excellency the Governor and Viceroy are not likely to be received in time to stop the elections of November if the Minister does not take special steps to secure them

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in time. If the Council should think that it need not apply to the coming elections, then the Hon'ble the Minister will not take steps to get the consents required urgently. That is a matter which will have to be done by the Hon'ble the Minister personally, so this objection does not go in any way against the principle of the Bill and does not in any way affect the passing of it to-day. My original intention was this ought to affect the elections that are due in November next. That was the reason why I wanted to get this Bill through during this sitting. With these few words, I beg to commend this Bill for the favourable consideration of this House and beg to move that it be read in Council."

Rai Bahadur T. M. NARASIMHACHARLU :—"Mr. President, Sir, I beg to second this motion. Even in the interests of efficient administration of the district municipal councils I submit that this provision is absolutely necessary. In the first place, knowing, as we do, the constitution of the municipal councils in the districts, it is essential that the chief executive officer should be a strong man and should be a person who will be able to continue the beneficent policy in the administration. If the existing law should continue, we will not be able to secure a strong man, and the person that will be chosen will be a mere puppet in the hands of interested municipal councillors. The policy of the Act is to vest the executive power in the chairman, whereas under the present conditions the few interested councillors will simply take up the policy in their hands and carry it out through their puppet chairmen. That I think will be the result if we allow the existing law to continue. Again, as the chairman is the chief executive officer, when he comes into office, he will have a certain policy to carry through during his administration. And I think, Sir, one year's time is hardly sufficient to carry out any policy at all.

"That will be in no way beneficial to municipal administration. He seeks for election, gets into the council, learns the details of administration and thinks out and chalks out a policy. By the time the policy is put into force his term is out, and if he is a strong man, if he is a man who is not amenable to the influence of the councillors, certainly his chance of next election is very rare. I think, Sir, therefore, in the interest of sound administration of the district municipal councils, the old law should be restored. It is no argument to say that the new law was not given any chance to be worked. I submit, Sir, that if you want to give any chance at all to the existing law it will be a complete failure. I think it is a mistake to have changed the law. The sooner we mend it the better. With these few remarks, I have great pleasure in seconding this motion."

2-45 p.m.

Rao Bahadur T. BALAJI RAO NAYUDU :—"I have great pleasure in supporting the motion. I have already urged, when the new Act was passed, that the term of one year for the chairman is quite insufficient. He will take six months to learn what he has to do and during the other six months he will be busy canvassing to seek re-election. The case of the Madras City Municipal Council is quite different from the district municipalities. For, the President there has got other assistants to do all the executive portion of the work, whereas the chairman of a district municipality has to do everything himself, to supervise the overseers' and sanitary inspectors' work, go round the market and so on In these days when non-co-operators are taking hold of municipal councils and local boards, it is very necessary that there should be continuity of administration. It may be questioned that if a non-co-operator becomes a chairman what it will be. I know that the non-co-operator will come round very well if he is given some responsible

situation to answer the Government and the public. He will talk a lot as long as he is without a responsible position. The moment he is put in charge of some responsible administration, such as a chairman's situation, he will certainly be quiet and be amenable to law and order and become quite bound by the law on the subject. That being so, I find it very necessary that the chairmen of the district municipalities should have the previous term of three years. I have already seen the work of two councils in my own district. I am intimately connected with their working under the old Act as well as under the new Act. I feel the position of the chairman quite miserable. There was one view at the time of passing the Act that, instead of making the chairman quite powerful, the council ought to be made powerful and the chairman only an executive head who should go by the dictates of the council. Well, if one thinks properly, he will find that the council takes no interest at all. They attend to do nothing except to put in obstacles. I am now a municipal councillor. With all my experience I feel that I sometimes create obstacles in the way of the chairman instead of seeing that the work gets on properly in such a way as to satisfy the people and the Government. That being so, I strongly support the motion proposed by my honourable friend and urge that it may be approved unanimously."

Mr. B. P. DEVARAJULU NAYUDU :—" Mr. President, I also join in heartily supporting this motion. As one who can claim some experience in this matter I can say positively that the period of one year is inordinately very short and insufficient. In the first place I really do not know why in the case of the district municipality a shorter period should have been fixed, while in the case of the district board and taluk board presidents three years is the term of office. Is it because that the chairman of a municipality becomes incompetent at the end of one year, or is it because that there is some other matter which seriously affects his capacity then that he should be subjected to the contingency of being removed and that a re-election should take place? To have consistency it is necessary that all local bodies should have one term of office without any invidious distinctions.

" In the second place, so far as the work of the chairman is concerned, no doubt it was said at the time of the passing of this Act that the chairman had only to do the business of an agent or servant of the council. In fact, if one knows the real conditions of the mufassal municipalities, it will be found that these by virtue of their composition as such are not in a position to exercise any such thing as a continuity of policy, or, for the matter of that, any policy as would be necessary to help the chairman in the execution of his work. In fact in the present state of affairs it is the chairman who takes the whole initiative of the business and without sufficient opportunity to acquaint himself with the nature of the work and to carry them out satisfactorily it will be difficult to manage municipal affairs.

" The distinction between the City Corporation and the mufassal municipalities has also to be borne in mind. For, there in the City Corporation there is the Revenue Officer and experts in every department who help the President in so many matters. This help of experts is certainly not available for the guidance of the chairman in the case of district municipalities. Some such assistance in a way was being given by members who were nominated official councillors such as sanitary officers, revenue divisional officers and so on before this Act. We have not got them now. That experience which acted very much as a steadying influence and which is extremely desirable at this moment is not now had. It is not that I wish that we should go back to the original state of affairs. But in the absence of such help we must have longer term for the chairman so that he could gain experience and knowledge. A chairman with a short term, as my honourable

friend put it, will no doubt try to learn work in the first six months and then begin to canvass for the next six months to get into the chairmanship again. I cannot therefore understand what great charm or justification there is in fixing the chairman's term only for one year—at any rate there seems to be absolutely no advantage. It may be that if a disagreeable chairman gets in, he may be got rid of at the end of one year. I do not think however that a chairman who is found disagreeable, under a longer term even, can prolong his service without detriment to himself, if he does not conduct himself rightly. Considering the several reasons, it looks that the alteration that is now desired is eminently necessary. So I have very great pleasure in supporting this motion.

" At the same time, another aspect of the question is whether this Bill should come into force so as to operate as to extend to the present incumbents their period by another three years. It has been said, and I think there are also good reasons for it, that several people who would probably have sought election at the last municipal elections have not stood for the simple reason that the number of months they may have to serve as chairman in the council would be only a few months. To give such persons also an opportunity, it will be better that the proposed term comes into force after the November elections."

Mr. K. GOPALAKRISHNAYYA :—" Sir, I also rise to make a few observations on the motion. It is all very well and good to talk of democratic principles and to require elections to take place at an earlier period than what has been provided for even in the present Act. One might even ask this Council to hold the elections at an interval of six months or an interval of one month so that the democratic spirit may diffuse itself more extensively. If by democracy is meant anarchy, I wish to disagree from those people who set up such a sort of democracy. What is necessary is that the municipal chairman who is the executive head of a democratic body should be an efficient officer to manage the affairs of a municipality. If efficiency is to be maintained he should be in a position to manage the business within a reasonable period. If at his very first election he begins to think of his re-election, certainly we will not be in a position to get proper men. I therefore agree to the principle involved in the Bill.

" But I have my doubts whether this Bill is to be applied at once to the present councils. There has been already some sort of discontent among some municipalities in the mufassal by the adoption of the resolution moved some time ago in this Council, for extending the life of the present councils to a period of one year. ('Hear, hear' from Mr. A. Ranganatha Mudaliyar). By adopting the same principle, as a consequence of passing this Bill, I am afraid there will be some discontent again in the mufassal, because there may be a chance for some unpopular chairmen to continue for another period of three years. If my honourable friend, the mover of this motion, and also the member in charge of the Government will take into consideration that aspect of the question and insert some sort of provision to that effect in the Bill with regard to throwing out unpopular men I think the Bill will become wholesome and it must be adopted by this Council."

Mr. Munshi MUHAMMAD ABDUR RAHMAN SAHIB :—" Mr. President, Sir, I rise to oppose this Bill to amend the District Municipalities Act with regard to the term of chairman from one year to be extended to the period of his term as councillor. On the understanding that the election of chairman would take place in November 1921, the elections of the present chairmen were not hotly contested. There should be certainty in law. Laws and rules cannot be too often changed to suit the convenience of individual persons. The period of one year for a

chairman's office is to be given some trial to see how it works before an attempt is made to change the law so recently passed. This agitation to extend the period of chairmanship elected under the new Act is, I submit, a retrograde proposal and quite uncalled for. The Legislature which passed the Act in question last year only deliberately fixed the term of the office of chairman as one year in order that the officer may not become autocratic and act against the wishes of the council and the public. Moreover, this provision is, I believe, inserted to act as an incentive to councillors to aspire to that office and serve their town in that capacity unlike previous years when one man monopolised it for three years to the detriment of the public. Further, the retiring chairman is eligible for re-election. Hence, he need not be afraid of an annual election if he has got a good record of work to his credit. On the other hand, this one year's term will keep him under certain restraint and check him not to go beyond the wishes of the council and the public to lose their confidence and be defeated in the next election. This was a very effective and safe method adopted after hot discussion and any attempt to extend the period of one year fixed by the Act is certainly to be strongly deprecated. Such a provision made in the Act after full discussion should not be lightly upset within a year after its enactment and without observing how it worked in practice. It may also be observed here that in many cases, persons have been elected as chairmen on the distinct understanding that there was to be a fresh election to the office before the end of this month. The recent extension by the legislature of the term of the elected councillors who had to retire by rotation this year according to the Act stands on a different footing altogether. Because the electorate in that case is a very large one while in the case of chairman, the electorate is only the council. It may also be mentioned here that this proposal to extend the period of chairman fixed by the Act was mooted at the time of the discussion of the extension of the term of councillors and was distinctly vetoed by the Legislative Council in August last.

"However, in conclusion I submit that if the sense of the Council is in favour of the principle as contemplated by the Bill, it is better to have an amendment affecting only the future elections of chairmen. In the statement of objects and reasons it is stated that it will take some time before a new chairman makes himself familiar with the administrative work and for some time before the election, attention to administrative work is likely to be slack, etc. This point was, I believe, fully discussed when the new Act was passed into law. For, in the old Act, there was provision for an outsider to stand for election as chairman whereas in the present Act, the chairman is to be elected from among the councillors only and this provision is made to meet all such contingencies. As a councillor, he will have all the necessary acquaintance and knowledge of administrative work and the work of the municipality will never suffer. Further, there is no fear of placing the direction of municipal administration in the hands of permanent officials of the municipality as the election of chairman takes place in October each year and the chairman-elect relieves the previous chairman on the 1st November in each year. Hence, for the above reasons, I strongly oppose this Bill."

Mr. V. HAMID SULTAN MARAKKAYAR:—"Sir, I am glad to have had an opportunity to associate myself with the Bill to amend the Madras District Municipalities Act V of 1920, brought in by Mr. T. A. Ramalingam Chettiyar. The Bill relates to amending the provision in the Act making it compulsory that chairmen of the municipalities should be elected every year. To my mind this short period of one year is not calculated to help chairmen in successfully carrying on the municipal administration. In spite of all that is said to the

3 p.m.

contrary in the public platform and the press, I have no doubt that most of my honourable colleagues will agree with me in thinking that no chairman, however careful he may be, can find it easy to succeed in the elections without spending a good deal of time and energy in canvassing for votes. We must admit that this is a period of transition. The old order of things is slowly giving place to the new. At this juncture all municipal councils require the services of the best persons available for conducting their affairs. It should be the look-out of all persons interested in the welfare of municipalities that candidates for chairmenship should be given the least worry in getting themselves elected to the office. The reasons adduced by the honourable mover in the statement of objects and reasons already published with the Bill are very convincing and I do not therefore think it necessary that I should dilate upon them. Further, I do not consider that any advantage will be gained in having to elect chairmen annually.

"I am not unmindful of the fact that a good deal of discussion took place when the old Act was amended and that the majority of the members were then in favour of electing chairmen annually. I do not propose to criticise the decision of the Council in making the present change in the law, but I understand that actual experience has shown that the change will not be an improvement on the old state of affairs. On the other hand, there are strong reasons to justify the present proposal for allowing a longer term of office for elected chairmen than that prescribed in the present Act. I therefore whole-heartedly support the Bill and I trust that the honourable members of this Council will find no difficulty in supporting it and that Government will not hesitate to accept the same."

Mr. N. A. V. SOMASUNDARAM PILLAI:—"Mr. President, I oppose this Bill. I am unable to see any special reason for the bringing in of this Bill so soon after the Act of 1920. We have to see whether there is any sufficient ground for changing the provision that has been passed so recently and before we have had sufficient time to see how it works. I have not been able at all to appreciate the special reasons given by the mover of this Bill for having this Bill brought up so early as this. He wanted to say that under the old Act the period of chairman was three years. No doubt it was so, and the members of this House who are responsible for the Act of 1920 considered all the matter and they thought it wise and prudent to have the term of chairmanship reduced to one year. The mover of this Bill was kind enough to say that it was really passed by the Government with one or two nominated members, one or two residents of Madras, and only one elected member. I fail to see what possible motive the Government may have had in having this period reduced if, in their opinion, they thought that it was not at all in the interest of the public or in the interest of the municipal administration. Sir, there is no good going and seeing who were those that joined in voting for this Bill and who were those who joined in voting against it. We have to see anyhow that this is an Act which was passed by this House, though by a majority, and we must see that there ought to be a sufficient ground for changing the provision, whether it is shortly after that, or a long time after that. Now there has been no sufficient time to gauge the working of this Act. Though some members may think that this provision, if carried into effect, and if it is enforced, will end in failure, I am unable to see that. As a matter of fact, those honourable members of this House who predict that this provision, if enforced, would end in failure, have not fully considered the other side of the picture, that the members of the council who have now been nominated and who have now been elected have got self-respect in them and have got the interest of the municipal administration in their heart. They are not irresponsible persons, such as school

only a short time ago. Presumably, the Act was considered in all its details and there were good reasons to justify the reduction of the tenure of the office of the chairman to one year. Hardly a few months have elapsed when we are here trying to change the period and extend it to three years. This is absolutely objectionable on principle. And then my friend, the honourable member from Cuddapah was good enough to say that if these chairmen happened to be strong people (evidently he conceded that there are weak chairmen also) they were not likely to win the support of his colleagues in the council. I strongly take objection to this statement. I say without hesitation that the chairmen are just as good or as bad as the councillors themselves and there should be no difference made between them. Suppose we have this three years term of office for the chairman. Are we prepared to say that this long tenure of office does not result in certain evils? If we peruse the notes of inspection made by the Inspector of Local Boards and Municipal Councils as well as much that has not been written there but may easily be read between the lines, we know that there have been chairmen who have misused their long tenure of office and have tried to win support for themselves by very doubtful methods, like permitting encroachments, affording trade facilities, favouring contracts of councillors or of those in whom they were interested and so on. I do not want to detail them in this House. So I say this three years term of office is not after all such a great advantage as it is contended to be in this House. If the chairman is really good and initiates beneficial schemes, it will be to the advantage of the town to continue him in office, and surely, Sir, the councillors should be credited with the common sense to re-elect him and see that the beneficent measures introduced by him are carried out to their legitimate end. If they turn him out earlier, it means presumably they have very good reasons for doing so. My honourable friend Mr. Balaji Rao Nayudu suggested that if we do not introduce this change, non-co-operators may come and capture these seats. To prevent that contingency by this dubious method is not a manly course for the Government to take. My last argument is this, Sir: Government as well as people in general must do nothing to shake the confidence of the people in themselves. An Act has been passed; we have let it to be understood by all that this Act will be in operation for some time to come. We shall watch the working of the Act before we introduce this change.

"We are trying now to extend the term of the chairmen who were elected to the respective offices they now hold on the distinct understanding that their term of office was limited to 31st October 1921. The effect of passing this Bill would inevitably be to extend their term of office for three years or for as much period as their term as councillors extends to. I say, this is very unfair; it is not honest, Sir, if I may venture to use such an expression in connexion with this matter. The councillor's term has been extended; I do not approve of it either. But the municipal chairman surely stands on a different footing. I know of several municipalities where several councillors were sent unopposed and who promised to vacate their seats and allow others to come in. We have extended their term and I know all these gentlemen who promised to vacate by the 31st are still clinging to their offices. If they were honest and honourable they should have resigned in pursuance of their promise, and allowed others to compete for the vacancy. The same thing is bound to happen in the case of chairmen also. The moment you extend their term of office, every one of them would like to continue in office. I do not think there would be many among them who would be magnanimous or scrupulous enough to vacate their office as they should under the present Act and allow others to contest and themselves share in the contest if they like to do so. I know the councillors of most municipalities are against the proposed

extension of office. I am glad that what we are considering is a private measure and, I do sincerely hope that the Government have not made themselves responsible for the Bill: otherwise, we shall be in the sorry position of saying one thing and doing another in the end and so not deserving the confidence of the people."

Mr. K. P. GOPALA MENON:—"Mr. President, Sir, we have sometimes come across little boys who plant one seed to-day and after the lapse of a day or two try to see whether it has come out well. If the seed has not brought out a good shoot, they try to throw it away and plant afresh. The Bill proposed to be introduced now by Mr. Ramalinga Chettiyar is on a par with this illustration. Barely a year has passed since, after careful consideration by responsible persons, the life of the chairman of the municipal council has been limited to a year. And now before giving the Act a fair chance of trial, before trying it for a year, or for a couple of years to see what the disadvantages thereof are, to rush forward with a Bill saying that the previous Bill was not well considered,—that the previous Bill had more Government support, that it was supported only by nominated persons, that it was supported by two European gentlemen—does not seem to my mind at all sound. Certain other reasons urged in this Council were that the councillors did not do any work, and that some of the councillors—my learned friend here showing himself as an example—prove themselves obstructive I think to get away with these obstructive councillors, to teach them a lesson that within twelve months' time there is a chance of their getting into the chair when they would not like to have obstructive councillors, the one year's arrangement would be the only way. I would therefore think that viewing it from the standpoint of such obstructive councillors it is only desirable that everybody must be given a chance of coming to the place of the chairman within a year's time. The next point that was raised was that a year's period was too small to carry out certain things which a municipal chairman is expected to do. Even here, I think that considerations of this condition would in itself be an impetus for the chairman for the year to do his work more ably and more honestly. Of course then there is the fear that if after twelve months he is to vacate his chair—seeing that the gravel and the mud that he has stocked in the roads are still there being washed away by the rain, and he realizes that on account of such a state of affairs there is no chance of his re-election—that will give him an impetus to do his work more conscientiously and more effectively. In that view also I think it is desirable that the period should be limited to one year Then it was also stated that some policies have to be enunciated and to be carried out. My honourable friend Mr. Somasundaram Pillai has pointed out that they are mere policies in name. Sir, I have not been a municipal councillor myself nor have I been a chairman. I know the feeling that exists among the people. I have come across chairmen who enunciate but fail to carry out policies. What we want in municipal councils is something practical, not to formulate policies, not to write scores of foolscap paper; we want practical good things, things done for the people. I therefore think that curtailing the period to one year stimulates the energies of the chairman and also gives every one a chance of being the chairman, if he so chooses and deserves. We know various instances of council members attending meetings quite irregularly. When they see that they have a chance of getting into the chair after a year, they will feel equal responsibility, they will attend meetings more regularly and make themselves conversant with the work of the municipal council. I would therefore strongly oppose this Bill as too premature and uncalled for."

[Mr. K. V. Ramachari] [14th October 1921

Mr. K. V. RAMACHARI:—"Mr. President, I also feel constrained to oppose this Bill. I went through carefully the statement of objects and reasons and I do not find any one object or reason that was not fully considered or discussed at the time when this Act was passed into law. Those who considered the Bill of Act V of 1920 had at their back experience of working of the Municipal Act IV of 1884 for more than a quarter of a century and after due deliberation, they have purposely reduced the period of the office of the chairman, with a view to the good administration of municipal bodies. In the statement of objects and reasons the honourable mover speaks of the continuity of policy. I should submit that policies of municipal bodies do not rest with the chairman. He is only the executive head. The policy always rests with the municipal body itself. It is the municipal body that initiates the policy, that carries it out, at least that sees that the policy is carried out. As a councillor for a long number of years of a municipality and as a chairman, I have not felt, nor do I now feel, that the period of one year is too little. The chairman is only an instrument through which the policy of the municipal body is carried out.

"It is said that the three years period was in existence under the old Act. Though the Act provides for a period of three years, as a matter
3-30 p.m. of fact, the three years period was never enjoyed in the generality of cases by chairmen of municipalities. Under the old Act, even a stranger—I mean by a stranger, a non-councillor—can aspire to be elected as chairman. So in such cases, the outside non-councillor who was elected as chairman exercised his powers only for two years. Even if the chairman had to be elected from among the councillors, he did not continue in office for the full term of three years in most cases. The period of chairmanship was concurrent with the period of his councillorship. So it was not in all cases that a councillor who was newly elected was elected as chairman. Very often such chairman who was elected from among the councillors exercised his powers as chairman only for two years or even for one year or sometimes less than one year. So the statement that under the old Act the chairman enjoyed a duration of three years, does not hold good. As regards the contention that no complaint had emanated from any quarter with regard to the provision of the old Act, I may also contend similarly with regard to this thing that no complaint has ever come from any municipal body saying that the period now fixed is too small. If a period of three years is given to chairmen who are elected by municipal bodies, we have to consider the mischiefs or evils that will arise therefrom. If in certain cases—though such cases may be rare—an undesirable person or an incompetent person is elected, it will be very difficult for the municipal body to get rid of him within the period of three years. On that ground the period of three years is not advisable.

"One year's period is suggested to be very short. But I submit that the old order of things has changed and a new order has been established. The democratic spirit is running through the veins of every true citizen. Every true citizen thinks that he should serve the country and the people and I have seen many people who are willing to sacrifice their time and energy to the uplift of their country and their people. If as the honourable mover says, the principle of continuity of policy should be taken into consideration and if that is the only basis upon which we have to determine this question, then it may be said that the period of three years too is not sufficient because we often see that when any important scheme is undertaken by any chairman, he does not get through it within the period of his three years term of office. Sometimes, it takes even seven years. If we take into consideration the drainage scheme and the water-supply

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scheme of the town of Madura, it was taken up some 10 or 12 years ago but it is coming into fruition only just now. If that is the basis upon which we have to proceed, then even the three years period is not sufficient. I may say that one year is a very reasonable period and that period will give a chance to several of our patriotic people who want to work on behalf of the country and to devote their best time and energy for the uplift of the country. I therefore sincerely and whole-heartedly oppose this Bill."

Mr. S. SOMASUNDARAM PILLAI:—"Mr. President, I rise to support the Bill before the House. Under the present Act, no chairman will be willing to work earnestly for a municipality because his term of office is only one year. Even if he takes pains and lays out a plan, I do not think it will be properly executed by his successor. Moreover, human nature being what it is, the chairman who lays out plans will not be willing that another man should get credit for the successful execution of his schemes. So it will never give an impetus to him to do any good to the country.

"At present these municipal councils do not elect their chairmen on any principle or policy. I know how these chairmen are elected in the mufassal and how when they are approached they say: 'Next year you will see it'. It is only during the time of nomination that the Government see the usefulness or otherwise of the man who is to be re-nominated. But when it is left to election, it is unreasonable that a man should be given a lease of life every year. If his term of office is extended to three years, he will be more careful in municipal matters, he will take more interest in the sanitation and water-supply of the town and he will have sufficient time to complete the work he has undertaken. The present duration of office of a chairman is not enough for anyone to understand his capacity. Honourable members are also aware that when officers are transferred from one place to another and when they are approached by the people for any lasting benefit being done to the town during their tenure of office, they say: 'we have come here only temporarily and any time we may go away.' In the same way if we want that something substantial should be done to a municipality, then the chairman must be given more time than the present Act gives.

"It was also objected: 'The Bill was considered only last year; where is the necessity for reconsideration so soon?' But I will say the municipal tolls were considered last year and we have again reconsidered them this year. So if there is necessity to reconsider tolls, there is also necessity to reconsider this question of duration of office of chairmen. Of course there may be people who are interested in opposing this measure because they will have a chance of being elected next year. But so far as I am concerned I may assure honourable members that I have no such chance nor have I any idea of competing for a councillorship in any of the municipalities in this Presidency or in any other portion of India. I sincerely believe that one year is too short a period for anything to be done by a chairman. It is therefore reasonable to extend the time to three years. With these few words, I strongly support this Bill."

Mr. A. P. J. SAIYID IBRAHIM RAVUTTAR:—"Mr. President, Sir, the municipal chairman is only an executive officer, and he is being assisted by various standing committees constituted under the Act. He is assisted by a tax superintendent, an office superintendent, a health officer, a municipal engineer and so on. He has all these officers at his disposal. It is the look-out of the municipal council to elect one of its efficient members as its chairman; and he will surely get into the council any number of times, if he is popular and wins the confidence of

[Mr. A. P. I. Saiyid Ibrahim Ravuttar] [14th October 1921

his colleagues. Under these circumstances, I strongly oppose this Bill, and I am quite sure that the administrative work and the continuity of policy will not be affected."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I wish to make a few observations on the Bill now before the Council. One of the remarks made against this Bill was that as the Bill was passed only in 1920 we ought not to embark at once upon a policy of modifying it in the manner suggested. I think we are all agreed that it is a very important point for consideration, though I would not say that it is a great or an insuperable obstacle which could not be got over. If this Council is satisfied that the period of one year is too short, I do not think there can be any objection to modifying it, notwithstanding the opinion of the Council to the contrary. I may point out, Sir, that this Bill deals with three important questions, though the attention of the Council has been drawn to only one of them and though the honourable the mover himself tactically confined himself to one aspect, that is, the term of office of the chairman. Referring to that point, I may state it as my personal opinion that the period of one year is too short and that it is certainly desirable to extend it to three years. While I state it deliberately as my opinion, I would request the Council to consider whether they should embark upon a policy of altering it without giving the previous system anything like a trial and, secondly, whether they should proceed to alter it even in cases of elections which have already taken place under the old Act of 1920. These are the two important considerations which I wish this Council to consider in dealing with this measure. There are two other points which have been raised in this Bill and which find place in sub-clauses (2) and (3) of clause 4, to which the attention of the Council has not hitherto been drawn. I think they also involve certain questions of principle. Sub-clause (2) suggests a modification of section 12 (3) of the Madras District Municipalities Act, 1920. Section 12 (3) of the District Municipalities Act says: 'A council may elect one of its members to be vice-chairman whose term of office shall expire concurrently with that of the chairman.' It was the deliberate and avowed policy of the then legislature that the vice-chairman so elected should have a policy co-ordinated with that of the chairman and that they should be in a position to work together as colleagues and trusted friends. It was for that reason laid down that the term of office of a vice-chairman should expire concurrently with that of the chairman. Now in the Bill before the Council, sub-clause (2) of clause 4 seeks to do away with that qualification, because it asks for the omission of the words 'whose term of office shall expire concurrently with that of the chairman.' Before it comes to any conclusion with regard to this question I want the Council to consider whether due consideration has been given to the policy underlying section 12 (3) which requires that the term of the vice-chairman shall run concurrently with that of the chairman. Sub-section (3) of clause 4 of the present Bill suggests a modification in section 12 (5) of the Act. Section 12 (5) of the Act makes provision in the case of casual vacancies in the office of an elected chairman or vice-chairman and it suggests that the chairman or vice-chairman shall hold office only for the remaining period. The present Bill tries to do away with that restriction altogether and makes it possible for the term of office of a chairman or vice-chairman to extend so long as he continues to be a councillor. These are the three important principles. No doubt the first is the most important of all, though all of them deserve consideration in the Bill now brought before the House. Before we give assent to a Bill of this description, we have to consider whether in respect of not merely the extension of office of chairman—which the

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Council is seeking to extend—but in respect of the policy of allowing the vice-chairman to have his term concurrently with the chairman and in the matter of filling up of casual vacancies, we have to effect changes in the Bill.

" With these remarks, Sir, I wish to state that there need be no objection to the Bill being read in Council with the modification that these questions of detail must be considered very carefully in the Select Committee but not on the lines suggested of specially suspending all rules. The whole question must be brought up for consideration in a very careful manner. After all is said, I wish to know whether it will affect the chairman of the past; but that is a very minor matter. From the opinion expressed by the various members of this House, even though we are agreed that the term of office of a chairman should be extended to three years, yet it need not necessarily affect those who are now in office and who expressly took office on the distinct understanding that an election should take place on 1st November 1921. With these words, I give my support, though a qualified one, to the Bill."

Mr. T. ARUMAINATHA PILLAI :—" Sir, I was one of those who when the District Municipalities Act, 1920, was on the legislative anvil, introduced amendments that the term of the chairmen should be two years or three years. We fought a strenuous fight and also called for a division when we lost. Most probably we were convinced by the two forcible speeches of the Honourable Member then in charge who was no other than our present President, Sir P. Rajagopala Achariyar and His Excellency the Governor who was then presiding at the Legislative Council sessions. His Excellency the Governor then characterized those of us who were asking for a two years or a three years' case of life for a chairman as the most reactionary members that could ever be found. He said: 'If honourable members will bring their minds 'back they may remember that the Government were trying this morning to 'prevent them from being too democratic on a particular matter. Now I must 'tell them that it seems to me that the position of honourable members here 'supporting this amendment is one where Government is the democrat and that of 'some honourable members of a very reactionary character.' 3-45 p.m.

" I am one amongst them, Sir, and amongst the members present here there are Mr. T. Namberumal Chetti, Mr. C. V. S. Narasimha Raju, Mr. Balaji Rao Nayudu, Mr. W. Vijayaraghava Mudaliyar and Mr. M. C. Raja. In conclusion His Excellency said :—

'I noted with great regret what the Hon'ble Mr. Siva Rao told us of the tragic 'state of things with regard to certain instances of election of the chairman of a 'municipality. I can quite understand their supporting the amendment, for it 'would be much more pleasant to them if the amendment were passed and life 'would be much more pleasant for them for their seats will be secure in future for 'two or three years. But I do say quite distinctly from the point of view of one 'who is anxious to see democratic movements advanced in this Presidency that 'with the reforms coming on to take this attitude it seems to me most reactionary.'

" The Hon'ble Sir P. Rajagopala Achariyar said on the same occasion :—

'It seems to me, Sir, that most of the arguments urged in this debate 'against the one-year chairman proceed upon the theory that the chairman, 'when appointed for one year, will be turned out at the end of that period, 'no chairman could hope to hold office for more than one year; therefore he will 'have to send up the administration report of his predecessor; his own will have 'to be sent up by his successor; he will not be responsible for the budget he 'is working; there can be no continuity of administration; the chairman will

'have no time to become useful. All these arguments are put forward on the 'assumption that the one year system can work only in this way. These 'apprehensions appear to me to be very much over-rated. There may be places 'where under the new system there will be a certain volume of unsettlement. 'I do not deny it. But I will probably find in the long run that, if a Council 'has got a really good chairman, whether he is elected for one year, for two years 'or three years, he will do good work. If a chairman is bad, it is a merciful 'thing that he should be turned out after one year. Remember that we have to 'deal with this as a question of principle. The franchise is being greatly widened 'under this Bill: every rate-payer will have a vote. The rate-payers elect the 'council: not less than three-fourths of the members have to be men who are so 'elected: and the councillors will choose the chairman. The whole thing pre-'supposes that, if the chairman does anything wrong, the people who have chosen 'him would turn him out. And again if the councillors do wrong they will be 'turned out by the rate-payers. The whole thing is based on the assumption of an 'adequate realization of responsibility by the rate-payers, by the councillors and 'by the individual whom the councillors choose to be their head. That being so, 'there is no use in simply saying that this thing will not work.'

"Knowing the fact full well that the chairmen who are now being elected agreed to be elected under the existing system of dispensation, knowing full well with their eyes wide open that they had to get out or to seek the suffrage of the councillors again in November 1921, I do not think that it will be doing any harm to the present chairmen. After all, Sir, we have passed the Act. As my friend Mr. K. P. Gopala Menon very pertinently put it, we are not school boys at play. Let us see how it works as an experiment. If we see any difficulty in it then we shall amend this Act. In the statement of objects and reasons the analogy which is contained in the City Municipal Act is asked not to be taken as a precedent. He says that in the City Municipal Act we have got a permanent head of the executive, the Commissioner, and he is doing the whole thing. I am sure Mr. Ramalingam Chettiyar has completely misunderstood the position of the President of the Corporation of Madras. If he is right the President of the Corporation is merely a figure-head. I take strong objection to that. The President of the Corporation according to the frame of the City Municipal Act is the real person who has got to direct the executive. The Corporation Commissioner, Sir, has got to take orders from him and also from the councillors who have got to suggest a policy. It is not as if the President of the Corporation were simply a person who had to sit in council, hear debates, pass resolutions and pass them on to the Commissioner without any more ado. That is not the function of the President of the Corporation. When that is so, since the introduction of the City Municipal Act we have been able to work the City Corporation without any difficulty or without any hitch either on the part of the rate-payers or on the part of the Government. I do not see any reason why the same state of things should not prevail here as well. If there is any complaint, it is a complaint, which arises out of the fear that some of these municipal chairmen want to be autocratic and their autocracy is not likely to be tolerated. It is only that fear and that fear alone which was responsible for introduction of this Bill. I submit that in the District Municipalities Act and also in the City Municipal Act the work of the municipal council, the settling of the policy and also the passing of bills and other important things, except the routine matters, belong to the chairmen aided by the standing committees. It is the standing committees that are the real executive. It is the standing committees that scrutinize the working of the

municipality. It is the standing committees, Sir, that are responsible to the rate-payers and are able to act as a check upon the office routine."

The Hon'ble the PRESIDENT:—"Order, order. Is the Hon'ble Member speaking about the City Municipal Act?"

Mr. T. ARUMAINATHA PILLAI:—"The District Municipalities Act, Sir. Under section 23 of the Municipal Act power is given to form standing committees. They will be able to turn out much work and there will be no difficulty for the chairman if he is a very good man to be reelected again. If he is a cantankerous man he will be rightly turned out, and another man better fitted to carry out the policy of the council will step into his shoes. Therefore, I submit, Sir, that this Bill is quite unnecessary though at that time I moved for an amendment for two years or three years. It is too soon to venture upon a change and I therefore oppose the Bill. I take exception to what Mr. A. Ranganatha Mudaliyar said, that these Bills ought not to be allowed to be brought forward by private members."

Mr. A. RANGANATHA MUDALIYAR (*interrupting*):—"I did not say so. I was glad on the other hand."

Mr. T. ARUMAINATHA PILLAI (*continuing*):—"Then, Sir, I withdraw what I said against him. I submit that this Bill should not be allowed to pass in this Council."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I want to say a few words, Sir, in opposing the Bill as it has been brought forward. One thing has been said that we may as well have the old Act, that is ignoring the new Act as to the composition of the councils. It will be admitted on all hands that the chairman is the executive head of the council and therefore it will not do to have a chairman supported by a small minority of the council of, say, about 24 members. If as in the old Act all councillors were elected once in three years then the chairman who would also be elected at the same time might be continued for three years as he would have had confidence of a majority at least of the 24 members that elected him. The present Act has introduced a vital change, following the English municipalities. That is, one-third of the councillors is elected every year. Therefore if a chairman is elected by a majority of say 24 members, it is possible he may have after 2 years a small minority only in his favour. It is possible that at the next election that eight more new members may come in and therefore the majority may usually be against him and it will be worse at the end of two years, because there may then be a change of most of the councillors. As a matter of democratic principle the chairman must necessarily be a servant of the council and not its master. If he is to be the servant of the council he must have the full confidence of the whole council or at least of a strong majority of the councillors. There is absolutely no reason why we should go in for a change only in the case of the chairman when we retain the election of one-third of the councillors every year. Therefore I must oppose this Bill as brought forward."

Mr. T. A. RAMALINGA CHETTIYAR:—"Having carefully attended to what was said so far against this Bill I saw only two points urged against the Bill. One of them I referred to in my opening speech, namely, the fact that I am trying to amend a provision which was introduced only in 1920. This particular provision was an amendment on the old Act and was carried by the Government block against the opposition of the non-official members. Secondly it is said that I am introducing an amendment which nobody wanted. That statement is incorrect. Conferences of the members of the local boards and municipalities have been held in several centres. In all these conferences, group conferences as

they are called, the provisions of this Bill have been supported. So there is a distinct and positive demand on the part of the local boards and municipalities to have this Bill passed. If any evidence is wanted that this Bill is necessary I refer the honourable members to the proceedings of these conferences.

"As I said before, the change newly made in the present Act was not wanted by anybody. That is the position we are in. It is for the Council to consider that position. If you think it worth while to adopt the Bill brought forward by me you will only go back to the old order of things against which nobody complained.

"Then, Sir, there was another objection, namely that the present chairmen were elected on the understanding that they would be in office only up to November and they should not continue. I think that is a matter which will have to be considered when the clauses of the Bill are taken up for detailed consideration. It does not go to the root of the principle of the Bill, and when a motion to read the Bill is considered, only general principles should be discussed. So far as I am concerned there is no difficulty on that score.

"There was something said about the municipal council being the real executive body, and those who have been in the councils know what sort of executive power the body as such can exert. I do not think it is seriously contended that the council as a council can direct or take the initiative. And Mr. Arumainatha Pillai who originally supported the principle of this Bill now says that the standing committees can do executive work. People from the mufassal councils know what sort of work these standing committees are doing. A chairman told me that he was not able to hold a single meeting of these committees. The requisite quorum is not found and the chairman has to sit there by himself. I can appeal to the experience of my friend Mr. C. V. Venkataramana Ayyangar, for instance. So, Sir, in such a state of things, whatever we may say in theory, as a matter of practice I do not think it can be said that the council or the standing committees can really direct the work of the municipalities. It may be very good as a proposal, it may be very sound as a matter of theory, but in practice it does not work at all. That argument should not therefore be accepted by the Council. With these few words I commend this Bill to the Council."

The motion was put to the vote, and a poll was taken with the following result:—

Ayes.

1. The Hon'ble Mr. K. Srinivasa Ayyangar.
2. ,, Khan Bahadur Muhammad Habibul-lah Sahib.
3. ,, Mr. A. R. Knapp.
4. ,, Mr. P. Ramarayaningar.
5. ,, Rai Bahadur K. Venkata Reddi Nayudu.
6. ,, Rao Bahadur A. P. Patro.
7. Mr. F. J. Richards.
8. ,, C. W. E. Cotton.
9. ,, R. Littlehailes.
10. ,, E. Periyanayagam.
11. ,, P. Subbarayan.
12. ,, Ramaswami Mudaliyar.
13. Dr. V. Appalanarasayya Nayudu.
14. Mr. R. Appaswami Nayudu.
15. Diwan Bahadur C. Arunachala Mudaliyar.
16. Mr. S. R. Y. Ankinedu Prasad Badadur.
17. ,, B. P. Devarajulu Nayudu.
18. Rao Bahadur T. Balaji Rao Nayudu.
19. Mr. K. Gopalakrishnayya.
20. Mr. J. Kuppuswami.
21. Diwan Bahadur Sir. P. Tiyagaraya Chettiyar.
22. Diwan Bahadur R. Venkataratnam Nayudu.
23. Mr. T. A. Ramalingam Chettiyar.
24. ,, B. Muniswami Nayudu.
25. ,, A. T. Muttukumaraswami Chettiyar.
26. ,, M. Narayanaswami Reddi.
27. ,, C. Natesa Mudaliyar.
28. ,, V. Pakkiriswami Pillai.
29. ,, P. T. Rajan.
30. Rao Bahadur A. Ramayya Punja.
31. Mr. W. P. A. Saundara Pandya Nadar.
32. ,, R. K. Shanmukham Chettiyar.
33. ,, T. Somasundaram Mudaliyar.
34. ,, S. Somasundaram Pillai.
35. ,, A. Subbarayudu.
36. Diwan Bahadur K. Suryanarayanamurti Nayudu.
37. Mr. V. C. Vellingiri Kavandar.
38. ,, W. Vijayaraghava Mudaliyar.

39. Diwan Bahadur M. Krishnan Nayar.
40. Rao Bahadur A. S. Krishna Rao.
41. Mr P. Siva Rao.
42. ,, M. R. Seturatnam Ayyar.
43. ,, M Suryanarayana.
44. Rai Sahib E. C. M. Mascarenhas.
45. Mr. A. T. Palmer.
46. Rai Bahadur T. M. Narasimha Charlu.
47. The Raja of Ramnad.
48. The Zamindar of Mandasa.
49. Mr. Abbas Ali Khan
50. ,, Saiyid Diwan Abdul-Razak Sahib.
51. Mr A. D. M. Bavotti Sahib.
52. ,, V. Hamid Sultan Marakkayar.
53. Khan Bahadur Muhammad Usman Sahib.
54. Mr M. C. Raja.
55. ,, L. C. Guruswami.
56. ,, R. T. Kesavulu Pillai.
57. ,, M. C. Madurai Pillai.
58. ,, A. M. MacDougall.
59. Rao Sahib P. Venkataraagayya.
60. Khan Bahadur Muhammad Sadulla Badsha Sahib.

Noes.

1. Mr. K. Adinarayana Reddi.
2. Rao Sahib S. Ellappa Chettiyar.
3. ,, P. C. Ethirajulu Nayudu.
4. Mr. K. Gopala Menon.
5. ,, S. T. Shanmukham Pillai.
6. ,, N. A. V. Somasundaram Pillai.
7. ,, K. V. Ramachari.
8. Rao Sahib U. Rama Rao.
9. Mr. A. Ranganatha Mudaliyar.
10. Sriman Sasibushana Rath
11. Mr. T. C. Srinivasa Ayyangar.
12. ,, C. V. Venkataramana Ayyangar.
13. ,, T. Arumainatha Pillai.
14. ,, Munshi Muhammad Abdul Rahman Sahib.
15. ,, A. P. I. Saiyid Ibrahim Ravuttar.
16. Rao Bahadur T. Namberumal Chetti.

The motion was carried, 60 voting *for* and 16 *against* it.

The Secretary then read the title of the Bill.

Mr. T. A. RAMALINGA CHETTIYAR:—"I move, Sir, that this Bill be not referred to a Select Committee. My reasons for giving this notice are two. It is a very short Bill consisting of only one clause. Secondly the next elections are to be held in November and this Act may come into force in November if it is passed now. So I formally move that this Bill be not referred to a Select Committee."

Mr. ABBAS ALI KHAN:—"I second it."

Diwan Bahadur M. KRISHNAN NAYAR:—"I am afraid, Sir, that I must very strongly oppose this motion. In doing so I appeal to the members of this House to see that this motion is not carried. My reasons are these.

"I am one of those who are in hearty sympathy with the mover of this Bill so far as its principle is concerned. Before my friend, Mr. Ramalingam Chettiyar, introduced this Bill he had a consultation with me and I agreed with him in thinking that the term of the office of the chairman should be more than one year. I voted for the principle of the Bill. However, Sir, you will find, and I believe that the House also will find, that though the motion for the introduction of this Bill has been carried by a large majority and a very large majority too—there was a fairly large volume of opinion in this House that the coming elections of chairmen early in November should not be affected by this Bill. The opinion has been expressed by more than one honourable member that at the last election many persons who wanted to be chairmen did not stand because they thought it was not worth their while to stand, as the term would expire by the end of the current month. The election comes on early in November, and then they will try their chance. I think there is considerable force in that assertion. Mr. Ramalingam Chettiyar himself in his opening remarks, when he made the motion by which he introduced this Bill, said that it was not likely that this Bill would govern the elections which would be held early in November, that it was very unlikely that this Bill could receive the assent of His Excellency the Governor and His Excellency the Viceroy before these elections. But if this motion that the Bill be not referred to a Select Committee be carried, the

result will be, considering that the House as a whole has voted for the principle, it will be carried at once In all probability before the end of the current month it will have received the assent of His Excellency the Governor and His Excellency the Viceroy. The effect of this will be that the coming elections to be held in November will be governed by it.

"Again, Sir, on principle it is very necessary that Bills, especially important Bills like this, though they are short ones, should go before a Select Committee. I will refer honourable members to the experience of yesterday. The Bill which was introduced yesterday and all but carried was a very much shorter Bill than this When the volume of opinion in favour of, and against, that Bill and this is compared, it will be found that yesterday's Bill was a less contentious measure than this. But our experience of yesterday will not encourage us to accept the present motion. That experience will convince honourable members of this House of this, that there is a very great danger in rushing through any Bill, however short it may be. Yesterday's Bill contained only two clauses; and it was not referred to a Select Committee. What was the result? The first half of the first clause had to be omitted and the second clause amended, and even after that we have the word 'Preliminary' staring us in the face and proclaiming to the world in trumpet tones that we committed a mistake. Let the House see that similar mistakes are not committed; let us profit by our experience. If this motion that the Bill be not referred to a Select Committee be not carried, the result will be that the wishes of some of those who opposed this measure will also have been fulfilled. I hope that my appeal will commend itself to my friends, the Members of the Government, and the other members of the Council. I may say at once, Sir, that though I oppose the motion strongly I have no feeling whatever in the matter. Let us see that the good name of the Council is not lost by rushing through this Bill."

Mr. A. RAMASWAMI MUDALIYAR:—"As a result of the eloquent and pathetic appeal that has been made from the opposite bench by my honourable friend Mr. Krishnan Nayar, I rise to support the motion that the Bill be not referred to a Select Committee made by the Honourable Member Mr. Ramalingam Chettiyar. Sir, I think I should request the House to take into consideration what occurred in this House over this question during the last session and the present session and to see where we are drifting if we accept the suggestion made by honourable friend Mr. Krishnan Nayar. I believe it was in the last session that a resolution was passed by this House by an overwhelming majority that a Bill should be brought forward to amend the existing Act so as to give some more time for the chairmen. Now we had a long discussion over the first reading of the Bill and the House has again come to the conclusion by an overwhelming majority that the term of the chairmen should be three years. And now it is proposed by my friend Mr. Krishnan Nayar that the battle should be fought for the third time over this very small question and that the second reading should not be passed but that the Bill should be referred to a Select Committee. We are exactly to fight over the same question again, and my honourable friend knows very well that if the Bill is referred to a Select Committee, the very purpose for which this legislation has been introduced will be defeated. The purpose for which my honourable friend Mr. Ramalingam Chettiyar introduced this legislation is that not only on future occasions the chairmen should have three years' lease but that the present chairmen elected only some months back and in some cases only two or three months back, should continue for some more time to get a knowledge of the

administration of their municipalities and that they should pursue a continuity of policy in regard to municipal administration. Under those circumstances, I do not think that any good purpose will be served by saying that this Bill must be referred to a Select Committee.

"Sir, it has been suggested that some gentlemen did not stand for election as chairmen of the municipalities because they had to vacate their posts in November. I do not know what justification my honourable friend has for making this suggestion. So far as I can see the same objection will prevail for those gentlemen who will have to stand on the 1st of November again because they would have only a year's time of office if this Bill were not accepted and it would only at the best be a difference of a few months. Under those circumstances I think it is highly essential that the men who have now been chosen to office should have some longer period so that they can develop the principles which they have in view in regard to municipal administration. On these grounds I certainly most strongly endorse the view that has been put forward by Mr. Ramalingam Chettiyar that this Bill be not referred to a Select Committee. Otherwise we will be stultifying ourselves and the main object with which the Bill was introduced will be wrecked."

Mr. K. GOPALAKRISHNAYYA:—"I rise to oppose the motion now before the House by associating myself with all the remarks that have been made by my honourable friend Mr. Krishnan Nayar. It is one thing to allow the first motion to go in and it is quite a different thing to allow the second motion to go in. At an earlier stage this House has heard my remarks with regard to two questions, one regarding the continuance of the term of the present chairmen who have got into their places under a peculiar set of circumstances. It is very unfair to think of people who have gone into the places of chairmen under those circumstances merely because they will be turned out of their offices by this legislation not being passed immediately. There is also the other point of view to be considered. Of course, responsible members of this Council have expressed their opinions that the term of office of chairmen should be only for one year. According to my view both the opinions should be put together and given effect to by means of certain amendments to the Bill and I do not see any force in contending that this Bill may not be referred to a Select Committee. I appeal very strongly that an amendment which I have just now drafted will have to be placed before the Council either now or with the leave of the Hon'ble the President at a later stage if the Bill is to be referred to a Select Committee. I strongly appeal that still there are certain defects in the Bill which will have to be made up by passing it through the Select Committee and there should be some considered opinion of this Council before this Bill takes a final shape. On these grounds, Sir, I oppose the motion that this Bill be not referred to a Select Committee."

Mr. R. K. SHANMUKHAM CHETTIYAR:—"I have very great pleasure, Sir, in supporting the motion that this Bill be not referred to a Select Committee. I for one, Sir, cannot find any strength in the argument put forward by my honourable friend Mr. Krishnan Nayar that when the present elections took place many persons were not candidates for chairmanship because they were to last only for a very short time. Well, Sir, if that consideration has prevented any body from competing for the office, then I should say that those persons do not in the least deserve any consideration at our hands. If people are carried away by personal considerations and by tenures of office from the call of duty, I do not see that we are under any obligation to show them any consideration. As was pointed

out by my honourable friend Mr. Ramalingam Chettiyar, one of the fundamental reasons why this Bill was brought before this House and why all these motions were made by the honourable mover is that this Bill must take effect immediately if possible, and that it must benefit those people who are already holding the office. There is no good in our blinking the fact. I, therefore, have very great pleasure, Sir, in supporting this motion."

Mr. T. C. SRINIVASA AYYANGAR:—" Sir, it looks as if it is likely to become a chronic feature of this House that the rules should be suspended rather than that the rules should be obeyed. The Bill that is now before the Council is not an emergency measure to meet a particular occasion. It is to be the part of the standing law of the country. Therefore, I should think that the Bill be referred to a Select Committee rather than that the rules should be suspended and the Bill hurried through. It is not the case that there should be either one year for the chairmen or three years. It may be that, when the Bill is considered in the Select Committee, if one year is considered to be too short, some other period of time may be fixed. There is no urgency at all. It looks as if this Bill is intended more to benefit those who are in office. I do not say that it is the intention of anybody ; but the haste would lead one to fancy as if that is the object which the Bill aims at, rather than that there should be an amendment of the permanent law of the country. Therefore, I strongly oppose the motion."

Mr. T. ARUMAINATHA PILLAI:—" Sir, I have very great pleasure in opposing the motion before the House. We have had the sad and mournful spectacle of the Government proposing what was moved by the non-official members in 1920 namely to give two or three years' time to chairmen, and the Government in 1921 declaring that what the previous Government said in 1920 is wrong. That is the mournful spectacle we are witnessing to-day. So far as this motion is concerned that the Bill be not referred to a Select Committee, I do not see that there is any such very urgent necessity for it. Because my honourable friend Mr. Ramalingam Chettiyar when he moved this motion, made an express statement—I say subject to his correction—that if it is intended by the Government that the effect of this Bill should not be extended to the present chairmen who will have to vacate office on 1st November 1921, then the Government need not get the sanction of His Excellency the Governor and need not get also the sanction of His Excellency the Governor-General in Council, so that the operation of the Bill may be deferred beyond November and elections may take place. So it is not the intention, the explicit intention, as my honourable friend Mr. Shanmukham Chettiyar would put it, that this Bill is intended to support the people who are now in office and who would in the ordinary case have to go out of office and stand for re-election on 1st November 1921.

" I do not agree with the point of view which has been set forth by my honourable friend Mr. Krishnan Nayar that persons stood aloof because they were liable to be turned out in a month or two."

Diwan Bahadur M. KRISHNAN NAYAR (*interrupting*):—" The Hon'ble Mr. Arumainatha Pillai stated now, and some of my other honourable friends also have stated, that I made the statement that some gentlemen who wanted to be municipal chairmen did not stand at the last elections because of the fear that their term would be over in November. That is not what I said. What I said was that it appeared from the discussions of this Council that some persons who wanted to be chairmen during the last election did not stand for competition because their term would be over in November."

Mr. T. ARUMAINATHA PILLAI (*continuing*):—" Leaving aside the explanation or paraphrase of my honourable friend Mr. Krishnan Nayar, I will take up this question and place it for consideration before the Council. Those gentlemen who are now in office as chairmen of the municipal councils did enter upon their offices, did compete for their places, with the full knowledge that on the 1st November 1921 they would have to seek re-election. At that time they never knew, and they did not bargain or contract for it, that a Bill of this sort would be passed. When they entered upon this office with the distinct knowledge that by the 1st of November they would have to seek re-election, one does not see how any hardship will be caused so far as these gentlemen are concerned and especially after my honourable friend Mr. Ramalingam Chettiyar has expressly stated that this Bill may be made not to affect those who are in office by the tortuous method of not getting in time the sanction of the Governor in Council and the further sanction of the Governor-General in Council. Instead of adopting that method, all that I want to say is, why not we go forward straight and refer the Bill to a Select Committee ? Moreover, so far as this Bill is concerned, if it is passed, we are going to saddle the municipalities with the existing chairmen for three years. Suppose the municipal chairman did not obey the Councillors and would not carry out all their wishes . . . . "

The Hon'ble the PRESIDENT:—" I trust the honourable member realizes that we are now discussing the question whether or not to refer the Bill to a Select Committee. I understand him to speak on the previous issue. It looks like that and I may be excused if I point that out to him."

4-30 p.m.

Mr. T. ARUMAINATHA PILLAI (*continuing*):—" I am speaking on it only for this reason : that we may not be able to pass the amendments which we would be able to pass if it were in the hands of the Council. I am not harping on the previous point. There are so many amendments by the Government themselves and the Council is denied an opportunity to go into those things. Nor has any urgency been shown. I therefore oppose the motion."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—" Sir, I think I must enter my emphatic protest against the way in which we do our legislative work in this Council. I am certain that if the motion is passed it will put very many difficulties in our way. I should point out again the terms of the present measure and the amendments that have been tabled and the amendments which have been subsequently proposed as justifying the request that this Bill should go before a select committee. I am not dealing with the objects of these amendments, but I am merely referring to these amendments in order to show what their scope is and how the Bill is proposed to be amended by the amendments which stand in the name of the Government. The first relates to clause (*b*) that this Act should come into force at once. It is proposed that this should be omitted—obviously as it stands, it cannot come into force at once. It has to go for the approval of His Excellency the Governor and then it should have the approval of His Excellency the Viceroy. Then it is also proposed to amend clause 1 ; then there is a substantial addition to clause 3 of the Bill. Clause 4 is proposed to be replaced entirely by a new clause and the Government are taking this opportunity of bringing amendments of a different character substantially involving considerations which have not as yet received any attention of the honourable members. And then there is No. 6 at page 3. It is proposed that in the case of a vacancy, where there is no elected chairman or where there is no vice-chairman for convening a meeting for electing a chairman, the power should be conferred on the divisional

officer. The Government are anxious to rush through their amendments and Mr. Ramalingam Chettiyar is anxious to get through his motion and we are called upon to pass it without any reference to a select committee.

"There is another difficulty which I propose to bring to the notice of the honourable members. Even assuming for argument's sake that this Bill is passed with all these amendments, and with the amendment that Mr. Gopalakrishnayya wishes to bring forward and of which he just now gave notice, without passing it through the select committee, there may be some drafting inaccuracies such as that pointed out yesterday by Sir Lionel Davidson, which may again crop up. And after all if it is passed, any member may under section 49 object to the passing of it at this sitting. How can it be passed? I hope these things will be fairly considered by the House. I do not at all understand why there should be such a hurry to pass it."

The Hon'ble the PRESIDENT:—"Order, order. The question is whether the Bill should be referred to a select committee. I may, I trust, invite attention to some aspects of the question whether the Bill should or should not go to a select committee. There are a number of amendments proposed. These amendments may of course be dealt with as we dealt with amendments yesterday. At the same time these amendments may probably be more conveniently dealt with by a select committee. That is only a suggestion I make in regard to procedure generally. If the Government are satisfied about the amendments, they are perfectly entitled to go ahead. If, however, they are not quite certain, it is a matter for consideration whether they cannot take advantage of the opportunity to have all the amendments examined by a select committee. Not that I am in favour of any one view, but I state all the aspects to facilitate the disposal of the motion. The Minister for Local Self-Government will remember that this is a private Bill and not a Government Bill. This being a private Bill, if this motion is passed, and I am asked to suspend the operation of Standing Order 39, it will be my duty to call upon the mover to give cogent reasons for his request. And if it should happen that the honourable member does not furnish cogent reasons, and if his request is not granted, the position would be that the stage for a select committee being past, the full House will have to deal with the amendments at a later sitting. I am putting all these aspects before you for your consideration before the final step is taken."

The Hon'ble Mr. P. RAMARAYANINGAR:—"Mr. President, so far as this Bill is concerned, the attitude of Government is neutral. It is open to members individually to vote as they please. As to the Bill being referred to a select committee or not, it is left to the House to consider. About the amendments, before I gave notice of them, I had consulted the Advocate-General and taken his opinion. In these circumstances I leave the matter to the decision of the House."

The Hon'ble the PRESIDENT:—"The Government amendments were received on the 11th. Any honourable member is entitled to object that six days' notice has not been given. If I allow these amendments to go forward, then I would be obliged to allow other amendments also to go forward. If the Government are satisfied that the measure is an urgent one which must go forward at once, that is of course another matter. But the whole thing is brought up by a private member and honourable members have been told to do as they pleased."

Mr. T. A. RAMALINGA CHETTIYAR:—"Sir, it has become rather difficult for me to proceed after the explanation of the Hon'ble the President. Sir, I cannot really understand the position."

The Hon'ble the PRESIDENT:—"The honourable member has not yet asked me to suspend the operation of the standing order. It is wholly premature for me to say anything in advance as to what might happen when that request is made. I am only giving the various possibilities. If this motion is passed and if I am asked to suspend the operation of the standing order, and if the honourable the mover does not give cogent reasons for my doing so, it would be too late for the Bill to go to the Select Committee.

"The honourable member may of course apply for leave to withdraw his motion."

The leave was applied for and granted.

Mr. T. A. RAMALINGA CHETTIYAR:—"I beg to move that the Bill be referred to a Select Committee consisting of the Hon'ble the Minister for Local Self-Government, myself, Mr. B. Muniswami Nayudu, the Raja of Ramnad, Mr. Krishnan Nayar, Mr. Ramaswami Mudaliyar and the Advocate-General to report to-morrow afternoon." 4-45 p.m.

Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB:—"I second it."

The Hon'ble the PRESIDENT:—"Before what hour to-morrow."

Mr. T. A. RAMALINGA CHETTIYAR:—"Before 2 p.m. to-morrow."

The Hon'ble the PRESIDENT:—"The motion before the House is that this Bill be referred to a Select Committee consisting of the Hon'ble the Minister for Local Self-Government, the mover, the Raja of Ramnad, Diwan Bahadur M. Krishnan Nayar, Mr. B. Muniswami Nayudu, Mr. Ramaswami Mudaliyar and the Advocate-General."

Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB:—"I propose an amendment that Mr. Munshi Abdur Rahman Sahib be added to the Select Committee."

Mr. T. A. RAMALINGA CHETTIYAR:—"I accept it."

The Hon'ble the PRESIDENT:—"The motion is that this Bill be referred to a Select Committee consisting of the abovementioned gentlemen and Mr. Munshi Abdur Rahman Sahib to report to-morrow afternoon."

The Hon'ble Mr. P. RAMARAYANINGAR:—"I am afraid to-morrow afternoon will be too early for the report to be made."

Mr. T. A. RAMALINGA CHETTIYAR:—"Then the time need not be mentioned."

The Hon'ble the PRESIDENT:—"That is the correct thing. We will have to assume that the Select Committee will do their work as promptly as they can."

The motion was then put and carried, and the Bill was accordingly referred to the Select Committee.

VI

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Girder bridge over the Panguni channel, Trichinopoly district.

Mr. S. ARPUDASWAMI UDAIYAR:—"Mr. President, Sir, I beg leave to move—

'135. *That this Council recommends to the Government that effect should be given to the scheme for the construction of a girder bridge over the Panguni channel near Melaperungavur, Lalgudi taluk, Trichinopoly district, towards the cost of which the ryots of the said village were required by the District Board, Trichinopoly, to deposit a sum of Rs.* 3,000.'

"Sir, the village of Melaperungavur which forms a part of Keelaperungavur is bounded on three sides by the Panguni channel. The ryots have to cross this channel every time they have to take the road on the other side of it, which is called the Coronation road, constructed at a cost of Rs. 3,000 of which the village contribution was Rs. 1,000, and which connects the village with the trunk road from Trichinopoly to Ariyalur. On such occasions, Sir, the ryots have to wade through water which comes up to the neck or shoulders at flood time and is waist deep or very near waist deep at other times. The difficulty increases when bullock carts have to cross the channel and this has to be done when the ryots have to carry their produce to the neighbouring market or bring to the village the articles for which they have exchanged the produce of their fields or other commodities which they have purchased for home consumption or use. At such times, the ryot requires the help of four or five persons, some two or three to push the cart from behind and one or two to goad the bulls which find it not a very easy or pleasant task to drag the cart, the wheels of which stick in the mud, especially at flood time, when another difficulty is added, namely, the resistence offered by the force of the current. It might be that there is a great deal of romance in this primitive method of crossing the stream, but nevertheless the hardship is very real, the hardship to which the cart-drivers and the bullocks are put.

"To remove this hardship, the ryots had recourse to all the means within their power. They consulted some of the leading gentlemen to whom they had access and made bold finally to send a deputation which waited on the president of the district board. The president promised to inspect the spot which accordingly he did in the company of the district board engineer. He, on his part, saw no objection to putting up a bridge if the ryots, on their side, were willing to contribute their share of the cost of construction. The ryots readily complied with the demand and the president gave his earnest attention to the scheme. On the 4th May 1917, the ryots were favoured with the following letter from the Local fund overseer, Lalgudi range:—'The ryots of Melaperungavur are requested to inform by return of post whether they are prepared to contribute Rs. 3,000 towards the cost of constructing a girder bridge for the Panguni channel at Melaperungavur, the total cost of the works being Rs. 6,000.' The ryots, Sir, were delighted to receive this letter, and not satisfied with an empty promise they readily raised the sum of Rs. 3,000, and when they were asked to remit the money to the treasury, they did so on the 21st January 1918.

"This, Sir, is the genesis of the scheme. At first the ryots had every reason to believe that the scheme progressed favourably, for inquiries made by them resulted in the welcome news that plans and estimates had been drawn up and submitted to Government. But, since then, Sir, no action has been taken. At first it was natural to attribute the delay to the great war. But since the armistice and the treaty of peace, there has been no sign whatever of the scheme being given effect to. Meanwhile the ryots had to raise a fresh loan in order to pay off the first loan, and the rate of interest, considering the scarcity of money, was certainly very high, with the result that in the shape of interest alone the ryots have paid more than Rs. 1,000.

"The person best competent to know the actual needs of the ryots and to pronounce whether a bridge was or was not necessary for them is certainly the president of the district board. He has approved of the scheme. He has given practical proofs of his sympathy. He has visited that spot at least twice. Therefore, Sir, it is a mystery why his hands are tied. What flaw there is in the

procedure adopted by the ryots, what technicalities have been overlooked, all that is a mystery and must remain a mystery to a layman like myself who cannot have a peep into the working of the elaborate machinery through which all the reforms and schemes of this nature have to pass in order to receive a certain form and shape. But my only fear, Sir, is lest this scheme should, in the process, be torn into shreds and lose all form and substance. The ryots who are for the most part illiterate and ignorant of the division of power and responsibility between the Government and the local bodies, cannot understand why a scheme of such a vital necessity and importance to them is delayed by Government, especially after the officers who represent it in their parts had approved of it, had ratified and sealed it by requiring them to meet one half of the cost of construction. I think, Sir, it would be nothing short of a calamity, nothing short of a tragedy brought about by administrative short-sightedness, if a scheme to which the President of a district board gave his earnest attention and on which the ryots are certainly very keen is delayed and if their interests are sacrificed by difficulties being raised at this eleventh hour, difficulties which ought to have been foreseen and guarded against and the raising of which now looks like a breach of faith. For, as I have already said, the villagers regard this transaction in the light of a solemn pledge, and in perfect good faith they have raised the loans to fulfil the condition laid down by the local authorities. They have suffered loss of interest. Their simple faith, I think, must not be trifled with."

Sriman SASIBUSHANA RATH Mahasayo:—"I rise to a point of order. I think there is no quorum to constitute a House."

The Hon'ble the President counted the members present and declared that there was a quorum.

Mr. S. ARPUDASWAMI UDAIYAR (*continuing*):—"To ryots, Sir, this delay, especially after they had given proofs of their earnestness and sincerity of purpose, looks like a defeat of their cherished hopes. Anybody acquainted with village politics will have no difficulty in perceiving how very awkward and unenviable must be the position of the ryots. It is human for one set of villagers to gloat over the sacrifices or losses of another set of villagers to whom they are not bound by common interests, by common aims and objects or by the same common bonds of caste and religious fellowship. I know, in this case, the villagers, on account of the state of suspense which prevails, on account of the state of uncertainty as regards the realisation of their project are exposed to taunt, and if I may judge of the attitude taken by some of their neighbours I should think that they must have a hand in trying to wreck the scheme. Some villagers, I know, Sir, go the length of taunting them saying that they were extremely simple in thinking that it was so very easy to get a thing done by Government. Therefore, Sir, I believe that the House will see it is only fair that what is really a solemn contract and compact will be adhered to. If objection is raised to the scheme on the ground that there is no money for this girder bridge, it is but fair that they should put up some other sort of bridge which will not cost so much, or even to ask the villagers to contribute something more. They will even be satisfied with a small bridge with one or two spans over the stream at the narrowest part It is not fair that there should be any withdrawal or receding from the position once taken by the district board. For these reasons, Sir, I beg leave to move this resolution."

5 p.m.

Mr. M. R. SETURATNAM AYYAR:—"I beg to second this resolution."

[Mr. T. Balaji Rao Nayudu] [14th October 1921

Rao Bahadur T. BALAJI RAO NAYUDU :—"I beg to know, Sir, if this is a work to be done by the district board or the Government."

The Hon'ble the PRESIDENT :—"Has not the honourable member said that ?"

Mr. S. ARPUDASWAMI UDAIYAR :—"It is a district board work."

Rao Bahadur T. BALAJI RAO NAYUDU :—"Then there is no use of proceeding with this resolution."

The Hon'ble Mr. P. RAMARAYANINGAR :—"Sir, while sympathising with the object of the resolution which my honourable friend Mr. Arpudaswami Udaiyar has moved, I must confess that the Government are practically in the dark as to the particular importance of the bridge referred to in the resolution. The only glimpses of enlightenment they have had are from the three annual reports of 1917–18, 1918–1919 and 1919–20. In the first of these reports it is said that the villagers of Melaperungavur paid Rs. 3,000 to the district board and undertook to pay a moiety of the cost if a bridge should be constructed over the Panguni channel. In the second report it is stated that nothing could be done inasmuch as prices of materials were too high and an estimate could not be framed which would suit the convenience of the people of the village. In the third report, it is stated again that pending the result of the enquiry into the question whether the combined schemes for a dam and a bridge, nothing could be done. That question seems to have been referred to the Public Works Department and I have not got the report of the Public Works Department. Sir, except these passing references, I must say there is nothing more to enlighten the Government upon the importance of the particular bridge, and in fact I looked into the district map and I could not find the village in question on the map. That being the case, the construction of the bridge is more or less a parochial matter and as such I have no doubt that the House would concede that the resolution is a proper subject for debate in the district board. I hope my friend will bring the resolution before the district board, and if the district board applies for a grant from the Government, the Government will certainly consider the application on its merits. Sir, with these observations, I expect my friend will withdraw his resolution."

Mr. S. ARPUDASWAMI UDAIYAR :—"Mr. President, Sir, will you kindly allow me to request the Hon'ble the Minister for Local Self-Government to enlighten me on one point. From what he told me, it seems that the district board are not quite competent on their own authority to settle this matter. There seems to be a sort of dual control If I apply to them, they tell me that they are not free to act in that matter."

The Hon'ble the PRESIDENT :—"Has the honourable member applied to the district board and did they tell him so ?"

Mr. S. ARPUDASWAMI UDAIYAR :—"Not officially so as to be able to produce a report."

The Hon'ble Mr. P. RAMARAYANINGAR :—"Sir, that is my answer."

Mr. S. ARPUDASWAMI UDAIYAR : "Because there is also the question of the Public Works Department. On account of this dual control the district board say they are not competent to investigate into this matter. Here is a case of injustice perpetuated to men who have already deposited Rs. 3,000 without getting any interest and remain without seeing their scheme maturing. They are helpless villagers. So I should like to have a positive assurance on this matter that it will be seriously considered by the Hon'ble the Minister for Local Self-Government."

14th October 1921] [The Hon'ble Mr. P. Ramarayaningar]

The Hon'ble Mr. P. RAMARAYANINGAR :—"It is a matter for the consideration of the district board and not of the Government. The people have to apply to the district board and the district board will consider the question on its merits."

Mr. T. C. TANGAVELU PILLAI :—"With reference to this matter, I wish to point out to this House that the district board is unable to tackle this question, and it is for that reason that it is brought before the Local Self-Government Minister for help and advice. If some help is forthcoming from the Hon'ble the Minister for Local Self Government we are sure that the district board will be able to do something."

The Hon'ble Mr. P. RAMARAYANINGAR :—"The complaint should come from the district board. If they are in want of funds, it is for them to come to Government."

Mr. A. RANGANADHA MUDALIYAR :—"Sir, I feel a certain difficulty in following the debate on this resolution. I think the Hon'ble the Minister for Local Self-Government is perfectly right in saying that this question should first be considered in the district board and that if the district board finds it a feasible proposal and wants it to be executed but has no money at its disposal it is open to the district board to apply to the Government for funds. Then, I think if the Government does not favour the request of the district board it will be time enough for the Council to consider whether it is to step in and set matters right. I think the honourable member will be well advised in withdrawing the resolution at this stage."

Mr. S. ARPUDASWAMI UDAIYAR :—"I do not press the resolution, Sir."

The resolution was by leave withdrawn.

Repair of certain bunds, Trichinopoly district.

Mr. S. ARPUDASWAMI UDAIYAR :—"Mr. President, Sir, I beg leave to move this resolution :

'136. *That this Council recommends to the Government that the breaches caused by the late floods in the bunds from Sevalur to Kandrampatti and near Maleyadipatti, Manjampatti and Samudram in the Trichinopoly division, Trichinopoly district, be repaired before the setting in of the monsoon.*'

"Sir, I gave notice of this resolution nearly three months ago, and the repairs which this resolution requires to be made should have been made before the setting in of the monsoon. But, on the whole, I am very glad to say that the more substantial portion of the breaches caused by the floods has been repaired. Only some minor repairs have to be done. Thus much has been done, below Kandrampatti and near Samudram. This is the place where railway lines were very badly breached. The bunds have been raised very high and also increased in width. But the tank which was mainly responsible for the floods has not been adequately repaired, so that another heavy incessant downpour of rain might result in another unprecedented flood and a renewal of heavy damage. Above Kandrampatti nothing has been done and not much has to be done except repairing a few dykes and diverting the flood water into proper channels and making it useful for irrigation purposes. Then, Sir, at Maleyadipatti, one of the villages specified by me in this resolution, there is no water although there is an abundance of this element in the river. It is because the old breach west of the tank has not been repaired. The same must be said of Manjampatti and Muthappudayanpatti villages not far from Maleyadipatti. In these villages the bunds have not been properly repaired or no sort of effort has been made to confine the water within the banks.

[Mr. S. Arpudaswami Udaiyar] [14th October 1921

"The late floods had worked great havoc in those parts, not only in breaching railway lines but also in thoroughly changing the nature and aspect of the cultivated area. The floods had covered the whole area with a network of channels, with the result that the ryots whose lands had been silted up and even cut and grooved into a number of channels, are very wary of spending money or of employing labour until they have an assurance that the repairs will be effected and that in all human probability there was no fear of the floods sweeping over their fields again and destroying the work of several months.

"My object in moving this resolution is only to afford relief to these ryots so that they may begin their agricultural operations. Now certainly it is the object of the Government to afford relief to the ryots and not to suffer a loss of revenue. Therefore I only ask for an expression of sympathy and an assurance that nothing will be left undone to avert an abnormal situation such as the one created last year. If Government will give that assurance, then I feel certain that the few remaining repairs will be made and the ryots will begin their agricultural operations in the hope that they can raise their paddy crops this year and in the hope that they may begin to remove all the heaps of sand and bring the lands once again under cultivation because of the thorough-going nature of the repairs effected. I will be satisfied with the assurance, Sir, that the minor repairs required will be effected and relief will be given to the ryots."

Mr. A. RANGANATHA MUDALIYAR :—"I second the resolution."

Rao Bahadur T. BALAJI RAO NAYUDU :—"May I know, Sir, what these bunds are, whether they are railway bunds are tank bunds?"

Mr. S. ARPUDASWAMI UDAIYAR :—"They are channel bunds and also I refer to the dykes near the tanks."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, I am gratified to hear that the reports which I have in my hands from the officers of the department in regard to the execution of the substantial portions of repairs have been fully corroborated and certified to by the honourable mover. All that he asks of me at this stage evidently is that I should dole out to him from across this table my full measure of sympathy for the little work which yet remains to be done. Well, Sir, I can certainly give him the assurance with all the vehemence that I can command. I may, at the same time, give him this assurance that the action which Government took in this matter was not prompted by the resolution which the honourable the mover had tabled, for, his resolution was tabled only for the meeting to be held in the month of July, whereas Government had issued their orders in regard to the necessity and the urgency of carrying out these repairs so early as the 27th of January 1921. Ever since that time, we have kept ourselves in correspondence with responsible officers; we are securing progress reports, if I may say so, from month to month as regards the work actually done, and I feel perfectly satisfied—and I am glad to hear that the honourable the mover is also satisfied—that the officers of the department have not at all been slow in realizing their responsibilities for the purpose of carrying out the necessary repairs so as to avoid future damage; and I can further assure the honourable the mover on the other side that everything that human ingenuity can possibly conceive of and foresee will be done to avert danger to lands and landowners."

5-15 p. m.

Mr. S. ARPUDASWAMI UDAIYAR :—"I do not take any credit to myself, Sir. I give all the credit to the Hon'ble the Revenue Member because there is a Tamil proverb that whoever throws stones, the bird must come down; and my object in bringing this resolution was only to show that these minor repairs should be done. I am very grateful and thankful to the Hon'ble the Revenue Member for the assurance he has given and for the gracious manner in which he has expressed his sympathy. I do not press the motion."

14th October 1921] [Mr. S. Arpudaswami Udaiyar]

The resolution was by leave withdrawn.

Use of the term 'Achari' after the names of members of the Viswa-Brahman community.

Mr. S. MUTTUMANIKKACHARIYAR :—"Mr. President, the resolution that stands in my name runs as follows :—

'137. *That this Council recommends to the Government that G.O. No.* 659, *Home (Miscellaneous), dated 26th May* 1913, *be amended so as to restore to the members of the Viswa-Brahman community their ancient and hereditary caste title of 'Achari,' instead of the title 'Asari' recently introduced.*'

"Sir, it may not be out of place to inform the Council of the history of this Government Order. The Government of India desired that a uniform system of transliteration of Indian personal names should be introduced and the Government of Madras constituted a committee in 1909 and that committee sent its report with its recommendations in 1910; this Government Order is the result of that committee's recommendations. By this committee's recommendations the members of my community have been figuring in official correspondence as 'Asaris' and they have to give up their long-established and well-known title of 'Acharis.' Here I would request members of this Council to bear carefully in mind the recommendations of the committee which are to be found in paragraph 6 (1). They say that the generic name 'Achari' is used both by the Viswa-Brahmans and by artisans (by artisans they mean members of my community). We find it convenient to distinguish the title used by the Brahmans as well as the artisans and restrict the term 'Achari,' the Sanskrit form, to Brahmans, and the Tamil form 'Asari' to the artisans (by that they mean members of my community). They themselves have shown by their frank and free admission that members of my community have hitherto been using the title of 'Achari.' They even say in paragraph 5 of that Government Order that many people are under the impression that 'Chari' is the title of Vaishnava Brahmans and 'Achari,' the title of members of my community. This frank admission has been made and it does not behove me to cite chapter and verse for the same. It will be found in epigraphical records, such as the Inscriptions in Nellore by Messrs. Butterworth and Venugopal Chettiyar which is in Telugu and the Inscriptions of Mysore by Mr. Rice which is in Kanarese, and all these show that the members of my community have long been using the term 'Achari' as their caste title. My honourable friend to my left, who is a distinguished member of the Sourashtra Brahman community, is also using the term 'Achari' and it passes my comprehension to see why no distinction has been made by the members of the committee in the caste title used by my friend Mr. Ramachari's community. They use 'Achari,' 'Iyengars,' 'Bhagavathars,' 'Iyers' and almost all the terms which are also used as a generic term by the Brahman community. They also say that 'Achari' is a Tamil form, but any one acquainted with the Tamil language may see that the ச in 'Achari' is pronounced as cha, and if they go to the sister languages of Telugu and Kanarese, which have letters to denote చ there they find only 'cha'

written as the generic caste title. From a perusal of the Government Order, excepting this differentiation, one fails to see any other reason given for this appellative change in this title.

"Another thing is they have not even asked any member of my community to come forward before the committee to give their opinion as to the proposed change. They have done everything behind our back; they have deprived us of the use of our ancient caste title and have foisted upon us this unmeaning, unphonetic term, which the members of my community regard as degrading.

"Now in this reformed Council where minorities have been given representation the Governor in Council was pleased to nominate my humble self as representative of my community. So, I propose to lay before this Council that this invidious distinction is being keenly felt by the members of my community. We protested against this and sent a memorandum explaining the use of the caste title 'Achari'; and we also submitted to the Government numerous memorials and the resolutions passed at a conference held even last year; but I regret to see that the Government turned a deaf ear to our representations and have not done anything to allay our feelings. Now I request the members of this Council to show by their united voice the deep feeling entertained by the members of my community and show to the Government that the request of the community ought to be granted and thus earn the good will and the ever-lasting gratitude of members of my community. With these words I beg to commend the resolution to the Council."

Mr. A. Ranganatha Mudaliyar seconded the motion.

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Mr President, I may say at once that the Government do not object to spell the title in the way in which the honourable member wants it to be spelt. If the honourable member were to address us, signing himself by a particular designation, we in our turn are prepared to address him in that way. The only thing which I, on behalf of the Government, am unable to accept is the various implications which are to be found in this resolution. I say that, because we do not want to be let into any disquisition as to ethnic qualifications or otherwise.

"There was a committee, as was pointed out, which settled this dispute about designation; but that apparently is unsatisfactory to some. I may say, Sir, personally I also am a Vaishnava Brahman, though I do not sport the title of Achari, or Chari, or any other thing, and I may say also that personally I hate either a prefix or a suffix to my name. But, as I said, I was personally interested in the question of the Viswa-Brahman community and I may say, Sir, that I had to support the contention that the members of this community were *Dwijas* and double-dosed *Dwijas* (Brahmans). Unfortunately, another section of the community cannot brook it. They thought it was a disadvantage, but it came to nothing as the party contesting in court withdrew. Sometimes questions of caste have to be investigated in courts on matters of civil right. I want to guard myself against any implication that the Government are deciding the caste of a particular community. Then, Sir, the other thing which I feel nervous about is the 'ancient and hereditary caste-title' as stated in the resolution. We have an Archæological as also an Epigraphical department. I do not know whether we can comfortably rely on them for a decision on this point. As I said we have no ethnic expert on that question. What I feel obliged to say on behalf of Government is

5-30 p.m.

that there will not be the slightest objection to spell in the pronunciation of any name in the way in which any individual wants it to be spelt. This, I hope, will content the honourable mover who, I think, will now withdraw his resolution. Necessary instructions will be issued to this effect."

Mr. S. MUTTUMANIKACHARIYAR:—"Certainly not. The Secretary of my sabha addressed a letter to the Honourable Member's department and although he signed his caste-title as Achari, in the reply sent to him his title was spelt as Asari. He took objection to that and wrote to the department. The reply that he received was: 'Vide G.O. No. 659, Home, Miscellaneous.' So I feel constrained to press my motion."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I said already that hereafter we will give instructions that any person who wants to spell his name in a particular way will be addressed in the same way."

Mr. S. MUTTUMANIKACHARIYAR:—"Now, Sir, there is a recent Government Order that the gentlemen of a certain community should be styled as Nadars"

The Hon'ble the PRESIDENT:—"The honourable member must stick to the 'Achari' issue and not go into the question of 'Nadars'."

Mr. S. MUTTUMANIKACHARIYAR:—"Sir, we do not want ourselves to be styled as Asaris in public records. Whenever we are addressed as Asaris and we point out the mistake they say there is the Government Order. Every department is furnished with a copy of the Government Order. They have it in their hands and they say: 'Look at that'."

The Hon'ble the PRESIDENT:—"I take it that the Hon'ble the Law Member intends to revise the order?"

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"What I say is we will give instructions that in any case where a person addresses us signing himself with any particular name, or in any particular way, or with a particular spelling we shall in any communications to him address him in the same way. The real difficulty is this. Some people may not like the change at all. We cannot lay down a definite definition like what is asked. Anybody has the right to spell his name as he likes. To that extent we will give the necessary instructions. This instruction will be issued in a Government Order in modification of the Government Order referred to."

Mr. S. MUTTUMANIKACHARIYAR:—"It was in the original Government Order that some members of my community should be addressed as Asari. Many people did not like it; for instance, my brother did not want that 'Asari' should be tacked on to his name and now he is titled as Achari and he is all right."

The Hon'ble the PRESIDENT:—"The honourable member has to decide whether, in view of the Hon'ble the Law Member's statement that another Government Order is going to be issued, containing what he has now stated, in modification of the original Government Order, he should press his motion."

Mr. S. MUTTUMANIKACHARIYAR:—"I withdraw it, Sir."

The resolution was then by leave withdrawn.

VII

ANNOUNCEMENT REGARDING RESOLUTION ON PROVINCIAL CONTRIBUTION TO THE IMPERIAL GOVERNMENT.

The Hon'ble the PRESIDENT:—"I have to inform the House before we adjourn that the Honourable Member, Mr. T. A. Ramalinga Chettiyar has given me notice of an urgent resolution which he wishes to move to-morrow. The resolution is in these terms:

'This Council considers that the Government of Bengal having been exempted from the contribution due by them to the Government of India, the Government of Madras are justly entitled to similar treatment; and that the whole scheme of provincial contributions should now be reconsidered so as to relieve this Presideney of the undue burden placed upon it. The Council desires that a deputation of its members should wait upon His Excellency the Viceroy to explain its views and resolves that, if the occasion for such a deputation should arise before the next meeting of the Council, the Hon'ble the President should nominate the members of deputation.'

"Notice of this has been given and with the concurrence of the Honourable Member of Government in charge of the Finance Department, I have resolved to waive the period of fifteen days' notice which would be otherwise necessary and this resolution will be in to-morrow's agenda and will be taken up after the financial business is over. After it is disposed of, the Council will deal with the rest of the agenda."

The House then adjourned at 5-40 p.m., to meet again the next day.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

SECRETARY TO THE
2 - NOV 1921
LEGISLATIVE COUNCIL

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Saturday, the 15th day of October 1921, the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E., President, presiding.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Irrigation projects in Chingleput district.

850 Q.—Diwan Bahadur C. ARUNACHALA MUDALIYAR: To ask the Hon'ble the Member for Revenue—

(*a*) to lay on the table a statement of irrigation projects in Chingleput district which have been previously investigated; and

(*b*) to state whether any of these schemes are going to be undertaken in the near future.

A.—(*a*) A statement showing the irrigation projects investigated in the Chingleput district with remarks as to their disposal is laid on the table.*

(*b*) No.

Peripatetic weaving party.

851 Q.—Diwan Bahadur C. ARUNACHALA MUDALIYAR: To ask the Hon'ble the Minister for Development to state—

(*a*) what villages in Chingleput district were visited by a peripatetic weaving party in the years 1919 and 1920;

(*b*) in how many of such villages and in what villages the fly-shuttle slays and improved warping machines were introduced; and

(*c*) whether the town of Conjeeveram also was visited by the party and, if so, whether they have proposed to effect any improvements.

A.—(*a*), (*b*) & (*c*) No villages in the Chingleput district were visited during 1919-20 by any peripatetic weaving party.

Mappilla rebellion in Malabar.

852 Q.—Mr. A. D. M. BAVOTTI SAHIB: To ask the Hon'ble the Home Member to state—

(*a*) how many Mappillas were killed by the rebels in the present Mappilla rebellion in Malabar;

(*b*) how many Mappilla houses were looted by them;

(*c*) whether the loyal Mappillas did not help the Government in putting down the rebellion;

(*d*) how many Hindus were arrested;

* Vide Appendix I on page 1213 infra.

(*e*) what steps the Government have taken to bring the Khilafat leaders, both Hindus and Muhammadans, to book for having incited the mob; and

(*f*) whether the Government propose to apply the Mappilla Outrages Act on the present occasion.

A.—(*a*) & (*b*) The Mappillas are still in a state of active rebellion over a large portion of the Malabar district and in the nature of the case accurate information on the points raised is not obtainable.

(*c*) In certain cases Mappillas have rendered assistance.

(*d*) & (*e*) The Government cannot give any information on these points at the present stage.

(*f*) Yes, where this course is necessary.

Pensions for families of public servants prematurely deceased.

853 Q.—Mr. A. D. M. BAVOTTI SAHIB: To ask the Hon'ble the Member for Finance to state—

(*a*) whether the attention of the Government has been drawn to a leading article entitled "The Poverty of Government Service" appearing in an issue of *Kerala Sanchari*, Calicut, dated 6th July 1921;

(*b*) whether the Government cannot accept the suggestion made therein to the effect that, in view of the sad plight in which the families of public servants are thrown when the latter meet with an untimely death, provision should be made for the relief of such families by allowing them a pension, at least in case of the families of those that have completed a service of 20 years or more;

(*c*) whether the Government are aware that such pensions are allowed in Travancore and other Native States and also in French territories in India; and

(*d*) whether, if the Government are of opinion that this subject is more Imperial than Provincial, the Government cannot address the Imperial Government in the matter.

A.—(*a*) The Government have perused an English translation of the article referred to.

(*b*) The grant of pensions to the families of Government servants left in indigent circumstances is inadmissible under the ordinary rules of the Civil Service Regulations.

In order, however, to meet exceptional cases of hardship, Government have recently constituted a fund for the purpose of compassionate grants to families of deserving Government servants left in indigent circumstances. The scope of the fund and the rules regulating grants therefrom will be found in the rules appended to G.O. No. 183, Finance (Pension), dated 13th August 1921, a copy of which is placed on the table.*

(*c*) The Government have no information.

(*d*) The subject is an Imperial one and is already under the consideration of the Government of India in connexion with a recommendation made by the Public Services Commission in paragraph 96 of their report. No final orders have yet been passed on the subject.

* Vide Appendix II on page 1214 infra.

Abolition of attenders, etc., in District Registrars' offices.

854 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education to state—

(*a*) if the retention in the records of duplicate copies of Indexes I, II and III in District Registrars' offices has been discontinued;

(*b*) whether all such records of previous years have been destroyed; and

(*c*) if so, whether the Government cannot abolish the posts of attenders in all District Registrars' offices as a step towards retrenchment.

A.—(*a*) Yes, after a period of twelve years from the date of the last entry.

(*b*) Yes.

(*c*) The matter will be considered.

Reserved forests in Guntūr district.

855 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Home Member to state—

(*a*) the extent of reserved forests in Guntūr district at the end of the years 1918, 1919, 1920 and 1921 up to date in classes I, II, III, IV and V;

(*b*) the total area closed to grazing at the end of each of these years;

(*c*) the rates of grazing during each of these years;

(*d*) the total amount of grazing fees collected during these years in Guntūr district;

(*e*) the total number of cattle in the district at the end of each of these years;

(*f*) how many cases of trespass during the said years were dealt with by the Forest Department in the district of Guntūr and what was the total amount of fines collected during these years;

(*g*) how many mahazars were received by the Collector and the Government during those years regarding forest grievances;

(*h*) the purport of each and how it was disposed of;

(*i*) whether the Government have made any arrangements to enable the ryots of the district, particularly of villages such as Macherla, etc., close to the forests, to get agricultural implements for their every day use;

(*j*) whether the Government are satisfied that the contractors of forest *coupes* are making necessary arrangements to sell fuel and wood for agricultural implements to the ryots without giving room for complaint;

(*k*) whether it is a fact that there has been a general scarcity of fodder, particularly in hillside villages, in the district, especially for the last few months; and

(*l*) the number of forest cases in Guntūr district that (*a*) went to court, (*b*) were compounded, in 1919–20 and 1920–21, classified according to where the offence was committed in each of the five classes of reserved forests.

A.—Information has been called for from the Chief Conservator of Forests.

Supply of Council agenda to visitors.

856 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Law Member—

(*a*) whether the attention of the Government has been drawn to the article by "Tax-payer" headed "Legislative Council and Agenda Supply to Visitors" in *Justice* of the 24th August 1921; and

(*b*) whether the Government have any objection to make arrangements for the sale of Agenda papers to visitors and other tax-payers in the galleries for such amount as they deem fit.

A.—(*a*) Yes.

(*b*) The Government are not satisfied that there is a sufficient demand to justify the expense of printing and of arrangements for sale.

Muhammadan pilgrims to Mecca.

857 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Home Member, with reference to answer given to my question No. 22 (*b*) of the 1st August 1921 regarding Muhammadan pilgrims to Mecca, to lay on the table, a copy of the proposal to open the port of Madras to pilgrim traffic which was considered in 1912 and the orders of the Government of India passed thereon.

A.—The papers asked for are laid on the table.*

Government Muhammadan College building.

858 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education and Public Works to state—

(*a*) when the construction of the Government Muhammadan College building is to commence;

(*b*) whether there is any objection to some more temporary rooms being put up for science laboratories till the pakka buildings are constructed, as some of the first and second group students of the intermediate classes have had to change their groups for want of any provision for these groups; and

(*c*) whether it is a fact that technical apparatus is lying at the Muhammadan College unused for a long time.

A.—(*a*) The plans and estimates are being revised and building operations will commence after final orders are passed on the plans and estimates and funds are provided.

(*b*) The desirability or otherwise will be considered.

(*c*) Some scientific apparatus for the college was received towards the end of last year. The majority of it cannot be used until accommodation is available.

Sub-Registrars.

859 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education (Registration)—

(*a*) whether the attention of the Government has been drawn to the article 'Sub-Registrar's plight under the new time-scale pay by B.N.R.A.N.G.O.' published in *Justice* of the 14th September 1921; and

(*b*) to state what action the Government propose taking in the matter of redressing the grievances of the Sub-Registrars as stated therein.

A.—The Member is referred to the answer to question No. 814.

* Vide Appendix III on page 1217 infra.

Medical College for Vizagapatam.

860 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) whether, with reference to answer given to Rao Bahadur C. V. Narasimha Raju's question No. 458 in the second session, the Government have received the detailed proposals from the Surgeon-General; and

(*b*) whether the Vizagapatam Medical School will be converted into a Medical College in 1922.

A.—(*a*) The Government have not yet received the proposals referred to.

(*b*) It is not possible to express any definite opinion at present.

Grievances of senior Sub-Registrars.

861 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Education (Registration)—

(*a*) whether the attention of the Government has been drawn to the article headed "Grievances of senior Sub-Registrars" published in *Hindu* of the 21st September 1921; and

(*b*) to state whether the Government propose to remedy the grievances complained of at an early date.

A.—(*a*) Yes.

(*b*) No.

Divisional officers in Guntūr district.

862 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Member for Revenue to state—

(*a*) whether the Revenue divisional officers in the Guntūr district are Brahman gentlemen; and

(*b*) whether any of them have conducted anti-non-co-operation meetings.

A.—(*a*) Three out of the four divisional officers in the Guntūr district are Brahmans.

(*b*) The Government have no information.

Licence for grazing cattle in the reserved forests of Guntūr district.

863 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Home Member to state—

(*a*) whether it is a fact that the licence fee for each head of cattle for grazing in the reserved forests of the Guntūr district has been raised to 12 annas for a period of six months;

(*b*) whether it is a fact that cattle are not allowed during the rest of the year to graze anywhere in the forests;

(*c*) (i) whether the Government have received reports that the ryots are put to much inconvenience on account of the half-yearly licences (ii) and that jobbery among forest servants is most oppressive;

(*d*) whether the present District Collector of Guntūr recommended the revival of the old rules of licences which ran for the whole year;

(*e*) how many persons were convicted during the course of the year for forest offences in the district of Guntūr;

(*f*) whether the Government are aware that forest grievances in the Guntūr district are giving food for non-co-operators;

(*g*) whether the Government will be pleased to transfer wholesale the forest subordinates in the Guntūr district to appease the suffering villagers; and

(*h*) whether the Government will call for the above information if it is not available in the headquarters.

A.—(*a*) The present rates of fee are 12 annas per cow-unit in forests placed in classes I, II, III and IV; and four annas per cow-unit in forests placed in class V. The former cover a season of seven months and not six months as stated in the question and have not been changed since the year 1915.

(*b*) In most reserves cattle are not allowed to graze during the other five months. The reason is that from February to May inclusive there is seldom any grass. In the absence of grass the practice of the herdsmen is to feed the cattle on tree foliage. For this purpose they cut branches off the trees or partly cut through the stems and bend the trees over so that cattle may feed on the crowns. These practices not only destroy the tree growth but seriously check the growth of grass which in such very dry country cannot flourish without shade. Later on during June and July when the new grass is springing up the admission of cattle destroys the young grass and ultimately reduces the quantity of pasturage which would otherwise be available.

(*c*) (i) Yes; the inconvenience is however inevitable if this source of grazing is to be preserved.

(*c*) (ii) No.

(*d*) Yes; the recommendation was made in ignorance of the cogent reasons which led to the introduction of the present rules.

(*e*) The number of persons convicted during the course of the year (1920–21) was 5,192, of whom 3,377 persons were concerned in cases compounded by the District Forest Officer while the rest (1,815 persons) were convicted in cases taken to court.

(*f*) The Government are aware that the dislike of the ryots and graziers in Guntūr to any restriction on the pasturing of cattle in the Government forests has given a handle to agitation by non-co-operators.

(*g*) No.

Medical school at Guntūr.

864 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) whether with reference to answer given to question No. 69 (*a*) of Mr. P. Venkatasubba Rao in the first session regarding the opening of a medical school at Guntūr, the Government propose to take steps to start the medical school at Guntūr in 1922; and

(*b*) whether the Government will issue timely notification of the opening of a medical school at Guntūr and invite applications also in time.

A.—(*a*) The Government intend to open the school in 1922 provided that a sufficient number of candidates are forthcoming;

(*b*) The answer is in the affirmative.

Questions and resolutions dealt with by each Secretariat department.

865 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: To ask the Hon'ble the Law Member to lay on the table—

(*a*) a list showing the number of questions and resolutions received during the first session of the Reformed Legislative Council in 1921;

(*b*) the number of questions and resolutions received during the sessions of the old Council from January to April in each of the last five years; and

(*c*) the number of these questions and resolutions dealt with by each Secretariat department.

A.—A statement containing the information asked for, so far as it has been possible to compile it, is laid on the table.*

Scholarships to Muhammadan students.

866 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: To ask the Hon'ble the Minister for Education whether the Government will be pleased to state the total number of scholarships sanctioned in 1920–21 in Government high schools and colleges respectively, and the number given to Muhammadan students.

A.—Excluding the scholarships awarded in the Queen Mary's College for Women, the total number of scholarships sanctioned in 1920–21 in Government colleges was 78, fifteen of which were held by Muhammadans. The figures relating to high schools are not easily available.

Pandits in Government service.

867 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: To ask the Hon'ble the Minister for Education to state—

(*a*) whether the attention of the Government has been drawn to an article headed 'Pandits in Government Service' in *Hindu* of the 5th August 1921 regarding the improvement of the present status and prospects of the pandits and munshis in Government service in general and the munshis of the Government Muhammadan College in particular;

(*b*) if so, whether any action has been taken either by the Director of Public Instruction or by the Government;

(*c*) why the two diplomæd munshis of the Government Muhammadan College who assist the Oriental Professor in that college in lecturing to the Intermediate and B.A. classes are not designated Assistant Professors as in the case of similarly circumstanced Assistants to the Professor of Sanskrit in the Presidency College, as recommended by the Principal of the Muhammadan College; and

(*d*) whether the Government can consider the desirability of giving effect to the recommendation of the Principal of the Muhammadan College to designate the present munshis who possess high oriental qualifications as Assistant Professors.

A.—(*a*) The Government have now perused the article.

(*b*) The matter is under consideration.

* Vide Appendix IV on page 1220 infra.

(*c*) The munshis in the Government Muhammadan College are not similarly circumstanced to the assistant professors in the Presidency College.

(*d*) The answer is in the negative.

Corporation cases.

868 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: To ask the Hon'ble the Home Member to state why Corporation cases are now tried only by stipendiary magistrates and not by honorary magistrates.

A.—If Corporation cases were to be tried by Honorary Presidency Magistrates, the executive officers of the Corporation would have to attend courts in the morning and such attendance would interfere with inspection duties of those officers which are mostly performed in the morning.

Appointment of typist in Gōdāvari District Court.

869 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: To ask the Hon'ble the Law Member and the Hon'ble the Home Member to state—

(*a*) whether the attention of the Government has been drawn to the letter of the Rajahmundry correspondent, dated 20th September 1921, and published in column 1 on page 3 of *Justice* of the 24th September 1921 regarding the action of the Brahman District Judge of Gōdāvari in having appointed as typist a Brahman with lower (Intermediate) qualifications than a Muhammadan applicant with better educational (Advanced test) qualifications;

(*b*) whether the allegations are true; and

(*c*) whether the Government cannot call for a report or take action in the matter.

A.—(*a*) The Government have since perused the letter in question.

(*b*) The Government have no information.

(*c*) The Government do not propose to take any action in the matter.

Third-class waiting room at Chidambaram railway station.

870 *Q.*—Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR: To ask the Hon'ble the Home Member to state—

(*a*) whether it is a fact that there is no sufficient accommodation at the Chidambaram railway station for third-class passengers waiting for trains; and

(*b*) whether the Government will be pleased to commend the matter to the attention of the South Indian Railway authorities if the above is a fact.

A.—The question has been brought to the notice of the Railway Administration.

First and second class waiting room at Porto Novo railway station.

871 *Q.*—Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR: To ask the Hon'ble the Home Member to state—

(*a*) whether it is a fact that there is no waiting room for first and second class passengers at the Porto Novo railway station which is one of the places where the boat mails stop; and

(*b*) if so, whether the Government cannot move the South Indian Railway authorities to supply the want.

A.—The question has been brought to the notice of the Railway Administration.

Improvement of the Cooum.

872 *Q.*—Rao Bahadur T. NAMBERUMAL CHETTIYAR: To ask the Hon'ble the Minister for Education to state, with reference to the assurance given by the Government in regard to Sir P. Tyagaraya Chetti's resolution moved in August 1920 for the improvement of the Cooum, what progress has been made in the matter, what steps, if any, have been taken to come to a decision as to the remedial measures required to be adopted for improving the condition of the canal, and if any such measures have been decided upon, when the Government propose to take them in hand.

A.—A report on the proposal to cut a canal from the harbour to join the Cooum eastward of the Napier bridge was called for from the Harbour Engineer to Government. He has submitted a report on this proposal and the proposals are under the consideration of the Chief Engineer.

Government lime-kilns.

873 *Q.*—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Minister for Education and Public Works whether the raw shell required for the manufacture of lime in the Government lime-kilns in Madras is quarried departmentally or supplied by contractors.

A.—The raw shell is supplied by contractors.

Upper Division clerks of the Secretariat.

874 *Q.*—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Member for Finance to state—

(*a*) whether it is a fact that under the new time-scale of pay, the Upper Division clerks of the Secretariat, who are new entrants to that division, have to put in a period of two years' probation;

(*b*) whether it is a fact that a large number of clerks whose pay has been fixed at Rs. 70, but who have done drafting work for two years and more will have to be on probation for two years; and

(*c*) whether the Government have any objection to exempt clerks who have practically crossed the probation stage from the operation of the above rule.

A.—The scale of pay fixed for Upper Division clerks in the Secretariat is Rs. 70 (first two years) rising by annual increments of Rs. 10 to Rs. 150 and by further annual increments of Rs. 5 to Rs. 175.

New entrants, i.e., those, who enter the Upper Division on or after the 1st March 1921 permanently to start with, will not be eligible for any increment for a period of two years from the date of appointment. This rule is applicable also in the case of existing incumbents, i.e., those who held permanent appointments in the lowest stage in the Upper Division prior to 1st March 1921; but the question whether an increment can be allowed to them before the expiry of the full period of two years from 1st March 1921 is engaging the attention of Government. It is also under consideration whether, and, if so, to what extent, officiating service in the Upper Division before confirmation can be allowed to count for increments.

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Provision for Local Fund establishment.

875 Q.—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Member for Finance to state—

(*a*) how the lump provision of Rs. 50,000 shown in the current year's budget estimate under "Local Fund establishment" on page 74 of the Civil Budget Estimate has been utilized or is proposed to be utilized;

(*b*) to state how far the recommendation made by the Accounts Committee in paragraph 35 of its report regarding the introduction of the district central audit system for the accounts of local bodies and municipalities, has been accepted;

(*c*) whether, in view of the fact that in paragraph 34 of its report, the Accounts Committee characterised the audit of the accounts of local boards by the Treasury Deputy Collectors as being defective, the Government propose to arrange for the audit of the accounts regularly once in 12 months at least by the expert staff of the Examiner of Local and Municipal Accounts, if necessary, strengthening his establishment; and

(*d*) whether the accounts of taluk boards are audited locally by the peripatetic staff of the Examiner of Local and Municipal Accounts; if not, whether the Government cannot consider the desirability of having those accounts audited on the spot so that all taluk boards in each district are completed once in three years at least.

A.—(*a*) An establishment consisting of one Assistant Examiner, six Assistant Inspectors, one Superintendent, thirteen clerks and eight peons has during the course of the current year been sanctioned on a temporary basis. The expenditure during the current year on account of salary, travelling allowances and contingencies of the staff will be about Rs. 30,000. This amount will be met out of the lump provision of Rs. 50,000 entered in the budget for the current year for the reorganization of the local fund audit staff. The bulk of the balance will be utilized on other schemes which are under the consideration of Government.

(*b*) The matter is under consideration.

(*c*) The suggestion will be considered along with the scheme referred to in clause (*b*).

(*d*) The accounts of taluk boards are not audited locally on the spot. The proposal of the Honourable Member would involve considerable expenditure on account of establishments as there are 102 taluk boards to be audited; but it will receive due consideration.

Abolition of Sub-Registrar's office at Sullia.

876 Q.—Mr. K. SADASIVA BHAT: To ask the Hon'ble the Minister for Education (Registration)—

(*a*) whether the District Registrar of South Kanara has recommended the abolition of the Sub-Registrar's office at Sullia;

(*b*) whether it is a fact that, among others, one reason stated for abolition is that it has increased the number of questionable and fraudulent transfers of land from ignorant and illiterate people; and

(*c*) if so, what action has been or is proposed to be taken on such report.

A.—The Government have no information.

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District Court Sarishtadars.

877 Q.—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: To ask the Hon'ble the Law Member whether the attention of the Government has been drawn to an article in *Justice*, dated 14th September 1921, dealing with 'the transfer of District Court Sarishtadars' who continue in office more than five years.

A.—The Government have now perused the article in question.

Uyakondan channel in Trichinopoly.

878 Q.—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: To ask the Hon'ble the Minister for Local Self-Government—

(1) whether it is a fact that sewage water is flowing into the Uyakondan channel running through the heart of the town of Trichinopoly;

(2) whether the attention of the Government has been drawn to the fact that the public of Trichinopoly are accustomed to bathe in the said channel;

(3) whether the public health and sanitation will not be affected if sewage water continues to flow into the channel;

(4) whether the Government have already taken steps in the matter; and

(5) if the answer is in the negative, whether the Government have any objection to take steps directing the Trichinopoly municipality to open new sewage farms one mile off from the town, as has been done by the Madras Corporation.

A.—(1) The Government have no information.

(2) The answer is in the negative.

(3) The Government have no information.

(4) The answer is in the negative.

(5) The matter is one for the consideration of the Municipal Council.

Contracts between Government and Council Members.

879 Q.—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: To ask the Hon'ble the Law Member to state whether the members of the Local, Provincial and Imperial Councils are allowed to enter into any contract with the Government.

A.—There is no specific rule on the subject.

Attendance at non-co-operation meetings of retired registration clerk.

880 Q.—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: To ask the Hon'ble the Home Member whether the attention of the Government has been drawn to an article headed 'What would the Government do' in *Justice*, dated 20th September 1921.

A.—Yes. The allegation is being inquired into.

City Magistrates for Madura and Trichinopoly.

881 Q.—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: To ask the Hon'ble the Home Member—

(*a*) whether it is a fact that the Government propose to appoint City Magistrates for the districts of Madura and Trichinopoly; and

(*b*) if the answer is in the affirmative, to state when it will be given effect to.

A.—(*a*) There is such a proposal.

(*b*) The matter is under correspondence with the Hon'ble the Judges of the High Court.

[15th October 1921

Railway-cess.

882 Q.—Mr. M. R. SETURATNAM AYYAR: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) the total amount of railway-cess collected and accumulated up to 31st March 1921 for each district;

(*b*) the amount that each district board has invested in war-loan bonds, with years;

(*c*) the amount of loss sustained by each district board by depreciation in the value of bonds;

(*d*) whether any of the district boards spent any portion of the cess for any purpose other than railway construction, and, if so, how much;

(*e*) (i) the names of district boards that are running railways or are undertaking construction of railways or are completing a railway project;

(ii) the amounts that have been spent by each of those district boards up to 31st March 1921, and, if the amounts were borrowed, from whom, and at what rate of interest;

(*f*) whether the Government cannot permit the district boards to invest the amounts on hand in co-operative district central urban banks, or in co-operative credit societies;

(*g*) whether the Government cannot encourage such district boards as have sufficient capital to undertake railway construction within their limits, and to run the same successfully;

(*h*) whether the Government cannot allow those district boards that have already collected railway-cess, but are unable to carry out railway schemes in their areas, to utilize the accumulated amounts for forming village roads, for improving village sanitation, by sinking drinking water wells, etc., especially for the benefit of the depressed classes, and for opening industrial, vocational or other schools;

(*i*) whether the Government cannot permit the district boards like Tanjore and Coimbatore that are already running their railways successfully to continue the collection of railway-cess; and

(*j*) whether there are any district boards that are running motor-buses or tramways within their jurisdiction, and whether the Government cannot encourage such district boards as are badly wanting in easy communications to run motor-buses or tramways for the convenience of the travelling public.

A.—(*a*) Information in regard to the amount of railway-cess accumulated up to 31st March 1920 is given below. The Government are not yet in possession of information for the year 1920–21.

District Board.	Investments.	Cash.
	RS.	RS.
Arcot, South	11,55,200	19,373
Coimbatore	6,00,200	2,28,582
Cuddapah	1,00,600	65,914
Ganjām	1,44,700	57,995
Gōdāvari	2,00,200	3,11,774
Guntūr	3,96,350	1,45,513
Kistna	23,00,000	1,23,450
Kurnool	5,66,800	1,43,410
Madura	6,60,200	1,95,845
Nellore	4,00,800	1,40,234

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District Board.	Investments.	Cash.
	RS.	RS.
Ramnad	7,62,000	80,622
Salem	7,14,500	13,304
South Kanara	1,94,100	73,695
Tinnevelly	10,37,771	18,042
Trichinopoly	4,38,700	60,961
Vizagapatam	3,04,434	78,272

(*b*) & (*c*) The Government have no information.

(*d*) The answer is in the negative.

(*e*)—

—	Amount spent up to 31st March 1920* (in lakhs).	Amount borrowed (in lakhs).	Source from which loan was taken.	Rate of interest.
District boards that own railways.				
Tanjore (Tanjore District Board Railway).	66·17	12·35	Government.	4
Coimbatore (Podanur-Pollachi Railway).	11·39	5·0	Debenture loan.	4½
Salem (Salem-Suramangalam Railway).	4·74	Nil.	..	..
Kistna (Bezwada-Masulipatam Railway).	22·53	18·53	Government.	4
Guntūr (Tenali-Repalle Railway) ..	14·88	Nil.	..	..
District boards that are undertaking railways.				
None have projects ready for commencement of construction.				
District boards that are completing railway projects.				
Tinnevelly (Tinnevelly-Tiruchendur Railway).	6·62 (up to end of June 1920 including value of materials on hand).	6·0	Tanjore Chatram funds.	4½

* Later information is not available.

(*f*) The question is under consideration.

(*g*) The Government have been and are still encouraging the boards.

(*h*) The attention of the Honourable Member is invited to section 236 of the Madras Local Boards Act, 1920.

(*i*) Section 78 of the Madras Local Boards Act, 1920, authorizes the levy by district boards of a special cess of three pies in the rupee of the annual value of all occupied lands for district board purposes. There is no objection to a district board levying the special cess and utilizing the proceeds for railway construction.

(*f*) No district board runs any tramway and the Government have no information as to whether any board has organized motor-bus services. Both the Local and Municipal Conference and the Financial Relations Committee recommended that local boards should organize tram, motor-bus and motor-lorry services. These recommendations have been communicated to all local bodies.

Remission of court-fee in revenue courts.

883 *Q.*—Mr. S. T. SHANMUKHAM PILLAI: To ask the Hon'ble the Law Member to state if any action has been taken on the memorial submitted to the Government by the Tinnevelly District Association on 16*th March* 1921, praying for the remission of court-fees in all cases of suits filed in revenue courts for commutation of *varam* to *money rent*, under section 40 of Act I of 1908.

A.—The Government have considered the memorial but do not propose to take any action at present.

Tamil system of medicine.

884 *Q.*—Mr. S. T. SHANMUKHAM PILLAI: To ask the Hon'ble the Minister for Local Self-Government to state if any action has been taken on the memorial submitted to the Government on 16th March 1921 by the Tinnevelly District Association, praying for orders to include the Sittar or Tamil system, if not already done, among the indigenous systems of medicine into whose potentialities a special committee has been appointed to make enquiries and researches.

A.—The Government propose to place the memorial of the Tinnevelly District Association before the Committee on the indigenous systems of medicine as soon as the Committee is formally appointed.

Honorary Magistrate of Coimbatore.

885 *Q.*—Mr. W. P. A. SAUNDRA PANDIA NADAR: To ask the Hon'ble the Home Member to state—

(*a*) whether the attention of the Government was drawn to an article in *Justice* of 27th May 1921 regarding the appointment of Mr. T. R. Ramaswami Ayyangar as an honorary magistrate at Coimbatore;

(*b*) whether the said gentleman was once an inspector of private scavenging in the Coimbatore municipality and was dismissed from that service;

(*c*) if so, whether it is not against public policy to appoint such dismissed men to such posts; and

(*d*) whether the Government propose to take any action on the matter.

A.—(*a*) Yes.

(*b*) to (*d*) The Government are enquiring into the matter.

Toddy sales in South Arcot.

886 *Q.*—Mr. R. SRINIVASA AYYANGAR: To ask the Hon'ble the Minister for Education (Excise) to make a statement regarding the toddy sales for the current year in all the taluks in the South Arcot district, and the amounts for which shops have been farmed out.

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A.—A statement is given below:—

Name of taluk.	Number of shops sold for lease 1921–22 (1st October 1921 to 30th September 1922).	Amount realized.
		Rs.
Virddhachalam	23	24,672
Villupuram	48	29,388
Chidambaram	39	1,97,544
Tirukkoyilur	28	17,544
Tindivanam	45	37,956
Kallakurchi	27	19,440
Gingee	40	15,252
Cuddalore	62	1,14,276
Total ..	312	4,56,072

The above figures are only provisional.

Tolls.

887 *Q.*—Mr. R. SRINIVASA AYYANGAR: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) the amount for which tolls were leased out by the several municipal councils for 1919–20, 1920–21 and 1921–22 and that actually realized; and

(*b*) whether any and what municipal council has fixed tolls at rates less than those mentioned in rule 21 of Schedule IV of the District Municipalities Act V of 1920.

A.—(*a*) Information in regard to toll bids and collections for the year 1920–1921 is not available. Figures for 1919–20 and for 1921–22 are given in the appended statement * so far as information is immediately available.

(*b*) Tolls are levied at less than the maximum rates in the case of some items of the schedule in the following municipalities:—

(1) Gudiyāttam.
(2) Villupuram.
(3) Chingleput.
(4) Cocanada.
(5) Kodaikānal.
(6) Cochin.
(7) Sivakāsi.
(8) Tinnevelly.

The list is not exhaustive as information in regard to the rates at which tolls are levied is not available in regard to a few municipalities.

Panchayat courts in Trichinopoly district.

888 *Q.*—Mr. T. C. TANGAVELU PILLAI: To ask the Hon'ble the Law Member to state—

(*a*) how many panchayat courts under the Madras Act II of 1920 have been established in the Trichinopoly district;

* Vide Appendix V on page 1221 infra.

(*b*) whether it is a fact that elections were held in Trichinopoly taluk for the panchayat court and why it was not formed; and

(*c*) whether it is a fact that for a panchayat court at Woraiyur election was not held though nominations were secured by the Tahsildar of Trichinopoly; if so, why.

A.—(*a*) The Government have called for the information.

(*b*) Elections were held for the formation of panchayat courts in the places sanctioned for the purpose. The courts at Daranallur and K. Abishekapuram have already been formed. Elections for the Iluppur and Srirangam courts were held on 19th September 1921 and the results are to be published in the District Gazette after the expiry of the week's time allowed for preferring objections, if any. Election has been held in respect of the Trichinopoly court and the formation of the court awaits disposal of certain objection petitions presented against the election.

(*c*) Woraiyur *alias* Damalavarupayam is within the jurisdiction of the Pandamangalam Court. The election that was at first held in respect of this court had to be cancelled and a re-election ordered. The electors expressed in the meanwhile a desire to split up the jurisdiction of the court and the matter is under consideration.

Non-co-operation in Trichinopoly district.

889 Q.—Mr. T. C. TANGAVELU PILLAI: To ask the Hon'ble the Home Member—

(*a*) how many non-co-operation meetings have been held this year in the villages of the Ariyalur division, Trichinopoly district;

(*b*) whether the Revenue Divisional Officer of Ariyalur has made any report on the activities of the non-co-operators within his division or has otherwise informed the Collector of Trichinopoly about the state of political feeling in his division; and

(*c*) whether it is a fact that, in several villages of the said division, the village munsifs, karnams and union officials actively assisted in the holding of big non-co-operation meetings and in making collections for the Tilak Swarajya fund.

A.—(*a*) The Government have no information.

(*b*) & (*c*) A report will be called for.

Adi-Dravidas of Trichinopoly on non-co-operation.

890 Q.—Mr. T. C. TANGAVELU PILLAI: To ask the Hon'ble the Home Member—

(*a*) whether it is a fact that in May last the Adi-Dravidas of Trichinopoly and Salem districts held a conference at Kurumbalur in Perambalur taluk and passed resolutions, condemning the non-co-operation movement; and

(*b*) whether it is a fact that feelings between the Adi-Dravidas and the caste men, in almost all the villages of the Ariyalur division, became considerably strained since the date of the said Adi-Dravida Conference.

A.—(*a*) Yes.

(*b*) The Government have no information as to the strained feeling alleged to exist in 'almost all the villages of the Ariyalur division.' The Adi-Dravidas of the district appear to have been advised by a circular leaflet against continuing the practice of prostrating themselves before caste people or of performing certain manual services for them and the adoption of this advice by some Adi-Dravidas has resulted in some places in the boycott of the Adi-Dravidas by the caste people.

Elected president for the Coimbatore District Board.

891 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) to state how long the district board of Coimbatore has been presided over by a non-official;

(*b*) whether the Government have considered the desirability of conferring upon this district board the right of electing its president; and

(*c*) whether there is any prospect of this district board being given the right of electing its president at an early date.

A.—(*a*) The District Board has been presided over by a non-official since 19th May 1920.

(*b*) & (*c*) The Government are not at present prepared to say when the right of electing the President will be conceded to the Coimbatore District Board.

Grazing areas in forests in Salem and Coimbatore.

892 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Home Member to give in a tabular form the total area and the area allowed for grazing in the forests of the IV and V classes in the districts of Salem and Coimbatore.

A.—

District.	Area of reserved forests coming under classes IV and V in 1920–21.
	SQ. MILES.
Salem	402
Coimbatore	141

Information as to the area open to grazing in forests of classes IV and V is not available apart from other classes. It has been called for from the Chief Conservator of Forests.

Bench Court at Erode.

893 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Home Member to state—

(*i*) whether it is a fact (*a*) that several criminal cases are transferred from the Court of the Deputy Tahsildar-Magistrate at Perundurai in the Coimbatore district to the first-class Bench Court at Erode for disposal;

(*b*) that the Bench Court usually takes up cases for disposal at about 7 o'clock in the morning; and

(*c*) that parties and witnesses coming from far off villages have to go to Erode the previous day and wait there overnight in order to be able to attend the Bench Court in time the next day.

(ii) (*a*) whether the Government have any objection to consider the question of constituting a separate Bench Court at Perundurai itself ; and

(*b*) whether generally the Government have considered or are going to consider the advisability of constituting Bench courts at the headquarters of deputy tahsildars who are also magistrates, or of issuing orders prohibiting the transfer of criminal cases generally to courts in distant places for disposal from the courts of deputy tahsildar-magistrates.

A.—(i) (*a*), (*b*), (*c*) & (ii) (*a*) The Honourable Member is referred to the answer to question No. 839.

(ii) (*b*) No. Bench courts are established wherever they are considered necessary and local conditions permit.

Memorial of Mr. C. S. Kuppa Rao.

894 *Q.*—Mr. C. V. VENKATARAMANA AYYANGAR : To ask the Hon'ble the Member for Revenue to state—

(*a*) if the Government have received a memorial from C. S. Kuppa Rao, a revenue inspector in the Coimbatore district, appealing against the order of the Board of Revenue confirming the order of the Collector of Coimbatore reducing him from his post ;

(*b*) whether the allegations in the memorial are substantially correct ; and

(*c*) if so, whether the Government have taken or propose to take any action in the matter.

A.—(*a*) Yes.

(*b*) & (*c*) The memorial is under consideration.

Sirvel Agricultural Farm in Kurnool.

895 *Q.*—Rao Bahadur C. VENKATARANGA REDDI : To ask the Hon'ble the Minister for Development to state—

(*a*) when the Sirvel Agricultural Farm in the Kurnool district was started ;

(*b*) the purpose for which the farm was started ;

(*c*) the amount of expenditure incurred on that farm till now ;

(*d*) whether the soil is suitable for the purpose of making experiments on sugarcane or any other crop ; and

(*e*) if not, whether it is proposed to close the farm.

A.—(*a*) The farm was started in March 1914.

(*b*) The farm was started in the expectation that a large area of light dry land would come under irrigation when the Velgode project was undertaken and was intended to assist in determining how such soil could most cheaply and rapidly be converted into profitable wet land, more especially in connexion with the problem of supplying and applying green manure.

(*c*) Exclusive of establishment charges, a sum of Rs. 36,840 has been spent up to 31st July 1921.

(*d*) The soil is not suitable for intensive farming with such crops as sugarcane, chillies, etc.

(*e*) If the Velgode project is abandoned, the point will be considered.

APPENDIX I.

[Vide answer to question No. 850 asked by Diwan Bahadur C. Arunachala Mudaliyar Avargal at the meeting of the Legislative Council held on the 15th October 1921, page 1195 supra.]

Serial number and name of project.	Amount of Estimate (lakhs).	Short description.	Remarks.
1. Arni river reservoir project.	28·80	Formation of a reservoir by bunding up the Arni river near Pulikonram village in Tiruvallur taluk, to irrigate 10,000 acres of dry land.	Abandoned in 1905 as the cost was very prohibitive and the return very poor.
2. Lower Arni river project.	3·75	Construction of a regulator across the Arni river three miles below Arni village to divert supply to 75 tanks with a view to improve the irrigation under them.	Abandoned in 1905 as the return anticipated was very poor.
3. Tamarapauk project.	1·49	Excavation of a left bank channel from the existing anicut across the Kortaliyar to improve the supply to an ayacut of about 13,400 acres under 57 tanks in Tiruvallur and Ponneri taluks.	Abandoned in 1905 in view of the very poor return and of the likelihood of the scheme interfering with the supply to the Sholavaram and Red Hills tanks which supply drinking-water to the city of Madras.
4. Upper Arni river project.	2·04	(*a*) Excavating a channel from the left bank of the Arni river near Suratipalli village ; (*b*) improving eight out of the 18 tanks proposed to be supplied along its course on the north side of the river ; (*c*) widening and improving the existing supply channel to Vadamadurai tank on the south side of the river, and excavating a channel from this tank to two other tanks.	Sanctioned in 1909 for execution as a famine-relief work when necessity for famine relief arises.
5. Varadayyapalaiyam project.	2·50	Construction of a reservoir by means of an earthen bund across the Kallar near Varadayyapalaiyam village to irrigate about 680 acres.	Abandoned in 1916 as the scheme was neither productive nor suitable for execution as a famine-relief work and as it did not satisfy the conditions of a protective work.
6. Uttiramerur tank project.	12·82	Construction of an anicut across the Cheyyar and the widening of the supply channel with a view to improve the supply to the Uttiramerur tank and other tanks in the neighbourhood and also to make the supply to the existing irrigated area more secure.	Abandoned in 1917 as most of the ryots concerned were not prepared to pay the water rate necessary to make the project productive.
7. Madurantakam tank project.	4·80	Utilizing the surplus of Madurantakam tank to supplement the existing supply to about 50 tanks in the neighbourhood.	The project was kept in abeyance pending final orders on the Uttiramerur tank project (item 6 above). It is now under consideration by the Chief Engineer for Irrigation.

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APPENDIX II.

[Vide answer to question No. 853 asked by Mr. A. D. M. Bavotti Sahib at the meeting of the Legislative Council held on the 15th October 1921, page 1196 supra.]

G.O. No. 183, Finance (Pension), dated 13th August 1921.

READ—the following papers:—

(i)

G.O. No. 122, *Finance (Pension), dated 5th March* 1902.

ABSTRACT.—Recording letter from the Government of India forwarding copy of correspondence with the Secretary of State for India regarding the grant of compassionate gratuities to the families of deserving Government servants left in indigent circumstances and stating that that Government will be prepared to consider recommendations in cases of a very exceptional character.

(ii)

Letter—from A. F. L. BRAYNE, Esq., I.C.S., Deputy Secretary to the Government of India, Finance Department.
To—the Secretary to the Government of Madras, Finance Department.
Dated—Simla, the 14th July 1921.
No.—944-E.B.

I am directed to refer to this Department letter No. 754-P., dated the 11th February 1902, forwarding correspondence with the Secretary of State regarding the grant of compassionate gratuities to the families of deserving Government servants left in indigent circumstances.

2. Up to now, the Compassionate Fund then constituted (of Rs. 22,500 a year, raised with effect from 1918–19 to Rs. 35,000 a year) has been maintained by the Government of India for the services directly under them and those under Provincial Governments. With the inception of the reformed constitution and the introduction of the revised rules relating to expenditure on reserved and transferred subjects which place no limitation upon the powers of local Governments to grant gratuities for the relief of families of Government servants, the Government of India have now decided to deal, by means of an annual grant of Rs. 15,000 and a total expenditure of Rs. 20,000 in any single year, only with cases of compassionate gratuities to the families of those Government servants who are paid from central revenues (and from Burma revenues for the time being) and to leave it to the other Provincial Governments to deal with cases of officials paid from Provincial revenues. A copy of the rules followed by the Government of India in considering applications for grants from the Compassionate Fund (which is at present administered by a committee consisting of three Members of the Executive Council of the Governor-General sitting at intervals of about three months) is enclosed, as the information may help the Provincial Government to evolve rules for their own guidance on the same principles.

No. 945-*E.B.*

Copy forwarded to the Accountant-General, Madras.

15th October 1921]

ENCLOSURE

Rules regulating grants from Compassionate Fund.

The Compassionate Fund is intended for the relief of families of Government servants left in indigent circumstances through the premature death of the person upon whom they depended for support. It is formed by an annual grant of Rs. 35,000 which is cumulative, the unexpended balance of one year's grant being carried forward to the credit of similar expenditure in succeeding years. The maximum limit of expenditure in any single year is Rs. 45,000.

2. The conditions which regulate a grant from the Fund are:—

(1) Grants from the Fund are restricted to cases of an exceptional character.

(2) The deceased officer must have been a meritorious public servant. Unusually meritorious service gives special claim for consideration.

(3) Death due to special devotion to duty establishes a strong claim for consideration.

(4) In more ordinary cases preference should be given to the dependents of officers who have completed many years' service and have just failed to draw their pension.

(5) Other things being equal, preference should be given to those who have been on low rates of pay.

(6) As a general rule a grant should not be given if the salary of the deceased officer exceeded Rs. 750 a month.

(7) Assistance should seldom be given to families of gazetted officers except so far as it may be necessary to assist them to obtain a passage home.

(8) Care should be taken that too many grants are not made to families of officers who have been serving at the headquarters of the Government of India.

3. The rules for sanctioning grants are:—

(1) No pension is granted from the Fund, but in some cases yearly grants are made for a limited period to defray the expenses of the education of children.

(2) The maximum gratuity payable in any individual case is Rs. 5,000. The precise amount in all cases is fixed according to the number in the family and the necessaries of the case, the equivalent of a year's pay of the deceased being considered a suitable maximum in cases in which the circumstances are such as to require liberal treatment, but in most ordinary cases six months' pay is regarded as sufficient.

4. The Fund will be administered by a Committee appointed by the Government of India which will meet, as at present arranged, once every three months. On receipt of an application in the Finance Department, the facts will be summarized and put up without comment. The Committee's decision will be communicated by the Finance Department direct to the local Government or other authority submitting the application, the department concerned, and the Accountant-General, Central Revenues. If payment is to be made to a person resident in England, the Finance Department will also address the India Office for the payment to be made.

5. Cases relating to grants from the Compassionate Fund will not be submitted to His Excellency the Viceroy.

Order—No. 183, *Finance (Pension), dated* 13*th August* 1921.

Since 1902 the Government of India have been maintaining a fund designed to afford relief to the families of deserving public servants left in indigent circumstances through the premature death of the individual upon whom they depended for support.

2. With the inauguration of the reformed constitution and the introduction of the revised rules relating to expenditure on reserved and transferred subjects, the Government of India have decided to deal only with cases of compassionate gratuities to the families of those Government servants who are paid from central revenues (and from Burma revenues for the time being). The Provincial Governments will deal with cases of officials paid from Provincial revenues.

3. His Excellency the Governor in Council has decided to constitute a similar fund in order to deal with cases such as those referred to above.

4. The general limits of expenditure and the rules governing the grant of compassionate gratuities are contained in the annexure to these proceedings.

(By order of the Governor in Council)

P. L. Moore,
Acting Secretary to Government.

To the Accountant-General
,, other heads of departments under the Finance Department.
,, departments of Secretariat.
,, the Publicity Officer.

ANNEXURE.

Rules regulating grants from Compassionate Fund.

1. The Compassionate Fund is intended for the relief of families of Government servants left in indigent circumstances through the premature death of the person upon whom they depended for support. It is formed by an annual grant of Rs. 2,500 which is cumulative, the unexpended balance of one year's grant being carried forward to the credit of similar expenditure in succeeding years, provided that not more than Rs. 1,000 shall be carried on from one year to the other. The maximum limit of expenditure in any single year is Rs. 3,000.

2. The conditions which regulate a grant from the fund are—

(1) Grants from the fund are restricted to cases of an exceptional character.

(2) The deceased officer must have been a meritorious public servant. Unusually meritorious service gives special claim for consideration.

(3) Death due to special devotion to duty establishes a strong claim for consideration.

(4) In more ordinary cases preference should be given to the dependents of officers who have completed many years' service and have just failed to draw their pension.

(5) Other things being equal, preference should be given to those who have been on low rates of pay.

(6) As a general rule, a grant should not be given if the salary of the deceased officer exceeded Rs. 750 a month.

(7) Assistance should seldom be given to families of gazetted officers, except so far as it may be necessary to assist them to obtain a passage home.

(8) Care should be taken that too many grants are not made to families of officers who have been serving at the headquarters of Government.

3. The rules for sanctioning grants are—

(1) No pension is granted from the fund, but in some cases yearly grants are made for a limited period to defray the expenses of the education of children.

(2) The maximum gratuity payable in any individual case is Rs. 1,000. The precise amount in all cases is fixed according to the number in the family and the necessities of the case, the equivalent of a year's pay of the deceased being considered a suitable maximum in cases in which the circumstances are such as to require liberal treatment, but in most ordinary cases six months' pay is regarded as sufficient.

4. The fund will be administered by a committee consisting of the Hon'ble the Finance Member, one other Honourable Member of Council and one Honourable Minister which will meet once every three months. On receipt of an application in the Finance Department, the facts will be summarized and put up without comment. The committee's decision will be communicated by the Finance Department direct to the authority submitting the application, the department concerned and the Accountant-General. If payment is to be made to a person resident in England, the Finance Department will also address the India Office for the payment to be made.

5. Cases relating to grants from the Compassionate Fund will not be submitted to His Excellency the Governor.

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Appendix III.

[Vide answer to question No. 857 asked by Munshi Muhammad Abdur Rahman Sahib at the meeting of the Legislative Council held on the 15th October 1921, page 1198 supra.]

I

Letter—from Kunwar Maharaj Singh, M.A., Bar.-at-Law, Assistant Secretary to the Government of India, Department of Education.

To—the Chief Secretary to the Government of Madras.

Dated—Simla, the 13th May 1912.

No.—817 (Sanitary).

In continuation of this department endorsement No. 637, dated the 24th April 1912, forwarding a copy of a notification regarding the opening of the port

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of Karachi to pilgrim traffic to the Hedjaz, I am directed to enclose a copy of a letter from the Government of Bombay, No. 1991, dated the 23rd March 1912, and to say that the Government of India will be glad to receive the views of the Government of Madras on the proposal to throw open the port of Madras for the embarkation of pilgrims.

ENCLOSURE

Letter—from J. L. RIEU, Esq., I.C.S., Secretary to the Government of Bombay, General Department.

To—the Secretary to the Government of India, Department of Education.

Dated—Bombay Castle, the 23rd March 1912.

No.—1991 (Sanitary).

At the meeting of the Legislative Council held at Bombay on the 16th instant, the Hon'ble Sir Ibrahim Rahimtoola moved the following resolution in connexion with the regulation of pilgrim traffic :—

"That with a view to secure greater facilities to the pilgrims and to ensure reasonable rates of passage money from Bombay to the Hedjaz, the Governor in Council be requested to represent to the Government of India the desirability of throwing open for the embarkation of pilgrims the ports of Calcutta, Chittagong and Madras."

2. In support of the resolution the Honourable Member pointed out that before the advent of plague, Bombay, Karachi, Calcutta, Chittagong and Madras were the ports notified by the Government of India for the embarkation of pilgrims. But since then Bombay was the only port of embarkation and as a consequence an immense number of pilgrims came to Bombay from distant parts of the country. Now that the detention of all outgoing pilgrims in a single central camp for quarantine purposes was no longer necessary and that the only restriction observed was a medical inspection for which the concentration of the traffic on a single port was not a matter of importance, the necessity no longer existed of closing the other ports to pilgrim traffic. It had already been proposed to open Karachi for the purpose, and he thought that if other ports were also opened, the difficulties which beset the Bombay authorities in connexion with the regulation of the pilgrim traffic would in a great measure be removed. He contended that there was no chance of the excessive rates now charged by the steamship companies engaged in the pilgrim traffic being appreciably reduced unless the stream of pilgrims were diverted to other ports besides those of Bombay and Karachi.

3. The reply to the resolution on behalf of the Government of Bombay was to the effect that so far as Bombay was concerned the opening of Calcutta, Chittagong and Madras to the pilgrim traffic was desirable, as it would relieve the Bombay authorities of much trouble during the pilgrim season, more especially with regard to the repatriation of pilgrims who were landed in Bombay in a destitute condition, but that a resolution such as the one under consideration should have been moved in the Imperial Legislative Council and not in the Local Legislative Council, as the latter were not in possession of the reasons that might exist against the removal of the embargo on the three ports referred to. It was

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further pointed out that the proposed opening of Karachi as a port of embarkation would go an appreciable way towards relieving the congestion of pilgrim traffic in Bombay and thus improving its conditions. Eventually the Hon'ble Sir Ibrahim Rahimtoola accepted a modification of his resolution to the effect that the Government of Bombay be requested to inquire of the Government of India whether there were any reasons for not throwing open the ports of Calcutta, Chittagong and Madras for the embarkation of pilgrims. The resolution thus modified was agreed to by the Council.

4. In pursuance of the above resolution, I am directed to inquire whether there is any objection to the opening of Calcutta, Madras and Chittagong to the pilgrim traffic so as still further to relieve the great pressure of the traffic in Bombay.

II

Letter—from the Hon'ble Mr. L. C. PORTER, C.I.E., I.C.S., Secretary to the Government of India, Department of Education (Sanitary).

To—the Secretary to the Government of Bombay, General Department.

Dated—Delhi, the 18th January 1913.

No.—64.

With reference to your letter No. 1991, dated the 23rd March 1912, on the subject of a proposal made by the Hon'ble Sir Ibrahim Rahimtoola to throw open the ports of Madras, Calcutta and Chittagong for the embarkation of pilgrims to the Hedjaz, I am directed to forward, for the information of the Government of Bombay, copies of letters from the Governments of Madras and Bengal. The Government of India agree in the opinion expressed therein that the opening of the ports of Madras, Calcutta and Chittagong is likely to have little or no effect on the congestion of pilgrim traffic in Bombay and that the results would not justify the large expenditure involved in the proposal. They trust that the opening of the port of Karachi to such traffic which has been recently sanctioned by them will afford appreciable relief to the port of Bombay.

1. Letter from the Government of Madras, No. 1515, dated the 11th December 1912.
2. Letter from the Government of Bengal, No. 92, Sanitary, dated the 9th January 1913.

No. 65.

Copy forwarded to the Government of Madras for information, with reference to the letter from that Government No. 1515, dated 11th December 1912.

APPENDIX IV.

[Vide answer to question No. 865 asked by Khan Bahadur Muhammad Sadulla Badsha Sahib at the meeting of the Legislative Council held on the 15th October 1921, page 1201 supra.]

(*a*) Number of questions received during the first session, 1921. *700
Number of resolutions received during the first session, 1921. *151

(*b*) Number of questions and resolutions received from January to April in each of the five years ended 1920—

—	1916.	1917.	1918.	1919.	1920.
*Questions	237	321	294	239	220
*Resolutions	109	138	130	197	115

* Includes those disallowed.

(*c*) Number of questions and resolutions dealt with in each department of the Secretariat during January-April 1916-1920 and the first session 1921—

Year.	Chief Secretariat.	Financial Department.	Law Department.	Local Self-Government Department.	Revenue Department.	Development Department.	Public Works Department.
Questions.†							
1916	31	9	57	51	64	The Development Department was constituted on 1st July 1918.	47
1917	10	13	97	41	93		57
1918	26	28	101	41	40		22
1919	16	19	41	34	37	38	47
1920	24	15	48	20	34	12	12
1921	34	37	102	101	147†	60	88
Resolutions.‡							
1916	8	2	22	19	38	The Development Department was constituted on 1st July 1918.	25
1917	9	2	28	38	39		36
1918	2	5	37	34	35		40
1919	5	Nil.	37	49	29	33	54
1920	3	4	31	25	16	14	42
1921	29	16	83	52	157‡	14	192§

† A considerable number relates to business pertaining to more than one department.

‡ Includes those dealt with in Finance (Separate Revenue) Department.

§ Includes those relating to reduction of grants for works in Public Works Department budget.

APPENDIX V.

[Vide answer to question No. 887 asked by M.R.Ry. R. Srinivasa Ayyangar Avargal at the meeting of the Legislative Council held on the 15th October 1921, page 1209 supra.]

Municipality.	Year 1919-20. Amount for which tolls were leased out.	Year 1919-20. Amount actually realized.	Year 1921-22. Amount for which tolls were leased out.
	Rs. A. P.	Rs. A. P.	Rs.
Anantapur	2,700 0 0	2,700 0 0	4,430
Hindupur	Nil.	Nil.	10,490
Tadpatri	Nil.	Nil.	8,065
Gudiyattam	9,605 0 0	9,605 0 0	*
Tiruppattur	7,000 0 0	7,000 0 0	9,312
Tiruvannamalai	12,500 0 0	12,500 0 0	13,125
Vaniyambadi	9,610 0 0	9,610 0 0	7,655
Vellore	21,620 0 0	21,620 0 0	24,550
Walajapet	8,081 6 0	8,081 6 0	6,520
Chidambaram	18,675 0 0	16,775 0 0	14,800
Cuddalore	22,425 0 0	22,425 0 0	23,000
Villupuram	2,600 0 0	2,600 0 0	9,610
Adoni	14,630 0 0	14,630 0 0	10,316
Bellary	*	*	16,000
Hospet	7,010 0 0	7,006 0 0	7,251
Chingleput	7,960 0 0	7,960 0 0	10,500
Conjeeveram	17,010 0 0	17,010 0 0	19,110
Saidapet	....	....	Nil.
Chittoor	12,015 0 0	10,535 12 3	11,025
Tirupati	4,000 2 0	4,000 2 0	2,000
Coimbatore	47,926 0 0	47,926 0 0	41,890
Dharapuram	25,505 0 0	25,505 0 0	21,400
Erode	28,549 0 0	28,549 0 0	24,374
Pollachi	Nil.	Nil.	67,500
Tiruppur	45,700 0 0	45,700 0 0	28,300
Udamalpet	29,350 0 0	29,350 0 0	29,500
Cuddapah	9,050 0 0	9,050 0 0	8,000
Proddatur	10,810 0 0	10,810 0 0	10,000
Berhampur	18,150 0 0	18,150 0 0	19,400
Chicacole	13,215 8 0	13,215 8 0	*
Parlakimedi	6,210 0 0	6,210 0 0	*
Cocanada	15,700 0 0	15,700 0 0	17,110
Peddapuram	11,500 0 0	11,500 0 0	8,501
Rajahmundry	16,900 0 0	16,704 0 0	18,000
Chirala	....	....	4,250
Guntur	35,000 0 0	35,000 0 0	31,000
Narasaraopet	12,700 0 0	12,700 0 0	15,006
Ongole	4,610 0 0	4,610 0 0	4,015
Repalle	Nil.	Nil.	1,460
Tenali	14,250 0 0	14,250 0 0	12,650
Mangalore	4,235 0 0	4,235 0 0	2,365
Bezwada	24,095 0 0	24,095 0 0	16,905
Ellore	20,500 0 0	20,500 0 0	17,379
Masulipatam	18,010 0 0	18,010 0 0	14,000
Palacole	....	....	12,500
Kurnool	11,436 0 0	11,016 0 0	9,840
Nandyal	11,640 0 0	11,640 0 0	13,000
Bodinayakanur	5,160 0 0	5,160 0 0	3,940
Dindigul	27,300 0 0	27,300 0 0	27,875

* Information not immediately available.

Municipality.	Year 1919-20. Amount for which tolls were leased out.	Year 1919-20. Amount actually realized.	Year 1921-22. Amount for which tolls were leased out.
	Rs. A. P.	Rs. A. P.	Rs.
Kodaikánal	2,890 0 0	2,890 0 0	2,700
Madura	85,050 0 0	85,050 0 0	65,100
Palni	13,200 0 0	13,200 0 0	14,340
Periyakulam	15,510 0 0	15,510 0 0	11,760
Calicut	8,274 9 0	8,274 9 0	21,700
Cannanore	2,975 0 0	2,975 0 0	*
Cochin	1,805 0 0	1,805 0 0	1,945
Palghat	17,376 9 6	17,376 9 6	*
Tellicherry	4,141 4 0	4,141 4 0	8,460
Nellore	12,600 0 0	12,600 0 0	14,518
Coonoor	Nil.	Nil.	No tolls.
Ootacamund	Nil.	Nil.	Do.
Sivakasi	Nil.	Nil.	20,100
Srivilliputtur	15,700 0 0	15,700 0 0	15,201
Virudupatti	26,725 0 0	26,725 0 0	24,000
Salem	34,253 0 0	34,253 0 0	28,560
Kumbakonam	42,030 0 0	42,030 0 0	*
Mannargudi	22,100 0 0	22,100 0 0	16,010
Mayavaram	21,005 0 0	21,005 0 0	16,000
Negapatam	....	....	15,000
Tanjore	50,300 0 0	50,300 0 0	45,005
Tiruvalur	22,670 0 0	22,670 0 0	15,665
Palamcottah	30,820 0 0	30,820 0 0	29,050
Tinnevelly	22,388 0 0	22,388 0 0	*
Tuticorin	33,100 0 0	33,100 0 0	24,025
Srirangam	7,308 0 0	7,308 0 0	*
Karur	22,001 0 0	22,001 0 0	20,900
Trichinopoly	39,950 0 0	39,950 0 0	*
Anakapalle	16,000 0 0	16,000 0 0	14,630
Bimlipatam	9,677 6 3	9,677 6 3	455
Vizagapatam	11,484 0 0	11,484 0 0	9,240
Vizianagram	*	*	2,100

* Information not immediately available.

II

DEMAND FOR GRANTS.

Demand No. XXVI—Civil Works.

The Hon'ble Sir LIONEL DAVIDSON:—"Sir, I have to thank you and the House for the courtesy granted to me yesterday in postponing this motion until this morning, because I am glad to say that in the interval with the assistance of Mr. L. T. Harris, the late Agency Commissioner, Mr. Cox, the Chief Conservator of Forests and Mr. Mullings, the late Superintending Engineer of Waltair, I have succeeded in meeting the objections taken by Mr. Narasimha Raju and Dr. Appalanarasayya Nayudu, the local representatives who naturally take a keen interest in the matter and were therefore entitled to the fullest explanation of local details. I see the resolution as worded speaks of this acquisition as required for 'the Waltair housing scheme.' I may be permitted to say, Sir, that the sum in issue covers not only the cost of a housing scheme at Waltair but also the acquisition of sites for offices in Vizagapatam. The sum of 1·25 lakhs is made up

of two items. The first, in round figures Rs. 72,000, is required for the acquisition of a bungalow belonging to the Rani Sahiba of Wadhwan known as 'Mason's Bungalow,' which for some time past has been in the occupation of the Agency Commissioner and some of his officers, together with adjacent lands in regard to which I should explain that the Rani Sahiba expressly stipulated that the whole area should be acquired on behalf of the Government and not merely portions thereof. The other item, approximately Rs. 53,000, relates to the acquisition of a plot of land in close proximity to the Collector's office in Vizagapatam—*not* in Waltair—where it is desired to locate public offices not only for the Agency staff, but also, as seems highly probable, for departments of the general administration. The Superintending Engineer told us in October 1920 that office accommodation would shortly be required in all probability for the District Registrar and for the District Judge; and I am unable to say how many more public offices may not be required in Vizagapatam when the harbour has been completed and the development of the port and town comes forward as we all hope it will.

"Formal acquisition proceedings under the Land Acquisition Act, 1894, in regard to the second block near the Collector's office were begun in January last and I understand from Mr. Mullings that, so far as individual private owners are concerned, no serious objection has been taken. In the other case of the land at Waltair, known as Mason's Bungalow, the terms of the acquisition have been settled by private negotiation with the Rani Sahiba of Wadhwan and I have no hesitation whatever in assuring the House that it is an exceedingly profitable bargain, and that the area we get for the price we pay represents very good business indeed.

"I therefore move—

'*That the Government be granted an additional sum of* 1·25 *lakhs under* 41. *Civil Works—Works in charge of Public Works officers—Reserved—Agency works—Acquisition of land and building for Waltair housing scheme.*'

"Before I sit down, I should like to draw the attention of the Council to the fact that in this proposal the Government are giving effect to the principle which seemed to commend itself to the House during the budget discussions at the beginning of the year, namely, that the cost of building schemes should ordinarily be met from loan funds."

Mr. M. SURYANARAYANA PANTULU:—"Sir, I very much regret that I have to oppose this motion. I do not think that the spending of 1·25 lakhs on the acquisition of lands in Waltair either for the housing scheme or for the construction of offices will be a waste of public money. I do not put it on that ground at all. If we are capitalists or commercial men, we can certainly buy this 75 thousand rupees worth of property belonging to the Rani Sahiba of Wadhwan and the vacant site round about it, for the house and site would, any morning, be worth double the amount of money that we pay. I do not therefore say that it is a bad bargain for us to acquire this land at present for the construction of offices for the Agency officers if it is necessary. But I would put it on the ground that, at present, it is unnecessary; it is too premature for us to acquire any land for the purpose of housing the Agency assistants or for the purpose of constructing any offices for these officers. In the first place, Sir, I would submit that the demand for the grant asked for by the Hon'ble the Home Member is under 'Agency.' But in the course of his speech on the motion, I find that the Hon'ble the Home Member refers also to the housing scheme of the District Registrar or the District Judge and certain other officers of Vizagapatam. I do not know if that really comes under the head 'Agency.' We are not at present

very much concerned with the question whether any quarters are necessary for the District Judge or the District Registrar or the District Collector and such other officers."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*) :—"May I rise, Sir, for a moment to correct the honourable member? The other cases I referred to were sites for offices and not residential quarters. And so far as the wording of the demand is concerned, if it is considered objectionable, I am quite ready to amend it."

Mr. M. SURYANARAYANA PANTULU (*continuing*) :—"I understand that what is called Mason's Bungalow belonging to the Rani Sahiba of Wadhwan and the site round about the bungalow will be required for residential quarters and not for offices. In regard to this, I submit that although the price we are asked to pay for this Mason's Bungalow with the site round that is certainly cheap, yet I do think that without our spending anything at all for the acquisition, we can get sufficient space round about the office of the Conservator of Forests. It is a block something like 88 acres in extent. I know there are certain channels, small streams probably caused by the flow of superficial water that probably cut up the land here and there; but certainly although some 20 or 28 acres of land are deducted for this, yet we have got at least 60 acres of land on which, I have no doubt, we will be able to construct at least a dozen officers' quarters. At present, I believe there are only three and they are supposed to accommodate some four more, making a total of seven. I do think that we will certainly be able to construct a dozen more. Therefore in so far as residential quarters are concerned, I submit it is too soon for us to embark upon it just at present.

"The other objection that I would urge in this connexion is this: we have not, as yet, got in our possession a complete scheme of the working of the Agency. On 1st August 1921, my Hon'ble friend Mr. Narasimha Raju asked the Hon'ble the Home Member whether there was any definite programme for the development of the Agency tracts and if so to place it on the table and in reply thereto the Hon'ble the Home Member was pleased to say that only the general outlines upon which the development should proceed were settled and that no definite and settled programme was then in existence. In answer to a supplementary question of my Hon'ble friend Mr. Narasimha Raju, the Hon'ble the Home Member was pleased to say: 'I shall now consider whether it is not possible to draw up a succinct summary of them'. So on the 1st August 1921 the Hon'ble the Home Member had not any definite programme in regard to the development of the Agency tracts, but he was pleased to say that he would consider whether it would not be possible to draw up a succinct summary of the programmes. As yet we have not got the summary promised by the Hon'ble the Home Member. I therefore submit, Sir, that it is too soon to say as to which of these Agency offices will be located at Waltair and which of them in their various headquarters. We find from the budget of 1921-22 that, besides the Commissioner for the Agency division, there are four assistants who belong to the Indian Civil Service cadre and two to the Provincial Civil Service cadre.

"The whole of the Agency of Ganjām, Vizagapatam and Gōdāvari is divided into six sections, one section being placed under the control of one assistant. Therefore all the six assistants will not be housed in Waltair. The offices of all the six cannot possibly be constructed in Waltair. It stands to reason to suppose that the offices and quarters to these officers would be constructed in their various headquarters. I know that the Agency tracts are very malarious and it will not be possible to find any civilian, much less an Indian, who can take his quarters in the Agency tracts throughout the year. So far as

11-15 a.m.

Koraput is concerned, the assistant agent lives for about three or four months in a year either at Vizagapatam or at Waltair. Similarly it will be possible for us when the whole scheme is evolved and when we are in full possession of the scheme, it is quite possible for us, to come to the conclusion that these assistant agents would be located at their various headquarters with the right to shift their headquarters temporarily to another place during the rainy season or something of that sort. I submit, therefore, Sir, that until we should be in a position to ascertain definitely as to what the course of development is likely to be, it is too premature for us to embark upon a scheme of acquisition or construction of offices. Well, another objection which I would make is, that, at page 363, of the Proceedings of the Legislative Council, volume 2, part 5, we find the Hon'ble the Home Member telling us in answer to a question from Rao Bahadur C. V. S. Narasimha Raju as to whether it was settled that the offices of the Agency Commissioner and other offices connected therewith should be located at Waltair the answer was that the offices will probably be located within the limits of Vizagapatam. There is certainly no reason why any land should be acquired for the purpose of quarters for these officers. Apparently the Hon'ble the Home Member had received a report that there are sufficient number of bungalows available at Waltair where these officers could be housed."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*) :—"May I rise to say that that supposition is not correct?"

Mr. M. SURYANARAYANA PANTULU (*continuing*) :—"Well, whatever that may be, I think that it is premature for us to embark on a scheme for the acquisition of these lands for these officers. Very well, Sir, just one more matter. I thought that the Hon'ble the Home Member told us that there is already in the possession of Government certain piece of land round about the present Collector's office available for the construction of offices. If that is so, that piece of land can be utilized for the purpose of building offices for such of the officers as are most in need of the same. If and when it is considered necessary to build offices for the District Judge, if and when the medical college becomes an accomplished fact—I have no doubt that it will be done in the near future, for we are told by the Government that Major-General Giffard is working the details in regard to the opening of a medical college—if that should become an accomplished fact the old Collector's office would be available for offices. The present District and Sessions Court will be available and in these two places some of these offices could be located. I think, therefore, at present it is unnecessary for us to go into the acquisition proceedings. I do not say it would be a bad bargain but it will be premature to enter into this transaction at present. For these reasons, I oppose the motion."

Rao Bahadur T. BALAJI RAO NAYUDU :—"Though I am quite in favour of spending any amount of money for the improvement of the Agency, I must say that I am against putting up any building at present at Waltair for more than one reason. My friend Mr. Suryanarayana Pantulu is, I think, wrong in saying that the Agency officers are allowed to spend a certain portion of the year in district headquarters. I am not aware of it. There is no such order that sub-divisional officer in the Agency is allowed to stay at the headquarters for two months. The only officer who can possibly be stationed at the headquarters may be the Commissioner. The other officers including the medical officer and the heads of the police and all other departments must be stationed in the Agency. Otherwise the Agency people will be put to much inconvenience. The Agency extends from one end of Ganjām to this end of Gōdāvari, practically hundreds of miles away from Waltair. If all these officers are stationed at Waltair, a lot of

inconvenience would prevail. So I am against the placing of any other officers except the Commissioner at Waltair. Moreover the Agency scheme has not been *definitely settled, and the Council is not in a position to know what the Government are going to do permanently about the Agency administration. There is* sufficient accommodation for the Commissioner, and I think the Commissioner is now occupying a rented building."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*) :—" Mason's Bungalow."

Rao Bahadur T. BALAJI RAO NAYUDU (*continuing*) :—" I do not think there is any real necessity at present for the acquisition of a bungalow or site. So I oppose the motion."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, the main question before the House is whether sites are to be acquired for the construction of offices and residences for certain officers at Waltair. It has been said by my friend Mr. Suryanarayana Pantulu and also by Mr. Balaji Rao Nayudu that at present there are bungalows available at Waltair for rent. I have got my own knowledge of Waltair and of the availability of accommodation and I respectfully beg to differ from them on the question of fact whether such bungalows are available. Here we have got an Agency scheme and one of the important items in the scheme is to have the quarters of the Agency Commissioner at Waltair. Some of the other offices connected with the Agency administration are also to have their residences at Waltair. As I understand it has been previously the practice that most of the Agency officers working in Koraput area were allowed to live in Waltair for at least three months every year. Even now the same officers will be given the same concession to go and live in Waltair on account of the unhealthy nature of the tract which has specially to be administered as an Agency area. Sir, when the whole scheme works satisfactorily and the results are perceptible and the whole area becomes habitable it may be quite necessary and reasonable to expect the officers to go and live all through the year in their respective jurisdictions. For the present I understand that the Divisional Officer of Savara as well as the Ghat Division Subdivisional Officer are allowed to have their headquarters at Waltair. These are very malarious places and at present I do not think it can be expected that they could live throughout the year in their jurisdiction and if you compel the officers you shall have to change them for three months or six months. Of course, they have been working already for some time and they spend only some period at Waltair and the remaining period they are spending in their respective Agencies in connexion with their official tours. We have got quarters to be found for the District Medical and Sanitary Officer connected with the Agency and the Police Superintendent and various other officers. So a lot of quarters are required and the available house accommodation at Waltair is insufficient. Yesterday by the courtesy of the Hon'ble Sir Lionel Davidson some of us have gone through some of the papers and for myself I feel it certain that it is necessary that quarters are to be constructed and the only question that has to be considered is where they are to be constructed. The best man to settle the question is the Superintending Engineer and Mr. Mullings who had experience of Waltair selected certain sites. I do not think further questions can be raised as to the sites selected. My submission is that unless the Government acquire the lands at this stage the cost may go up very rapidly. We know at what pace the price of land is getting up at Waltair. The cost of building materials and construction is also rising. I think a timely expenditure at this time will be more profitable in the long run to the Government instead of deferring it for an indefinite time. Of course schemes for the construction of harbour are developing

and if the harbour works are started I am sure the cost of material, labour and everything will go up. The price of land is rising already and it will go by leaps and bounds in the future. I think if at all the Government is going to construct offices and quarters it must construct immediately and not defer it for a future date."

11-30 a.m.

Sriman BISWANATH DAS Mahasayo :—" Sir, The vote of the money is a very important step. I think it will decide to a great extent the Agency programme of the Government. It is now for the House to consider whether it is desirable to have the headquarters of the Agency tracts at Waltair. Waltair is a far distant place to most of the important places in the Agency, for instance, it is far away from the Khond Agency, it is far away from certain parts of the Oriya Agency, and equally far away from the Agency tracts of the Godavari district. It is therefore necessary that the House should have some clear idea, and should consider the desirability of having the Agency headquarters at Waltair, or the necessity to shift it to some other place. Unless the House comes to the conclusion that in the interests of the Agency administration it is desirable to have the headquarters established at Waltair, unless the House is satisfied on that point it is not proper that the Government should come with a demand for grant. I quite agree with the honourable member, Mr. Balaji Rao Nayudu, that a lot of money may be spent for the efficient administration of the Agency. But unless this is decided we will have to hesitate.

" The second point to be noted is whether it is desirable, even if it is decided that the headquarters of the Agency district should be located at Waltair, all the important officers should be at Waltair. For instance, take the case of the District Medical and Sanitary Officer, If the Agency tract is to get the benefit of the District Medical and Sanitary Officer, I think it is desirable that his office and the medical hospital that will be attached to him should be at some central place in the Agency."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*) :—" Where ? "

Sriman BISWANATH DAS Mahasayo (*continuing*) :—" May be at Koraput. Of course the selection of the place will have to be left to the Government, or if necessary, I have no objection to suggest some important places. I think that Koraput is an important place. If the District Medical and Sanitary Officer's office is to be located at Waltair, I do not see any reason why there should be any additional District Medical and Sanitary Officer at all for the Agency tracts. The District Medical and Sanitary Officer of Ganjam can look after the Khond and Savara Agencies ; the District Medical and Sanitary Officer of Vizagapatam can look after the Agency tracts of the Vizagapatam, and the District Medical and Sanitary Officer of Godavari after those of the Godavari district. It is on this score that I do not like a separate District Medical and Sanitary Officer for the Agency tracts if he is to have his residence or headquarters at Waltair.

" As for the Superintendent of Police, I think very little purpose will be served if he were to have the office located at Waltair. It is highly desirable that in the interests of efficient administration of the Agency tracts the headquarters of the District Superintendent of Police should be located somewhere near the Oriya Agency, or at Koraput ; or some place in the Ghat Agency.

" The third objection is on the ground that it is not desirable to spend more money in the construction of buildings some of which can be put off for some time at a time when we have to meet severe deficits in certain directions of the provincial revenue, notably the abkari revenue to the extent of 68 lakhs.

[Sriman Biswanath Das Mahasayo] [15th October 1921

"Fourthly, it was only the other day that the Honourable the Home Member told us that the Agency programme was not yet settled."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*) :—"I never told that the Agency programme had not been settled. The general outlines have been settled. But it is rather difficult to give them succinctly."

Sriman BISWANATH DAS Mahasayo (*continuing*) :—"I am thankful to the Honourable Member for the information. But until it is before the House it is not desirable for the Government to make Waltair the headquarters of the Agency tracts. I think my argument stands good even with the information given by the Honourable the Home Member. Then as for the point adduced by the Honourable Member for Vizagapatam (Rao Bahadur C. V. S. Narasimha Raju) land may be acquired but no money should be spent in the construction of buildings. The House at this moment cannot commit itself to that course."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*) :—"That, Sir, is exactly the proposal before the House."

Sriman BISWANATH DAS Mahasayo (*continuing*) :—"Its effect will be that we shall have another demand for the construction of buildings; this might be the forerunner of another big demand which this Council will have to concede in course of time. If Waltair becomes the headquarters for so many officials, there is no reason why Agency allowance to the extent of Rs. 30 thousands should be given. We must in that case find some reduction in that direction. On account of all these reasons I would ask the House not to vote the grant."

Dr. APPALANARASAYYA NAYUDU :—"Mr. President, Sir, I strongly support the grant applied for on the ground that the value of the house-sites in Vizagapatam and Waltair has considerably increased during the last half-a-dozen years. I think, in a few years, the value will be almost prohibitive on account of the advent of the proposed harbour shortly. In the near future we will have to build some public offices, and it is desirable that we should secure land at present. The Mason's bungalow with its vast grounds is very cheap for the amount, and the compound will be useful to build another two or three bungalows for the officers. I therefore strongly support this grant."

The Hon'ble Rao Bahadur A. P. PATRO :—"I am rather surprised that Mr. Suryanarayana Pantulu and Mr. Biswanath Das could not have considered what an advantage it is to develop the Agency tracts. Any superficial knowledge of the conditions of the Agency would at once convince that there is much scope for economic and industrial development in the Agency tracts. Money invested there will give a return ten times or even twenty times in course of time."

Sriman BISWANATH DAS Mahasayo (*interrupting*) :—"A word of personal explanation, Sir. We never opposed any grant of money for the efficient administration or the betterment of the people of the Agency tracts. What I said was that this demand for money should not be granted until the House has settled that the headquarters should be located at Waltair."

The Hon'ble Rao Bahadur A. P. PATRO (*continuing*) :—"An examination of the whole question will make it clear that Waltair occupies a more central position than any other place. Koraput is at one corner. If you refer to the map you will see that it is far away from the Gōdāvari Agency and even from the Ganjām Agency. It may be nearer Savara Agency. Waltair is by far the most central place. The Commissioner has been working there for nearly two years and found no difficulty whatsoever.

15th October 1921] [The Hon'ble Mr. A. P. Patro]

"If land is not acquired there at Waltair at this stage the prices will go up ten times in a few months. Mr. Ramachandra Rao and I have acquired house-sites there, and I know how much the value has gone up. When we bargained a few months back it was at the rate of Rs. 1-4-0. Now it has gone to Rs. 1-8-0 per square foot. With the development of the harbour scheme prices will rise rapidly. We are assured by Dr. Appalanarasayya Nayudu, who has very great knowledge of the value of house property in Waltair and Vizagapatam, says that the bungalow has been acquired for a very cheap price. If we allow this opportunity to pass by, speculators will buy the land and then we will have to pay a heavy price. I ask the Council to realize that we would have to pay a heavy penalty.

"Again the site that is proposed to be acquired is so suitable for offices that it is absolutely necessary that we must take possession of it at this juncture. If we allow it to pass to the hands of speculators we will have to pay a heavy sum. A site which was bargained for Rs. 6,000 only a few months ago has gone to Rs. 30,000. Imagine the rate at which prices are rising up. Acquisition of the land proposed is necessary."

Sriman SASIBHUSHANA RATH Mahasayo :—"Sir, I am not against the giving of quarters or the official headquarters to the Agency Commissioner. The Agency Commissioner has come to stay. He must be provided with some buildings. The present Collector's building is occupied by the Agency Commissioner and a building for the Agency Commissioner is absolutely necessary. What I take exception to is the fact that two divisional officers, one of the Ghat Agency and the other of the Savara Agency are now stationed at Waltair. They are far away from their divisions or even from their divisional boundary. It is not desirable that the officers should live away from their divisions, and when they go to their divisions they draw travelling allowances. I had a talk with Mr. Harris. He was then Agency Commissioner. He assured me that the matter of having Gunupur as the headquarters of the Savara Agency was under consideration."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*) :—"Who gave that assurance, Sir?"

Sriman SASIBHUSHANA RATH Mahasayo (*continuing*) :—"Mr. Harris. With regard to the Ghat Agency a suitable place as headquarters of the divisional officer can be found. I have no idea as to which place will particularly suit. I am sure that Gunupur will suit well for the Savara Agency.

"Then, Sir, there are other officers, the Judicial Assistant who is a part and parcel of the office of the Agency Commissioner. No separate building or quarters need be given him. My only point is that the two divisional officers referred to should not be at Waltair."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, I am quite clear in my mind that it will be extremely desirable that this grant
11-45 a.m. should be voted by this Council. Honourable members are not probably aware that on account of the construction of the Vizagapatam harbour there has been a considerable boom in regard to the acquisition of sites. Many of the commercial men from Calcutta, Madras and various other centres have gone to Vizagapatam and have been acquiring, in view of the construction of the harbour, sites very near the place where the harbour is to be situated, for their accommodation, for their godowns and for offices for their firms. Apart from it speculators have arrived at the scene. I have noticed that the Government have always been far too slow to acquire land which ought to have been acquired for public purposes. I do not know whether in the case of Vizagapatam there is any town-planning

scheme. If there is one it will be extremely useful in the circumstances of the town. However, I think Government are already considering the question of making it a great educational centre and also considering the construction of a medical college there. They have very nearly completed the construction of the Engineering College. An Engineering School is already opened and I will not be surprised if within a short time it will be the seat of a separate University."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*) :—" Also of the Andhra Province."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*) :—" And with the help of Sir Lionel Davidson of an Andhra Province. Therefore, looking at these circumstances, it seems to me that it will be absolutely no doubt wisdom on our part to acquire not only the proposed site but also every available land which can be used for public purposes and which can possibly be acquired in Vizagapatam. I have always observed that this local Government and the local bodies of this Presidency have no land policy. This question has been dealt with at considerable length by the committee on financial relations. I should think, therefore, Sir, that on general grounds alone independetly of the exact items put in this demand, there is absolutely no doubt that the policy of acquiring land with reference to this particular town of Vizagapatam ought to be pursued. I therefore advise very strongly to call upon the municipality to frame a town planning scheme and to inspect and report on sites which may be acquired for public purposes.

" As regards this particular site, two gentlemen Mr. Suryanarayana and another admitted that this Rani's bungalow is a profitable concern. There is absolutely no doubt that it will be a profitable concern. I have also no doubt that even if the Government do not build houses on all these lands, in the course of five or six years the site will cost double the amount which they invest to-day. Therefore, independent of the scheme this is a profitable concern and I think that this House ought to vote for this grant. I am sorry, however, that there is a certain amount of dissatisfaction that the whole scheme in regard to the development of the Agency division and the construction of the public offices and the places where the officials concerned will have their headquarters has not been placed before this Council and I would urge on the Hon'ble the Home Member that if he should bring forward proposals giving all the particulars, we can consider the general question raised by Mr. Biswanath Das and Mr. Sasi Bhushana Rath about the places from which the Agency administration should be carried on. I therefore support this demand for grant."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, the Council has so far heard the views of the representatives from Ganjām, Vizagapatam and Gōdāvari who have some intimate knowledge of Agency conditions there, as also of the representative from Kistna, Mr. Balaji Rao Nayudu, who had experience of the Agency divisions because he was a divisional officer in the Vizagapatam district for several years. I believe it will be useful for the Council to have the views of those who are prepared to take a somewhat dispassionate view of the whole situation. Mr. Ramachandra Rao has pointed out to the Council that this Government has not had an acquisition policy and it would be useful if such a policy were laid down. If this proposal under consideration has been put forward on that ground, on the ground that we can make some profit by acquiring the land on this occasion and utilizing it to advantage, I think I would not have any objection to that course. It is fairly clear that so far as the particular item is concerned, it is for making provision for the construction of certain buildings

for offices and also for officers' quarters. It is practically conceded that the bargain is a profitable one. There is no difficulty so far. It is also stated that if the land is not acquired at present and if the Government should be called upon to acquire it in future, the Government will be in a disadvantageous position because the prices will go high. These propositions can be accepted without any difference of opinion. The only difficulty which some of us feel in supporting this grant is that we have not before us a fairly correct estimate as to what the scheme is eventually going to cost us. If after voting for this grant this Council should directly or indirectly be called upon to give its assent to the construction of a certain number of offices or buildings for officer's quarters, I think that it is not proper to ask for this grant separately. Without giving us any idea as to the expenditure which we shall eventually be called upon to vote in carrying out this policy. . . ."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*) :—" May I once again, Sir, say that I do not wish to commit the Council to the building scheme now? I would only confine attention to the acquisition of the site. If there is difficulty as to the building of the particular house, that will form a suitable matter for discussion at a later stage."

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*) :—" That, Sir, makes the position even more difficult ; because that we should now, without committing ourselves to the policy of constructing buildings for officers' quarters or offices, merely purchase sites without a definite idea is, I believe, placing ourselves in a disadvantageous and inconvenient position. Another question has been raised about the capital of the Agency tracts. No doubt there has been a difference of opinion on that point. The Hon'ble Member from Ganjām has stated that Waltair is not convenient and another member has stated that Waltair is the most suitable and central place. I therefore suggest that this question of grant should be taken up only after the Council is fully taken into confidence of the Government as to the outlines of the scheme for the development of the Agency tracts which the Hon'ble Sir Lionel Davidson has stated is ready. If we have got particulars of the scheme, if we can form even a rough idea as to the eventual cost of the scheme, we shall be in a better position to vote for this grant."

The Hon'ble Sir LIONEL DAVIDSON :—" I think, Sir, the general sense of this House is in favour of this grant, and very little is called for from me by way of reply. I will confine my remarks, therefore, almost entirely to the complaint which we have had again and again in this Council that the full details of the Government scheme for the development of the Agency tracts have not been placed before the Council, and that it has not been taken into the confidence of the Government. It is not long since I did my utmost to furnish an answer outside this Council by arranging with Mr. L. T. Harris for a public lecture on this very subject under the auspices of the Publicity Office. Invitations were sent out to all the Members of the Council and a number of Members were present. The schemes for the development of the Agency tracts do not in the least degree admit of concise statement, nor is it at all practicable to state what the ultimate cost of development will be. Development must proceed step by step. For the purpose of investigating the lines of this gradual development we must have a considerable staff. The staff has already been sanctioned by this Council—at the last budget session—and we must provide some housing for it. Honourable members will early concede that it would be a most uneconomical arrangement to attempt to house the staff in the Agency tracts which are notoriously malarious, for the only result would be to endanger their health and to give rise to a

succession of changes in personnel at short intervals of time with most detrimental consequences to the progress of development. Again, if we go on building houses and offices, one at Gunupur, one at Koraput, one at Polavaram and so on, it is going to cost us more and not less than building arrangements centred at Waltair and Vizagapatam, for in the Agency tracts the cost of materials and of labour is very high; and it would still be necessary to bring our officers down to a healthy locality for a considerable period of the year. Next, Sir, on the question whether the capital of the whole of the Agency Division should be at Waltair or elsewhere, I can only say that from the very outset Waltair has been put forward as the only possible headquarters. I can quite understand gentlemen living in Ganjam and Godavari preferring to have the headquarters a little nearer to them. But Vizagapatam is the central district of the three. Road communications to the Agency tracts are more convenient from Waltair and that is where the Agency Commissioner is already stationed. He has been occupying Mason's bungalow for some time past but cannot indefinitely be dependent on rented accommodation. Nor can the temporary location of his office in part of the Collector's office go on for ever. Undoubtedly he needs an office at Vizagapatam and residential quarters in Waltair. A large portion of the sites we propose to acquire is wanted for these purposes. There is not the least doubt that the transaction is a profitable one for the Government."

Rao Bahadur T. BALAJI RAO NAYUDU:—"I request the Hon'ble the Home Member to explain to us what officers are going to be located permanently at Waltair. Nobody objects to the Commissioner being stationed at Waltair. We want to know whether the District Superintendent of Police, the District Medical and Sanitary Officer, the Superintending Engineer and all other heads of departments are also going to be stationed at Waltair. I am not asking for the details of the whole expenditure in improving the Agency division."

The Hon'ble Sir LIONEL DAVIDSON:—"I am quite ready to give that information. As at present arranged the Agency Commissioner, the Savara and Ghats Divisional Officers, the District Superintendent of Police, the Assistant Superintendent (Ghats Division), the District Medical and Sanitary Officer, and Executive Engineer are in need of housing in Waltair. Some are already stationed there. I cannot say that there will not be others in future. There may or may not be. If any question should arise as to the propriety of the location of particular offices or the housing of particular officers in Waltair, I shall be quite ready to discuss that point if it is moved as a separate issue."

The demand for grant was put and carried.

III

MOTION OF AN URGENT CHARACTER ON A MATTER OF PUBLIC INTEREST.

The Hon'ble the PRESIDENT:—"I think I was inaccurate yesterday when I described the motion now being taken up, as a resolution as a matter of general public interest, making a specific recommendation to the Government. The House will see from a perusal of the motion as tabled that it does not make any recommendation to the Government at all. It cannot therefore come under the Legislative Council Rules 22 and 23 nor will it be governed by standing order No. 5 (2, nor by standing order No. 53 which prescribes 15 days' notice. This is a motion other than such a resolution and the descretion is with me as to when to allow it and how to place it; and I have in this case exercised my discretion in favour of treating the motion as a very urgent one."

12 noon.

Provincial contribution to the Imperial Government.

Mr. T. A. RAMALINGA CHETTIYAR:—"Mr. President, Sir, the resolution I wish to move before this House is worded as follows:—

'This Council considers that the Government of Bengal having been exempted from the contribution due by them to the Government of India, the Government of Madras are justly entitled to similar treatment; and that the whole scheme of Provincial contributions should now be reconsidered so as to relieve this Presidency of the undue burden placed upon it. The Council desires that a deputation of its members should wait upon His Excellency the Viceroy to explain its views, and resolves that if the occasion for such a deputation should arise before the next meeting of the Council the Hon'ble the President should nominate the members of the deputation.'

"Sir, on behalf of myself and the members of this Council I thank you for allowing this motion to go before the House to-day.

"This question of Provincial contributions, Sir, has been engaging our attention for some time now. In the old days there was no system settled on any principles. The contribution each province paid depended more or less on the particular representations made by the Local Government to the Central Government and the influence its officers had at the headquarters. We know that the Meston Committee was appointed to investigate the question of these contributions and the committee after such an investigation came to certain conclusions on the question. They found that the contributions made by the Local Governments had no uniformity having reference to any particular principle that can be enunciated. They found that the provinces that collected less taxes were contributing less and the provinces that were heavily taxed were paying more. They found that the system was not at all justifiable in any way. They say in their report at page 5 that the present system was unjustifiable. On a consideration of the fact that each province should be allowed a surplus after meeting their present requirements from their present revenues they fixed the contributions for 1921–22. They recommended the contributions only on the basis of former contributions. At page 9, they say so far as Madras is concerned, it has admittedly been paying a higher contribution and still they recommend that Madras should continue to pay a higher portion of the contribution though they also see that it is an unjustifiable arrangement. I have got a copy of the communication from the Chairman of the Chamber of Commerce to the Government of India. It shows, Sir, that the percentage fixed for Madras upon calculation is heavy and wrong for they show that the percentage fixed on equitable principles even as accepted by the committee for 1921–22 should be 17 per cent whereas we are asked to pay 35½ per cent of the total deficit in the Imperial budget. This is more than one-third of the total contribution paid by all the provinces in India to the Central Government. The same communication gives statistics as to the revenue and expenditure under several heads in the provinces. Under Land Revenue Madras is paying Rs. 2–3–0 per acre, whereas other provinces are paying a considerably less amount. Bombay pays Rs. 1–5–7, the Punjab pays Rs. 1–8–6, and the Central Provinces As. 10. So, Sir, Madras is paying nearly twice as much as Bombay or the Punjab and four times as much as the Central Provinces. Then again in excise revenue we occupy the first place: Madras Rs. 11–2–2 per proof-gallon. Bombay Rs. 8–1–7, the Punjab Rs. 11–0–6, Central Provinces Rs. 7–2–3. In local taxation, Madras pays Re ·27 per head of population, Bombay ·18, Bengal ·16, United Provinces ·14, Bihar and Orissa ·10, Central Provinces ·08. So, Sir, wherever we turn Madras is the most heavily taxed province in India. The committee says that a sufficient sum ought to be

given at the beginning to all provinces to start with and there should be on disturbance in the financial arrangements of the province as soon as the reforms are started. This is their first consideration. The second consideration put forward by them is they take it that for several years the Madras Government would find no way to spend the money profitably. We will consider these two arguments a little deeper. The first argument only means this: that for the purpose of helping the other provinces Madras is to be bled. The other provinces have been paying very little and Madras was paying a large portion for some years before and therefore Madras should continue to pay a heavy proportion in future. It means, Sir, the man that has been ill-treated so long has to be ill-treated further because another man has to be profited who has all along been well-treated. If there is any justice to be meted out it ought to be the other way. Madras was paying heavily from the first and now it should be asked to pay less. But their argument goes the other way. That, Sir, is not an argument which can find acceptance anywhere. Then, Sir, the second argument that was put forward by the Meston Committee was that we will have no profitable expenditure for some years to come for the money that will be released by a fresh arrangement. We all know how we have framed our budget. Even the Finance Member himself has said that it is a 'carrying on' budget. We have not been able to make provision for the improvements which are admittedly urgent. Almost at every sitting we hear complaints from the non-gazetted officers that they have not been properly treated. They are asking for an increase in their pay and the reply has always been 'No funds'. Then we have got the question of the travelling allowance, the question of allowances to so many officers—the Civil Service for instance. All these things have been coming in for increase. Apart from that, we have got such useful departments as Education and Irrigation. For these we have not been able to do anything sufficiently. The requirements of these departments for urgent and profitable progress could admittedly have been taken up and we heard the Hon'ble the Member for Irrigation and the Hon'ble the Minister for Education say that they will be very glad to initiate schemes only if they had money.

"We have been hearing that in Ganjām, Bellary and Kurnool there has been famine. For the protection of these areas there have been several irrigation schemes proposed, but none of them have been taken on hand. The reply whenever these questions were raised was: 'No funds are available for such purposes.'

12-15 p.m.

"The next one is education. We have passed the Education Act only last year and the country has been asking for more money to make primary education free and compulsory. But what is the provision that has been made in the budget? A sum of six lakhs has been provided, of which two lakhs goes for the travelling allowances to members of the district educational councils and the cost of the establishment of these councils and the remainder has to be spent for opening new schools. When we come to secondary and elementary education, probably it is still less. When I asked the Director of Public Instruction whether there was any chance for giving contribution for the construction of new buildings for the secondary schools, he said there was absolutely nothing provided in this year's budget. That is how we stand with regard to education.

'The next question is local boards The local boards are ill-provided. They have been asking for money for sanitary works and for other necessary things, even for elementary things as the standard goes in other countries. What is the provision? There is absolutely no provision made. Not a single pie is to be

given for minor sanitary works. The Government have accepted the responsibility for the maintenance of trunk roads. They have got only 16 lakhs and this has to be distributed among the various district boards for the maintenance and upkeep of these roads. It is well known that this amount is not at all sufficient for the purposes. For want of funds all important things, all necessary things, have been delayed. Still, we have got this argument of the Meston Committee, that this province will not be able to find means for spending the money for some years to come. By the last budget and by the difficulties we have been experiencing for the last two months that statement has been proved to be incorrect. The argument put forward is in plain language 'You have been bled for years and so must continue to be bled for the benefit of other provinces.' Some may say: the arrangement was made only a few months back; we should not re-open the question at the present moment. One has but to see that since our budget was framed our position has become worse. The expenditure side has been going on increasing. Supplementary grants are asked for at almost every meeting. The salaries of officers have been increased. A number of improvements which originally we thought might wait have to be taken up urgently. We have got the orders of the Secretary of State and the Government of India for giving a larger pay to the Imperial and other services. Our expenditure side has been swelling from day to day. On the other hand, if you look at the receipts side, there again our outlook is very gloomy. The abkāri revenue is going down, and is certain to go down still more as years pass. Temperance has come to stay. We must be prepared to face the situation when not a pie could be expected from the abkāri revenue. Our deficit is very large. In answer to one of the questions put by one of the honourable members on the first day of our sitting this time, the honourable Member in charge said that there has been a fall of seventy lakhs in the toddy sales recently held. Well, Sir, since then, there have been a few sales in some places; probably these sales might have fetched a few lakhs. Still the deficit will be somewhere between 50 and 60 lakhs, and as years go on we must be prepared for larger deficits. This deficit is only with reference to toddy. There is the question of arrack and beer. The sales in respect of these will probably come in February or March, and I may say that the incomes from these sales are not likely to be better compared to what we have experienced with regard to toddy. As I said, the Government ought to be prepared to take the lead in the question of temperance reform. I am sure the country will give their definite mandate to the Government at the next elections. Our income is going on decreasing and our expenditure swelling. What are we to do? Here is a case in which, as I said, we are very heavily taxed, and compared with the other provinces we are the most heavily taxed province in India. This large contribution has taken very nearly one-fifth of the total provincial income. In view of our increasing expenditure, I submit, Sir, this is a question which ought to be considered at once, especially in view of the fact that our present financial position is shown to be in a very bad condition. Our position is such that some sort of taxation ought to be resorted to in order to increase our revenue if the Government of India and the Secretary of State do not agree to give up this large contribution thrown on our shoulders.

"There is another reason also for bringing this resolution now. The Bengal Government, which has been very favourably treated in the Meston report and in the subsequent arrangement that has been made under the Devolution rules, has gone to the Government of India and has asked not only its contribution should be given up but also that a substantial grant should be given from the central

revenues to the province of Bengal. The Government of India, after hearing them, has come to the conclusion that Bengal is unable to bear its burden of provincial contribution. We are more heavily taxed than Bengal. There is deficit in our revenue as well as in theirs. If there is a deficit, it is absolutely necessary to have recourse to local taxation. Certainly, Bengal is in a better position to bear local taxation than Madras. So, if relief is to be given to add to the financial resources of the provinces, the first place out to be given to Madras. This is admitted in Devolution rule 18 itself. It is not by the clamour of Bengal that special treatment should be given to that province. This is the time when our claims ought to be presented to the Secretary of State and the Government of India, so that when these provincial arrangements are reconsidered our claims are duly considered and justice is done.

"Bengal has put forward one claim, namely, that it is collecting more revenue than other provinces and the imperial taxes raised for the Central Government from Bengal are more than those raised from any other province. A very large portion of the central revenue consists of customs and income-tax. Income-tax and customs collected in Bengal are higher than in any other province. In this claim that is put forward, there is a fallacy. Calcutta is a port and customs are collected there on articles going through that port not only to Bengal, but to other provinces as well. So if customs are collected at Calcutta, it is not a revenue collected from Bengal solely. In regard to income-tax, it may be stated that there are a large number of central offices located at Calcutta which are doing business all over Bengal and other provinces as well, and the tax that is collected in Calcutta cannot be considered as tax from the Bengal province alone. So, the position taken up by Bengal with reference to this claim is not correct. With regard to the capacity to pay, Bengal is a province which is very lightly taxed with reference to land revenue. Land revenue is the chief source of revenue in this province. We are paying very heavily on land, whereas Bengal is a province where land revenue is on a permanent settlement. Because the land-owners there are paying a very small revenue, we in Madras are forced to pay very heavy land tax so as to relieve the Bengal Government. This is a very unsatisfactory arrangement. Our present financial position is already so bad that if the Central Government does not come to our rescue, the only other way of getting revenue is by additional taxation. Everybody in this Council as well as outside knows that additional taxation is a question which it is absolutely impossible to think of. Our reforms are only in name, and people have not got very much benefit from them. As a matter of fact, as I said, our budget has not provided for educational, sanitary or other necessary and urgent requirements. In addition to the already existing heavy financial burden, in addition to keeping the toddy and arrack shops open against the wishes of the people and maintaining them by official pressure and in addition to not being able to improve the administration, we should have recourse to additional taxation. It will only mean the end of all co-operation even in quarters where it may be expected otherwise. Fairness requires that this question should be considered without any further delay and justice done to our claims. With these few words I commend the resolution to the House."

Mr. J. F. SIMPSON:—"Mr. President, I beg to second this resolution, and I am very glad indeed to have the opportunity of doing so. Because I associate myself with the principles of this resolution most whole-heartedly and without the faintest shadow of reservation. In saying that I am not only expressing my own personal opinion, but I express the carefully considered

12-30 p.m.

opinion over a long series of years of the constituency which I have the honour to represent in this House. That is also the opinion, Sir, not only of my constituency but virtually of every public body of importance in this Presidency. ('Hear, hear' from the Hon'ble Rao Bahadur A. P. Patro). I hold in my hand the annual volume of the Madras Chamber of Commerce for 1920. It contains a great deal of matter bearing on this question of provincial contribution most of which was constructed to put before the Meston Committee. Looking over it, I find that so long ago as 1897, nearly 25 years ago, the Chamber of Commerce of Madras sent a memorial to the Government of India touching this very old and very vexed question, and I find in that memorial words that are constantly met with to-day regarding the subject, as 'undue hardship to Madras', 'grave injustice to Madras.' That is 25 years ago. Little later on I find in the year 1900, twenty-one years ago, when Lord Curzon visited Madras as Viceroy, my Chamber took the opportunity of rubbing it in again, referring to the great and gross injustice Madras was labouring under in this matter of provincial contribution. In the year 1901, there was a large public meeting held in Madras convened by the Sheriff of Madras, and a strongly worded memorial was sent up to the Government of India. Since then, Sir, the Madras Chamber of Commerce and other bodies have been returning to the charge. But the Meston Committee afforded us the best opportunity of expressing our case once more. The award of the Meston Committee came as a great shock and a great surprise to us in Madras and as a result of that, another large and worthy public meeting was convened. It was my Chamber, I think, that took the lead in calling the meeting, and at that meeting all shades of opinion were represented. Certainly very interesting and instructive leaflets were prepared for and distributed at that meeting and I have endeavoured this morning to unearth some of them and put them on the table at the entrance of this House for the advantage of the mufassal members who were not present on that occasion. I would like, Sir, with your permission and with the indulgence of the House, to read the resolution that was passed on the occasion. The resolution is as follows: 'This public meeting of the citizens of Madras held under the auspices of the Madras Chamber of Commerce, the South India Chamber of Commerce, the Madras Trades Association, the Skin and Hides Merchants' Association, the Rice, Grain and Sugar Merchants' Association, the Madras Landholders' Association, the Madras Ryotwari Landholders' Association, the Madras Mahajana Sabha, ... , the Madras Landlords' Association, the Madras Liberal League, the National Home Rule League, the South Indian Liberal Federation, the Dravidian Association, the Corporation of Madras and other public bodies of this Presidency including Chambers of Commerce of Cocanada, Cochin, Cuddalore and Tuticorin, desire to place on record their most emphatic protest against the award of Mr. Meston's Financial Relations Committee and condemns the prolongation of the admittedly inequitable policy followed in the past of casting on the Madras Presidency the burden of relieving other and richer presidencies, which burden has been consistently denounced by all shades of opinion in the Madras Presidency for many years past. This public meeting urges the Government to the recognition of the fact that in view of past injustice, the Madras Presidency might reasonably claim favourable treatment and should be freed from any contribution whatsoever towards the Government of India as at present constituted. If, however, an imperial deficit must be provided for temporarily this public meeting declares that in no case should Madras be expected to find more than 17 per cent suggested in the Meston Committee's award, and if any excess of that proportion has to be paid that should be treated as a loan to be repaid with interest.' Well, Sir, that resolution, or the gist of it, was wired to the Viceroy, was cabled to the Secretary

of State for India and a reasoned letter followed. Of course, we got the usual polite acknowledgments, the same as our predecessors of twenty years ago got (laughter). That to me is the mystery of the whole thing, that not withstanding this very strong, unanimous, carefully considered and reasoned opinion nothing has been done. That does not mean, Sir, that the Madras Government of 20 or 25 years ago or the Madras Government of to-day did not put up a good fight. We all know that they have fought nobly and well. All I can think of to explain this is to exclaim with the great King David 'the sons of Zermiah be too hard for me'. As the honourable mover explained, we have now a fresh opportunity of pressing our claims. Why should Bengal alone have a reduction and not Madras? Why should the views and opinion of Madras always be ignored and neglected? That is what this resolution is aimed at putting an end to. Fortunately, Sir, in this House, if we take ourselves as a family,—we are not altogether an unhappy family although we may have our family discords and disagreements as unfortunately all families have,—but on this question we are a united family. There are no Brahmans or non-Brahmans (laughter and cheers), moderates or extremists, Adi-Dravidas or caste Hindus (laughter). We are all Madras men, standing up for Madras interests and it is in this spirit I would ask the House to pass this resolution (cheers)."

Mr. T. SIVASANKARAM PILLAI:—"Sir, coming as I do from the famine zone I must add my piteous wail to that started by Mr. Ramalingam Chettiyar. It was only the other day that the Hon'ble the Revenue Member, Mr. Habib-ul-lah Sahib, visited Gooty and we in a body told him the need for money to be doled out as loan for seed grains, for cattle, for sustenance. It will be in the recollection of the House that my honourable friend Mr. Ranganadha Mudaliyar the other day moved for larger grants, for greater measures in a matter of this kind. What is it that we find now? We have not the means to meet these emergent cases. Let alone any substantial measure of insurance against famine, we are not able to meet the present day exigencies. It is only for this we have been representing to our district authorities to apply to Government for larger funds to enable us to distribute these immediate loans, and I was told by my Collector, Sir, that the Government could spare only Rs. 50,000. I don't think that this amount would be enough to distribute even among half a dozen affected villages in the Gooty taluk, which I had the misfortune myself to visit. In these circumstances, seeing the necessity for this famine relief, which is a constant quantity, I would very strongly support this resolution and would like that a deputation should approach the Viceroy to make this representation."

Mr. O. TANIKACHALA CHETTIYAR:—"Mr. President, Sir, I have much pleasure in supporting this proposition regarding the financial relations of the Madras Government and that of the Government of India. The Madras Government conducting its financial affairs may be likened to a miser conducting his family affairs. The miser makes the largest amount of income that he can, but spends least amount. He saves as much as he can but falls a prey to the robber. From the figures contained in the leaflet furnished by the Hon'ble Member Mr. Simpson, we find that every department of the Madras Government has been getting the largest amount of income; the incidence of land revenue per cultivated acre in Madras is Rs. 2-8-11 while other provinces pay only about half of that; and what is the case with excise revenue which the temperance people consider as the besetting sin of the Madras Government? The largest amount has been made by the Madras Government getting Rs. 11-2-2 per proof gallon of country spirits whereas other provinces such as the United Provinces,

Bengal, Bihar and Orissa collect Rs. 5-15-0, Rs. 9-4-4 and Rs. 4-4-4 respectively per gallon of distilled spirits, so that Madras has collected more than other provinces. Again, the incidence of local taxation per head of population is ·27 in Madras which is higher than that in other provinces, that in Bihar and and Orissa being ·10, in the United Provinces ·14, in Bengal ·16. How have we spent the money? Have we spent it in the proportion in which we collected? No. We find that on education Madras has spent only 4 annas 9 pies per head whereas Bombay has spent 10 annas 7 pies. On medical aid we spent only 1 anna 6 pies and Bombay 3 annas 2 pies. For civil works we spend 5 annas 4 pies and Bombay spends 10 annas 3 pies. So likewise we have been collecting the largest income from our tax-payers and spending the least for their benefit. They spend liberally probably in a lager porportion than what they collect from the people. Madras collected in a larger porportion but spent less. And the Government of India saw that these people were hoarding and found no expense for money that they had saved, and therefore laid their hands heavily on the Madras Government. Now, what has happened? Our principal source of revenue is the land revenue, Next is the excise revenue. The army of voluntary workers for Mahatma Gandhi have now stopped the money flowing into our coffers as freely as it was doing formerly. It might be a matter for jubilation to the advocates of temperance that this thing has happened. Whatever that may be, whether it was right or wrong, there is the reduction in the revenue, so much so that we are obliged to find other sources, to have recourse to other means of either reducing our expenditure or asking for more. Reducing our expenditure, in what way? By telling the Government of India, 'we cannot pay as much as you demand from us.' We have to point out to them that we are not making savings that we were doing in the past and that there are other agencies at work which prevent us from making savings that we have been making in the past. I see from the Montagu-Chelmsford Report, a paragraph of which has been extracted in the leaflet which has been distributed to-day, that it has been recognized by the two distinguished authors of the report that 'it is reasonable to expect that with the growth of provincial autonomy any inequality of burdens will be resented more strongly by the provinces on whom it falls; and it will be for the first periodic commission and for its successors, after review of the situation then existing, to determine whether some period should not be set by which the more lightly burdened provinces should be expected to find the means of bringing up their financial resources to the common level of strength.' Though the authors in their report thought the time for reviewing the position was at the first periodic commission, that is at the end of ten years from the commencement of the reforms, already Bengal which is lightly taxed but which equitably ought to pay 19 per cent, has set the way to Madras and has said that there is more efficiency in the principle 'knock and it shall be opened' 'ask and it shall be given'. Though it only pays one-third of what is normally due from it, it has had the brazen courage to go to the Government of India and say long before the time spoken of in the Montague-Chelmsford Report, 'we come before you and ask for relief.' If people upon whom the contribution falls more lightly, ask and get it, why not Madras which pays 110 per cent more than its just due, ask and tell the Government of India, 'we cannot afford to pay, our revenues have shrunk and the expenditure we are incurring upon the amenities of our citizens is less than what other provinces are doing.' Then, I feel sure our efforts will be successful."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I support this proposition very heartily. Bengal to which a preferential treatment has now been given by the Government of India is in a much more

12-45 p.m.

advantageous position than Madras. Bengal enjoys many advantages which Madras does not. Bengal is a very much richer province than Madras and as such ought to contribute to the imperial coffers a very much larger amount of revenue than Madras. We all know with reference to the land revenue settlement that there is the system of permanent settlement in Bengal. The soil is very much richer than that of this Presidency, and by reason of this permanent settlement, there is absolutely no scope for the expansion of land revenue in Bengal. On the other hand, in Madras at every successive re-settlement there is an increase of revenue. So that, with reference to the two systems of land revenue that prevail in these two provinces, Bengal enjoys an advantage over that of Madras and thereby escapes her share. Bengal also enjoys another advantage. Whatever amount is spent by the Government of India is really spent for the benefit of the whole of India; out of the expenditure of the Central Government Bengal, Madras and other provinces reap the benefit. What does that lead to? There are certain items of revenue, such as Customs, Income-tax, Salt, which are central subjects, and as a consequence of this arrangement, the revenue that is derived from poorer Madras on Salt, Customs and Income-tax, along with the revenues derived under the same heads in other provinces, goes to the coffers of the Government of India. The Government of India spends this for the benefit of the whole of India, including Bengal and Bengal enjoys comparatively out of this expenditure more advantages than Madras does. Then, in addition to all this, we find that the contribution which has been recommended by Lord Meston's Committee and has been accepted by the Government of India and the Secretary of State is, in the case of Bengal, very much smaller than that of Madras. To take the contribution that has to be made in the current financial year, 1921-22, it is 348 lakhs in the case of this Presidency, whereas it is only 63 lakhs, or rather as my honourable friend Mr. Knapp has just pointed out to me, it was 63 lakhs in the case of Bengal. What is it to-day? It is, as has been pointed out, nothing. I submit, Sir, that this act of the Government of India is extremely unfair to a poorer province like that of Madras. It has been expressly stated in the report of the Meston's Committee that the revenues of Madras are inelastic. It is also admitted that this Government was more frugal than other Governments with the result that it was able to accumulate a comparatively large amount of money; and it was because there was this comparative accumulation that the Meston's Committee and the Government of India were able to demand and to take a larger proportion of revenue from Madras. It has been expressly admitted again in that report that a large volume of works calculated to improve the material condition of this Presidency was in arrears; and if this heavy contribution is not taken from us, we shall be able to do something for improving the material condition of this Presidency.

"Now, what is the immediate reason which induced the Government of India to grant an exemption for this year and next two years in favour of the Government of Bengal? When analyzed, it comes to this and only to this. Bengal threatened the Government of India. Bengal stated that it had no money for the Development Department and that if the request of Bengal was not granted, it would have to shut up that department. We can make a similar threat, and, as a matter of fact, if we make a similar threat, our threat will be founded on substantial grounds, whereas in the case of Bengal, it was only an empty threat. As a matter of fact, my friends on the other side, Mr. Patro and Mr. Reddi Nayudu are always like Oliver Twist asking for more grants and with very good reason too. Without money what can they do? There is agriculture, there is education, there is the

Department of Industries and there are many other departments which, if worked properly—and for the purpose of working them properly, money is necessary—will improve the condition of the people a great deal.

"Reference has been made to the Bellary and Anantapur districts where famine conditions prevail, and in addition to this, just at the present moment unfortunately there is Malabar which, I am afraid, requires a large amount of money. According to the calculation of Mr. Devadhar, the Vice-President of the Servants of India Society—he has toured through some parts of the district and made a careful calculation and I don't think his calculation errs on the side of over-estimation—about 10 lakhs of rupees will be required immediately for giving relief to the people who are sufferers by the Mappilla outbreak in Malabar. I had a conversation with my friend the Hon'ble Mr. Reddi Nayudu yesterday on this subject. If we go more carefully into this question, the special grant that will be required is very much more than 10 lakhs.

"For these reasons I think we should go, and that urgently and immediately, to the Government of India with the request that they should give us relief similar to that which was afforded to the province of Bengal.

"I remember, Sir, that at the last session a resolution on this subject was passed in this Council. I believe it has been sent up to the Government of India."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*interceding*):—"Yes."

Diwan Bahadur M. KRISHNAN NAYAR (*continuing*):—"Thanks. Seeing that it has been sent up to the Government of India and seeing that the Government of India have not till now acted upon that resolution, I should think that we have been treated with very scant courtesy by the Government of India. On the same principle on which the request of Bengal was granted, our request which was made prior to the request of Bengal ought to have been granted first.

"For these reasons, Sir, I heartily support the resolution before us."

The Hon'ble Mr. A. R. KNAPP:—"Sir, the honourable members of this Council are so thoroughly conversant with all the details of the controversy between ourselves and the Government of India on the subject of our financial relations and, if I may say so, have shown themselves so competent to put the case in the clearest and most convincing way, that there is very little need for anything to be said from the Government Bench in support of this resolution. My purpose in intervening in this debate is merely to say at once that the Government desire to associate themselves entirely with the motion which has been proposed.

"The general question of our financial relations with the Government of India has already been the subject of two separate discussions in this Council, one during the last session, and one in the year 1920. We then protested, but the protests we made have, as the House is aware, proved unavailing. I do not now propose to recapitulate the general grounds of our complaint against the manner in which our financial relations with the Government of India have been fixed. That will have to be done in detail when, in the course of the next few weeks, we are preparing a considered statement of the case to go before the Government of India. I propose to confine myself now to the immediate point out of which this present motion has arisen, viz., the decision of the Legislative Assembly that the Government of India should waive for a period of three years the contribution of 63 lakhs payable by the Government of Bengal under sections 17 and 18

of the Devolution rules. Now, Sir, the House will no doubt understand that this resolution of the Legislative Assembly is happily not yet effective. Before it can be brought into effect, if I understand the matter aright, rule 17 of the Devolution rules must be abrogated. That is a statutory rule passed no doubt by the Government of India but sanctioned by the House of Commons, and I have no doubt that any cancellation of it will require similar sanction. When the matter comes up before the Secretary of State and the House of Commons for sanction, they will doubtless also take into consideration the question whether the proposal which the Legislative Assembly have now put forward does not altogether contravene the spirit of the Devolution rules and the policy which the Joint Committee of the Houses of Parliament have themselves laid down, viz., the principle that there should be a progressive reduction in the contribution demanded by the Government of India from the Local Governments. We do not know exactly what the Government of India's intention is as regards this 63 lakhs. We do not know, for example, whether their proposal is next year to reduce their total demand on the provinces from 983 to 920 lakhs. If that is their intention, then it would appear that under rule 18 of the Devolution rules the benefit of that reduction must come to this Presidency, the United Provinces and the Punjab, and not to Bengal at all. If the Government of India do not propose to reduce the total demand, then it would look as if the foregoing of the contribution from Bengal must result in placing on other provinces a greater burden than they would otherwise have borne.

"The Select Committee will no doubt deal with these points also. I mention them now for the purpose of emphasising the fact that this protest which the Council desires to make is by no means too late. It is on the contrary perfectly opportune and our discussion is not in any sense academic.

1 p.m.

"The House, I take it, would like to know what the Government themselves have been doing in regard to this resolution of the Legislative Assembly. I believe it is suggested or at any rate suspected in some quarters that they have been doing nothing. That, Sir, is not the case. As soon as we saw in the newspapers the account of this resolution we at once telegraphed a protest both to the Government of India and to the Secretary of State. It would be contrary to custom for me to publish the exact terms of our correspondence with the Government of India without their consent which we have not had time to get, but I think I am entitled to say that the lines on which we protested are very much the lines laid down in the comments in the press and in the present discussion in this House. In particular, we made this point clear that if any revision of the scale laid down in rule 18 of the Devolution Rules was intended, the revision should take the form not of granting a concession to Bengal alone but of a reconsideration of the whole question. That, Sir, corresponds in a remarkable fashion with the terms of the resolution which my honourable friend has just proposed. These telegrams were sent on the 4th of October. We have not yet received any reply but we hope to hear very soon what action if any the Government of India and the Secretary of State propose to take on our representation. If necessary we shall send reminders. Meanwhile this resolution, which I hope this House is going to pass unanimously will afford substantial support to the protest we have already sent. Until we get a reply to our telegram it is not easy to say what our next step is to be. The line which the Hon'ble Mr. Hailey took in the Legislative Assembly in introducing his motion was that it was open to any other Government that chose to do so to come to them in the same way as Bengal has done. Now if that is going to be the

official reply of the Government of India for our telegram it practically amounts to granting the demand we are putting forward in this resolution, namely, that the whole settlement should be once more revised. I have very little doubt that, if not all, at any rate a great majority of the Governments in India are quite prepared to accept the invitation held out to them for a reconsideration of this matter. If that takes place it would then be for us to consider what form our further representations are to take, whether by deputation or by official correspondence or, as was I think suggested in the Legislative Assembly, through our representatives in that assembly. Possibly it would be by all these three methods. Before this Council meets again we shall almost certainly have an indication as to how we are to proceed. But I should like in the meantime to assure the House that this Government have no intention whatever of allowing this matter to go by default. ('Hear, hear.') They have as the House has generously recognized fought strenuously and continuously for what they have claimed to be the treatment to which they are entitled. They have protested in season and out of season and they have every intention of continuing to do so. How that should be done exactly must, as I say, be considered during the course of the next few weeks. We have at present only the newspaper reports to show the arguments on which the Legislative Assembly arrived at their decision. Honourable members who read those reports will remember that a good many of the arguments put forward on behalf of Bengal in favour of their special treatment would apply equally, if not more strongly, to this Presidency. It was said, for example, that Bengal had protested against a state of things which left them no money for the most elemenitary requirements of ordinary administration. The same condition, in many respects, exists in Madras. It was mentioned in justification of the departure from the Meston Committee's standard that that committee had not been able to take into account the very large burden placed on Bengal finances by the revision of salaries. Bengal, Sir, is not the only place that has revised its salaries; we are in the same position. The bill in our case has amounted to very nearly two crores over the figure which the Meston Committee took into account. Lastly it was urged in the Legislative Assembly that the case of Bengal was decided entirely on its merits. Well, Sir, we are quite prepared to submit ourselves to that test also. The mere fact that Bengal, as was stated, had budgeted for a deficit of 280 lakhs in itself, I submit, proves nothing at all. Before it could be accepted as giving them a title to special consideration, we should surely have to make some kind of comparison between the standard of administration which Bengal, as compared with ourselves, had already reached. We should be entitled to take advantage of the deliberate admission by Lord Meston's Committee, to which I attach great importance, that in Madras 'considerable arrears of administrative work are now due.' This fact we are entitled, I think, to balance against the claim that Bengal's revenues are inelastic. It is not that we grudge Bengal its good luck. All we ask is that we should be allowed a slice of the same good luck. A good deal was said in the Legislative Council in deprecation of treating this matter as too provincial. All that I need say is that, as I understand the position, the object of the Devolution Rules, if not of the Reforms themselves, was to encourage provincialism in matters of this kind, particularly in financial matters.

"I have said, Sir, that this is not the time in my opinion for going into the general question of our finances in great detail but a rough statement of our present financial position such as my honourable friend Mr. Ramachandra Rao asked for yesterday would perhaps be helpful to the House. Well, Sir, we budgeted for an opening balance this year of 46 lakhs. The accounts show our actual

opening balance at 57 lakhs, an advantage of eleven lakhs. A good deal of that was, however, due to our recovering from local boards in the last few days of the last year unexpended balances of our subsidies to them which we are under a promise to give back. Practically speaking, we opened with the balance which was anticipated or something very approximate to it. We budgeted for a closing balance at the end of this current year of 43 lakhs I am afraid that we shall not have anything like that when we come to 31st March. It is well known that the abkari revenue has fallen The latest estimate of our losses during the year, as compared with our budget figure, is 80 lakhs of rupees. That includes not only the losses on shops but also loss of duty. Land revenue is slightly better than we expected and I hope that, unless something unforeseen happens, there will be enough excess there to make up for the remissions which we shall be undoubtedly compelled to give in the famine areas. So land revenue may be left out of account. As regards famine, my honourable friend on the left (pointing to the Hon'ble Mr. Habib-ul-lah Sahib) on his return from his latest tour gave us rather a more promising account than we had hoped for, and I hope that we shall be able to save something out of the 25 lakhs which we have provided for famine expenditure. My hope is that we shall at least save 10 lakhs. The net result, therefore, will be that with a loss of 80 lakhs under Abkari and with a saving of 10 lakhs under Famine we should be 70 lakhs down and our expected closing balance of 43 lakhs will be converted into a minus balance of 27 lakhs. That, of course, leaves out of account the very large bill that we are likely to get from Malabar to which reference was made by my honourable friend opposite (referring to Mr. Krishnan Nayar). As he pointed out, it would be impossible at present to name the charges we shall have to meet in this connexion, but the amount estimated as needed for the immediate relief is something like 10 lakhs. I can only give these figures, now, for what they are worth: the fact is that, until we get our September figures, it is impossible to put before this House any forecast which would be of very great value. I do not think I have anything to add except to say that personally I should have been sorry to lose the opportunity of participating in this discussion representing as it does one of the happy but unfortunately not too frequent occasions when the views of the whole of this House are in complete accord."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU:—" Mr. President, on behalf of myself and my honourable colleagues to my right and left, I wish to associate myself with the sentiments that have been given expression to in this hall and with the sense of wrong, of the grievous wrong done to this Presidency in its financial relations with the Government of India. I do not propose, Sir, to go into the past history of this wrong, which is a matter of common knowledge. Now for years and decades the Government of India have had at their disposal far too large a share of growing revenues, how that Government used to have in their budgets immense surpluses, surpluses of which the late Mr Gokhale used so often to complain, how doles used to be made to various provinces and how in the doling out, that Government discriminated between province and province, how provinces that used to spend much and save little were given more than provinces which tried to enforce economy, how, when permanent settlements were made, substantial concessions were granted to certain provinces, while Madras was cut off, so to say, with a shilling, how certain heads were made wholly provincial in some provinces while Madras was not given a similar benefit, how resolutions moved by Madras representatives to raise the Madras share of the excise revenue or wholly to provincialize it were summarily disposed of in the Imperial Legislative Council, while concessions were made to other provinces in the same direction, how when

large grants were made to Bengal and Bombay for education Madras had to be satisfied with almost half the grant which it deserved, how the United Provinces and Madras were always regarded as milch-cows, while Bengal played the part of the prodigal son for whom the fatted calf was killed, are all matters of familiar history, and it is not necessary for me to go into them in detail. But, Sir, if the ancient history is woeful, modern history, I am afraid, is no more cheering, at any rate to us in Madras.

" You will remember, Sir, that modern history commenced in 1917 when the happy pronouncement was made in the Parliament and in this country that Provincial revenues would be completely separated from Imperial revenues. It will also be remembered that the Joint Report of Mr. Montagu and Lord Chelmsford deplored the idea of Madras having had to pay far too large a share when compared with other provinces. I need only draw the attention of the House to just a paragraph or two in that report which will show the sentiments of the illustrious authors of that report on this subject.

1-15 p.m. " In paragraph 206 of the Joint Report we read:

' We recognize of course that the objection will be taken that some provinces even under this plan will bear a very much heavier proportion of the cost of the Indian Government than others. Madras and the United Provinces will be paying 47·1 per cent and 41·1 per cent of their remaining revenues to the Government of India, while Bengal and Bombay are paying 10·1 and 9·6 per cent respectively.'

" Again they say:

' It is not intended to be of a final nature and when revenues develop and a revision takes place under normal conditions, an opportunity will arise for smoothing out inequalities.'

" Again in paragraph 27, they say:

' We must add that inasmuch as our proposals are based on War figures, they should be open to revision hereafter but not subject to change for a period of, say, six years.'

" That was the promise held out then. But what do we find to-day? Even before a year had elapsed after the new system came into force, a change was effected, which would have been a welcome change no doubt, if it had been extended to all provinces alike, or at least to the really deserving provinces. Later on they say:

' It is reasonable to expect that with the growth of provincial autonomy any inequality of burden will be resented more strongly by the provinces on whom it falls, and it will be for the first periodic commission and for its successors after a review of the situation then existing, to determine whether some period should not be set by which the more lightly burdened provinces should be expected to find means of bringing up their financial resources to the common level of strength. We attach great weight to the proposition that, if the provinces are to be really self-governing, they ought to adjust their expenditure, etc.'

" The resolution that was recently passed in the Imperial Legislative Assembly is a direct negation of the hopes here held out. From the fact that the Government of India found themselves in a position to remit a sum of Rs. 63 lakhs, it is evident that an opportunity for smoothing out inequalities had arisen. But by granting that sum to a province which pays the least amount of all, which pays an infinitesimally small amount when compared with Madras, the inequalities, far from being smoothed out, are unquestionably enhanced. While the passage cited above recommended that the more lightly burdened provinces should be expected to find means of bringing up their financial resources to the common level of strength, the Legislative Assembly has recommended to the Government of India that the most lightly burdened province should be given more money instead of itself finding that money; and instead of a common level of strength being attained, the difference in the levels has been actually increased as a result of the resolution of that august body.

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"Then, Sir, came the famous Despatch of the Government of India, dated 5th March 1919, in which that Government admitted the great injustice done to Madras. This is what they say in paragraph 61:

'From Madras we shall be levying nearly five times as much as from Bombay and from the United Provinces nearly five times as much as from Bengal, while the Punjab and Burma will also be contributing far more than wealthier provinces. Hostile comment has already been evoked; and we have had natural and vehement protests from Madras and the United Provinces which are most detrimentally affected. It is no sufficient reply, although it is true, to say that these figures merely bring into prominence what has hitherto been disguised by the complicated financial arrangements of the past and that they impose no fresh burdens. The mere disclosure of the true position makes it impossible to prepetuate the inequality, and we shall' be told with unanswerable force that the first duty of a responsible Government is to pay its own way.'

"And then, Sir, we read the following in the same paragraph:—

'All that we can say with assurance at present is that we cannot justify the permanent retention of the criterion proposed in the report and that after full enquiry a standard scale should be fixed towards which the provinces will be required to work by stages as a condition of the new arrangements.

'To some extent the readjustment, may be expedited by giving the more heavily burdened provinces the exclusive advantage of any remissions of the total provincial subsidy which the central authority finds itself able to grant from time to time.'

"That, Sir, is again practically negatived by the vote in Imperial Legislative Assembly. While in the above passage, the Government of India opined that the exclusive advantage of any remissions by them should go to the more heavily burdened provinces, the Legislative Assembly voted a remission in favour of the least-burdened province of all. The inequality is not removed; on the contrary, it is enhanced.

"Then, Sir, came the Financial Relations Committee, and Lord Meston's award is a matter of common knowledge again. In order to save some provinces, that committee managed to increase the deficit of the Government of India, at that time believed to be only 6 crores of rupees, to something like 9¾ crores. In doing so, it is also known that General Stamps were made a provincial head of revenue. By this process we were given an extra 56 lakhs of rupees, burdened of course with the expenditure incidental to the collection of those 56 lakhs of rupees. But when it came to a question of contribution, our share of it was increased by 81 lakhs of rupees. So, with the right hand, they were pleased to give us 56 lakhs of rupees, only to take with the left hand 81 lakhs of rupees from us over and above the contribution fixed before. That is the history of the tiny contribution of 348 lakhs and of the operations of the Meston Committee. But let us see what the Committee itself says. After admitting that the ratio of the contribution which they fixed was not intended in any manner to represent the ideal scale on which the provinces should in equity be called upon to contribute, they observe: 'But an initial ratio of this nature can only be defended as a measure of transition. But it is necessary in order to give time to the provinces to adjust their budgets to a new state of affairs. And we are clearly of opinion that no scheme of contribution can be satisfactory that does not provide for a more equitable distribution of the burden of deficits within a reasonable time.' In paragraph 28 they further observe: 'but the provinces which will be called upon to pay thereunder more than they should pay in equity ought not to be required to bear that burden for a longer period or to a greater extent than is required to prevent dislocation of the provincial budgets. We propose therefore that contribution should be made on the standard ratio to any deficit that there may be in the seventh year of contribution and that the process of transition from the initial to the standard ratio should be continuous, beginning in the second year of contribution and proceeding in six annual steps.' In paragraph 30 they also say that the

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'admitted inequalities of the proportions in which, in the past, the provinces have contributed to the purse of the Government of India must be rectified within a reasonable time.' That Madras had in the past contributed to the purse of the Government of India more than any other province, is an incontrovertible proposition and yet the resolution of the Legislative Assembly did not think it worth while to reduce this contribution, while Bengal which has always enjoyed more than a fair share of concessions from the Government of India is now to be given 63 lakhs of rupees. The injustice of the measure is self-evident, and comment is superfluous.

"Let us now turn to the next stage of our history. The proposals of the Meston Committee were approved of by the Government of India and draft rules were framed under the Government of India Act, 1919, and sent up to the Secretary of State for India. These draft rules were placed on the table for the information of members of both Houses of Parliament with a note that the said rules were then in process of examination by the Joint Select Committee. It is interesting to compare these rules with those actually approved of by the Joint Select Committee. The Government of India's original draft rules were numbered 15 and 16. Rule 15 fixed the exact amounts to be paid by the provinces to make up the deficit of the India Government. Madras was asked to pay 348 lakhs of rupees and rule 16 ran thus:

'From the financial year 1922-23 and onwards, a total contribution of 983 lakhs, or such sum as may be determined by the Governor-General in Council, shall be paid to the Governor-General in Council by the Local Governments mentioned below. The percentage of this total amount to be paid in each year by each Local Government shall be according to the following scale.'

"And a scale was given according to which our percentage would gradually fall from 32½ per cent to 17 and Bengal's which was 8½ in the first year would have to rise to 19 per cent. These proposals of the Meston Committee and of the Government of India were not accepted by the Joint Committee which substituted the present rules 17 and 18 in the place of rules 15 and 16 just referred to. Rule 17 is practically the same as rule 15 of the Government of India. But the draft rule 16 completely disappeared with its sliding scale and the following rule 18 took its place. It runs thus:

'From the financial year 1922-23 onwards, a total contribution of 983 lakhs, or such smaller sum as may be determined by the Governor-General in Council, shall be paid to the Governor-General in Council by the Local Governments mentioned in the preceding rule. When, for any year, the Governor-General in Council determines, as the total amount of the contribution, a smaller sum than that payable for the preceding year, a reduction shall be made in the contribution of those Local Governments only, whose last previous annual contribution exceeds the proportion specified below of the smaller sum so determined as the total contribution, and any reduction so made shall be proportionate to such excess.'

"And the proportions are those I have already mentioned. Under this change we are deprived of the advantages of a continuous reduction until we reach 17 per cent from a contribution of 32½ per cent. All hope in that direction was lost. But the resolution of the Legislative Assembly deprived us even of the benefits that should naturally be ours if the last portion of the abovesaid rule 18 was given effect to. Under that portion any reduction in the contributions shall be made only in the case of a Local Government whose last previous annual contribution exceeds the proportions specified in the rule. But now under that rule therefore, if Bengal was to receive any concession from the Government of India at all, it should be only when she reached a percentage of 17 and not only that, when she had something more than that 17 per cent. That percentage not being reached and Bengal being asked to pay only 8½ per cent, it is obviously unfair to other provinces to allow Bengal a remission of even this 8½ per cent, whereas we, whose

legitimate percentage is only 17 and who have been paying 32½ per cent now and who ought to have been given the benefit of any surpluses which may happen to be in the hands of the Government of India, are not given anything. It will thus be seen that the Legislative Assembly, by granting that vote, went behind not only what has been promised to us in the Joint Report in the Government of India Despatch of 1919 and in the Meston Report but also beyond what was finally decided by the Parliament.

"Now, Sir, we shall examine on what grounds the Legislative Assembly was pleased to grant this vote. It is said, Sir, that the province of Bengal always clamoured that the whole system was wrong, that the Previous allocation of finances was wrong and that no system was correct which did not take into consideration the collections made by them under Customs and Income-tax. Well, Sir, we have ourselves raised these objections, but assuming that these were peculiar to Bengal, may I be permitted to draw the attention of the House to the Report of the Meston Committee itself, where in paragraphs 25 and 26 they clearly stated that they considered all these points before they fixed the share of Bengal. In paragraph 25 they say:

'Under the head of Customs, the locality in which dutiable articles are consumed cannot be traced with sufficient accuracy; under that of Income-tax, questions of the utmost complexity arise as to the true local source of the income assessed, questions which the information in the hands of the assessing officers does not enable them to answer. We have nevertheless carried our investigation into this matter as far as available information permits, and by means of an examination of the statistics concerning the distribution of articles which have paid customs duty, and of those concerning the place of collection of income-tax, together with a review of the more general circumstances of the economic life of the provinces, we have found it possible to arrive at an estimate of the waight which should be given in fixing the basis for equitable contributions by the provinces to their indirect contributions.'

"Before I draw the attention of the House to paragraph 26 of the Meston Committee Report, I may be permitted to remind the House that my honourable friend, the mover of the resolution, has conclusively answered the question about Customs and Income-tax by pointing out that Calcutta and Bombay, being the gates of India, collect large amounts of customs as well as income-tax but that the real burden of these customs and income-tax is borne not merely by the inhabitants of Bengal or of Bombay but by citizens of more provinces than one, and in some cases by those of nearly the whole of India.

"Let us next see what the Meston Committee stated in paragraph 26 of their report. They said:

'The capacity of a province to contribute is its taxable capacity which is the sum of the incomes of its tax-payers or the average income of its tax-payers multiplied by their number.'

"Judged by any of the tests mentioned herein, Bengal's capacity to contribute must be considered to be in no way inferior to that of Madras. Bengal with her age-long permanent settlement, the benefits of which she has enjoyed for nearly a century, is to-day so very rich indeed that she cannot only pay what she was called upon a few months ago to pay, but is in a position to pay very much more indeed, if only her statesmen are prepared to tap her resources, and to subject their people to the scale of taxation which obtains in other and less fortunate provinces. She will not collect a pie more or increase her tax on land; while Madras which is taxed right up to the hilt is called upon to pay Rs. 348 lakhs on the ground that her statesmen have all along practised economy in their expenditure, have collected imperial revenues more rigidly than other provinces, and in the case of taxes leviable by the Local Government have imposed higher rates than other provinces and by a system of false economy retarded their own development.

"Again in paragraph 27 the Meston Committee observe:

'In arriving at this ratio we have taken into consideration in particular the incidence of customs duties and income-tax.'

"It will thus be seen, Sir, that there is no point at all in saying that in fixing the contribution by Bengal no account was taken of customs and income-tax.

"The only other ground on which the vote in the Imperial Legislative Assembly was granted was that wrong calculations were made by the authors of the joint report and by the Meston Committee and also by the Simla Conference in valuing Bengal's normal income, while as a matter of fact, when it came to a question of the actual budget of 1921–22, Bengal found herself with the glorious minus balance of a crore and a quarter. Now, Sir, may we not with equal reason point out from this side of India—of course we are far away from Delhi and Simla—that the 70 lakhs of rupees which we borrowed early this year and the 40 lakhs which we borrowed last month represent really our deficit? If Bengal is entitled to recover 63 lakhs of rupees from the India Government because of her deficit, we in Madras who are in deficit to the extent of 1 crore and 10 lakhs are equally entitled to the same concession, if we have not greater claims upon the Government of India than Bengal.

"The only other ground, Sir, which has been given by the Imperial Legislative Assembly why this grant has been made to Bengal was that the public of Bengal has protested against the state of things which left them in an annual deficit. Well, Sir, if public opinion is the criterion —I am happy to find that the Legislative Assembly sets so much value upon public opinion—we in Madras have agitated and agitated quite as loudly as Bengal. My honourable friend Mr. Simpson was giving the details of a resolution that was passed at the Victoria Public Hall in May 1920. I may add that in this very hall there are a number of members who have raised their voice in the press, on the platform and in this very Council, complaining against the grave injustice that has been done to this province. In my own humble way, Sir, I presented a memorandum to the Reforms Commissioner as soon as the Meston Report was out. I was told in reply that Sir William Marris (now His Excellency Sir William Marris) had submitted my memorandum to the Secretary of State for India with a view to have it placed before the Joint Committee. The number of associations that took part in the Victoria Hall meeting, when the resolution that was read out by my honourable friend Mr. Simpson was passed, affords us the most conclusive proof that in this province there is not a single educated man or anyone whose opinion counts in shaping public opinion in this country that does not resent with all the warmth of which he is capable this most unjust and inequitable bleeding of the Madras Province. It will thus be seen, Sir, that there is absolutely no point in granting this amount to Bengal to the exclusion of Madras. The feeble voice raised by my honourable friend Mr. Venkatapati Raju was drowned amid vague generalizations and mild denunciations. He wanted to move a resolution but was brushed aside with the remark that he might come in his own turn or that provincial and parochial patriotism should not be obtruded into that august assembly which legislates for the whole continent of India. May we not urge, Sir, from this side of India that if discrimination is made between province and province by the central authorities and if unconscionable exactions are made from impoverished provinces and if the impression gains ground that all provinces are not treated with equal equity and justice, feelings of resentment might be generated in such provinces, feelings of bitterness between one province and another, feelings that must endanger the love and

1-30 p.m.

affection which alone can create in us that abiding sense of national unity which is so essential for national solidarity (applause)."

Mr. S. SRINIVASA AYYANGAR :—" I am in full agreement with the first part of the resolution. I do not think any eloquence or history is required especially after the elaborate speech which was made by the Hon'ble the Minister for Development and after the very severe condemnation which he has pronounced upon the Legislative Assembly that there was an unjust and inequitable bleeding of this province. I should have imagined that the case did not require all this eloquence; for if we turn to rule 17 of the Devolution Rules and look at the first three figures for Madras, Bombay and Bengal, that is quite sufficient and is in fact more eloquent than all speeches. But in the name of the very unity for which the Hon'ble the Minister for Development has pleaded, I do deprecate most emphatically the objection that was raised to the treatment that was accorded to the Government of Bengal. The Government of Bengal was I think rightly exempted from the contribution and Madras is equally entitled to claim that exemption. Nor do I agree that the permanent settlement of Bengal was resopnsible for it."

Diwan Bahadur M. KRISHNAN NAYAR (*interrupting*) :—" I never satated that the permanent settlement of Bengal was a mistake; on the other hand I have always felt that it was a blessing."

Mr. S. SRINIVASA AYYANGAR (*continuing*) :—" I am so glad to be corrected and I have the authority of my honourable friend Mr. Krishnan Nayar in favour of permanent settlement. Nor do I agree with the Hon'ble the Finance Member when he stated that the fact that we had lost a sum of 80 lakhs under the 'Excise' head is a valid reason for the passing of this resolution. On its own merits the first part of this resolution commands the universal assent of this House. But I have very grave doubts about the utility and wisdom of the second part of this resolution. However I do not propose to adduce any reasons for my doubts as to the deputation part of the resolution."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I wish to associate myself entirely with both parts of the resolution, the first part relates to the treatment which has been accorded to Bengal. It is not necessary for the purpose of the discussion of this resolution to go into the ancient history of the subject and I think we may start from the Meston award and the events subsequent to it. This would be a better way of dealing with this question. The reason assigned by the Hon'ble Mr. Hailey for exempting Bengal from this contribution was that at the time when Lord Meston's award was passed the expenditure incurred in connexion with the increase of salaries of establishments was not taken into account. It is true Lord Meston's Committee did not do so and treated all provinces alike at the time. I was one of those who felt very strongly that the figures which were arrived at at the Simla Conference about the approximate expenditure of each province were not right Subsequent to that conference, the reorganization of the various provincial services and also the Indian Civil Service was sanctioned by the Local Government, the Government of India and the Secretary of State. In coming to an approximate idea of the expenditure for which credit ought to be allowed to each province, this revision of salaries ought to have been taken in consideration. In a memorandum which I presented to the committee I brought to their notice that there would be an approximate increase of 2 crores of rupees if the report of the Salaries Committee was given effect to. The Meston Committee ignored this part of our request and went entirely on the figures

adopted at the Simla Conference. Now the Hon'ble Mr. Hailey wishes to take this fact into consideration in the case of Bengal, namely, that the increased expenditure consequent on the revision of salaries was not taken into consideration by the Meston Committee. It was not taken into consideration if the case of Bombay or Madras either or any other province. Therefore if the Legislative Assembly now asks the Government of India to revise the conclusions arrived at by the Meston Committee, it should do so on some uniform principle applicable to all provinces. We in Madras are perfectly willing to stand by any uniform test. We are thankful to our Hon'ble friend Mr. Venkatapati Raju for having raised his voice on behalf of this province though he was not successful. As a matter of fact the amendment was negatived by the whole House."

The Hon'ble Rao Bahadur A. P. PATRO (*interceding*) :—" Including the Madras representatives?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*) :—" My honourable friend may or may not be right. Unfortunately the official report of the Legislative Assembly is not before us. I have only a newspaper report where the division lists are not given. One of those who probably took part in the debate in the Assembly is now watching this debate and I am sure that our representatives in the Legislative Assembly will not be deterred from doing their duty to this province by unfounded charges of parochial patriotism. But I am certain, Sir, that the suggestion thrown out by the Hon'ble Mr. Hailey that it was open to the honourable members from Madras to bring forward their case would no doubt be adopted at the next meeting of the Legislative Assembly. This matter seems to have been brought up just at the end of the Simla session and apparently many of the members were taken by surprise. When I was in England, a deputation of members of the Legislative Assembly as well as the Provincial legislature belonging to Bengal—such of them who then happened to be in London—waited upon the Secretary of State and interviewed some of the members of the Joint Committee of both the Houses. I at once realized that the case of our province would go by default and therefore I took steps to place so far as I could our case before the President of the Joint Committee, Lord Islington. Apparently that Committee is not likely to deal with the financial contribution payable by one province alone. I do not know what is likely to happen. But I should suggest for the consideration of this Council that the Secretary to this Council should at once send a cable to the Secretary of State and the Joint Committee of Parliament that this resolution has been adopted in this House. I suggest this course for more reasons than one. According to the rules of procedure which the Joint Committee has framed for its own guidance, it is open, I believe, to any Legislative Council to directly address that body. There are advantages in doing so. It is quite likely that the Government of India and the Secretary of State may not fall in with our view and in that case our representations may not be put before the body entirely from our own standpoint, whatever steps the executive Government may take in regard to this by supporting it by further memorandum or by communicating this resolution to the Government of India and also to the Joint Committee. I suggest that this resolution be immediately communicated by cable to the Joint Standing Committee which is the ultimate authority which will have to decide this matter. Otherwise it is quite likely that if the case of Bengal is put forward before the Committee immediately, they may come to some conclusion which they may not be able to revise later on. If, in the case of Bengal, the Government of India should be willing to forego the contribution, it seems to me that it is a

substantial deviation from the scheme which has been settled by the Meston Committee. I do not think it necessary for me to go into the iniquitous way in which the province of Madras has been dealt with. All that we are now asking is for a uniform treatment for all the provinces."

1-45 p.m.

The Hon'ble Rao Bahadur A. P. PATRO :—"I wish to associate myself completely with the resolution. I would not have spoken after the Hon'ble Mr. Reddi Nayudu had spoken for Government. But the suggestion made by Mr. Ramachandra Rao towards the close of the speech that there should be a reference direct from this House to the Secretary of State and to the Joint Parliamentary Committee requires careful consideration as it is not a very feasible method. At present the Government of Madras has telegraphed to the Government of India in regard to this very matter and correspondence is going on between the two Governments. I do not know whether it is quite constitutional that a cable should go from this House direct to the Joint Parliamentary Committee at this stage. It seems to me, Sir, that the procedure suggested is not quite feasible. We shall have to adopt it later on if necessary. We shall await the result of the correspondence that is going on. That, Sir, seems to be a more constitutional and workable way of giving effect to this resolution than sending a cable to the Joint Parliamentary Committee direct and at the present moment."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I should like to know if the Hon'ble Mr. Patro is speaking on behalf of the Government."

The Hon'ble Rao Bahadur A. P. PATRO :—"I am speaking for myself, Sir."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I want that the Secretary of this Council should communicate our resolution. We have every right, I submit, Sir, to communicate our resolution to the Secretary of State and to the Joint Parliamentary Committee."

The Hon'ble the PRESIDENT :—"So far as the Secretary is concerned, he can act only upon a resolution of the House and not on the suggestion of an individual member. Unless the House passes a resolution directing the Secretary to communicate this to the Joint Parliamentary Committee, he cannot do it. Whatever you want us to do must be a thing upon which honourable members are agreed. Probably the Hon'ble the Finance Member will give us some lead in the matter."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I will add a clause to the resolution."

The Hon'ble the PRESIDENT :—"An additional paragraph will be necessary."

Diwan Bahadur M RAMACHANDRA RAO PANTULU :—"I now move as an addition to this resolution the following :—

"*This Council resolves that the first part of this resolution should be communicated to the Joint Parliamentary Committee of the House of Commons and the House of Lords, to the Secretary of State in Council and to the Government of India.*"

Dr. P. SUBBARAYAN :—"I second it."

A voice :—"It may require some alteration."

The Hon'ble the PRESIDENT :—"The Council will now adjourn."

The Council then rose for lunch at 1-50 p.m. and re-assembled at 2-35 p.m.

The Hon'ble the PRESIDENT :—"In regard to the suggestion to communicate this resolution direct to the authorities in England, I want the House to realize that the proposal will require careful examination before the House commits itself to it. I have not had time to examine the rules and see how far the House will be justified in sending a communication direct to the authorities in England. I assume that the object in view is that this resolution should be considered at the same time as the reference about Bengal. His Excellency the Governor is in a position of authority over us. I will gladly put before His Excellency, if this resolution is passed, the strength of feeling on the matter; and I am sanguine that he will undertake to communicate it to the authorities in England. Would not that cover the purpose?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I was going to inform you that on further consideration I had decided to withdraw the proposal which I put forward. The Hon'ble Mr. KNAPP informed me that he would take immediate steps to have the matter communicated to the authorities for such action as is necessary. I am particularly anxious not to create precedents which are not sound, or which are inconvenient to this House. I am not anxious to press this matter at this stage."

Rao Bahadur T. Balaji Rao Nayudu moved that the question be put. The closure was carried. The resolution was then put to the vote and carried unanimously.

The Hon'ble the PRESIDENT :—"A copy of this resolution will be submitted to His Excellency and I will acquaint him with the strength of feeling in the matter, and I have no doubt that he will see that the higher authorities in England are placed at once in possession of what has occurred here."

IV

A BILL TO AMEND THE DISTRICT MUNICIPALITIES ACT, 1920.

Mr. P. SIVA RAO :—"I beg to move that the Bill to amend the District Municipalities Act, 1920, may be further considered."

Rai Bahadur T. M. NARASIMHACHARLU :—"I second it."

The motion was carried.

The Hon'ble Mr. P. RAMARAYANINGAR :—"Mr. President, I beg to move, Sir, the first of the amendments standing in my name :

"*That in the preamble the words—*

'the rule 21 of Taxation and Finance rules in Part I of Schedule IV appended to' and

'(Madras Act V of 1920) regarding the maximum rate of 3 annas to be levied on every cart' be omitted."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I think the preamble was not put to the House."

The Hon'ble the PRESIDENT :—"The whole thing must have been put."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Only clause 1 was put, Sir."

The Hon'ble the PRESIDENT :—"The House has got a copy of the Bill as amended by the Legislative Council at the previous sitting and it is in the hands of the honourable members. I think the Honourable Member must accept that."

[The Hon'ble Mr. P. Ramarayaningar] [15th October 1921

The Hon'ble Mr. P. RAMARAYANINGAR:—"Sir, the amendment does not contemplate any material change in the preamble. It only seeks to effect a verbal change. It aims at avoiding unnecessary verbiage. I am sorry, Sir, I have to move this amendment at this stage. The Bill is a non-official Bill and it was presented to the Council unfortunately not in a very artistic form. Further, it was not referred to a Select Committee by whom it could have been improved and hence, Sir, the necessity to move amendments at this stage under Standing Order 49."

The Hon'ble Sir LIONEL DAVIDSON:—"I second it."

The amendment was put to the vote and adopted.

2-45 p.m. The Hon'ble Mr. P. RAMARAYANINGAR:—"Sir, I now move the second amendment—

"*In clause* 1 *the word* '*Preliminary*' *shall be omitted.*"

"This too, Sir, is a mere formal amendment. In clause (1) the word 'Preliminary' is unnecessary, and has to be deleted Sir, with these words I move the amendment."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU:—"I second it."

The amendment was put and carried.

Mr. P. SIVA RAO:—"I move that the Bill as amended be passed into Law."

Rai Bahadur T. M. NARASIMHACHARLU:—"I second it."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I know, Sir, that the motion is to be carried; but yet I should say a few words both on the question of principle and also on the merits. I appeal to the House not to pass this Bill although the motion not to refer it to a Select Committee was carried the other day. We debated for two days and we are the wiser for the debate. I hope so at least in some though not in those who are not prepared to be convinced by any arguments. One strong point I would urge why this Bill should not be passed at this stage is this. In all such measures it has been practically admitted that the Government should take the responsibility of moving such Bills. Because then only we may reasonably consider that there is some necessity for such Bills. Here a private member has brought in a Bill to make changes which affect not only his municipality but also other municipalities. One other point I wish to say is this: that this Council should be against all Bills for new or additional taxation unless they are satisfied that the matter is very urgent and very necessary. I think, Sir, that so far as we have been able to see, there is no emergency about this and certainly there is no necessity for it. I base this on one argument, namely, if it is necessary, the Hon'ble the Minister in charge of the department would have brought in this Bill. It is not that this point has not been considered by the Government. The point must have been evidently considered by the Government when they thought of bringing a similar amendment so far as the rules relating to local boards were concerned. Therefore, we may take it that the Government would have considered this point also, and as they did not think this amendment to be necessary they did not come forward with it. The Government have not thought it desirable to take up the responsibility and therefore on this ground also we should certainly oppose this motion before the House. Also, Sir, we have to oppose this because it was not referred to a Select Committee. In the present Bill as it was, we found it necessary to make many amendments. Every word of the Bill had to be changed. If there is time for the Council to consider, perhaps

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they may find it necessary to have a change in the question of principle also. The Secretary for Local Self-Government Department for whom I have got the greatest respect, gave one or two reasons for accepting this amendment. He said that the last Council should have passed the change through inadvertency. With due respect to him I should rather object to such a statement; because what will be our feelings supposing the next Council says that all the Acts of this Council were passed through inadvertency? We must presume that there were good reasons for every Council for doing a certain action, and if we have got very sound reasons and experience teaches us that a particular Act is wrong, then, Sir, we should change it. Not only this schedule of the Act but the connected schedules dealing with licences under the Act should have been very carefully considered by the last Government and if this Council wants to have changes so far as this portion of the Act is concerned, there may be very good reasons to add some more corrections to the other portions also. For instance, we know the principle is that so far as the people residing in the municipalities are concerned they should be able to take out licences for all animals, carts, etc., for which tolls are collected. So far as this is concerned there is a peculiarity, namely, there is an animal she-buffalo, for which a toll is collected and for which no licence is provided for. The Coimbatore municipality thought that it was so through some inadvertency and referred the matter to the Local Government. But the Local Government said that it could not be inadvertency, and that it might have been the intention of the authors and therefore the people must pay the full amount of the tax when the animal gets in.

"My friend Mr. Siva Rao stated that so far as the collections in the municipalities are concerned, there has been a fall in the collection by way of tolls. The Secretary for the Local Self-Government Department supported him with figures and said that the deficiency was about two lakhs of rupees. Well, Sir, I may say that this deficiency is not at all due to the reduction of toll charges from 4 annas to 3 annas. For, Sir, from the statement furnished to the members by the Government, on the last page of the questions and answers book, to-day we find that so far as bids in connexion with municipal tolls are concerned, they went up higher than before in a very large number of municipalities. Of course there has been reduction in some cases. But the fall is not due to the change in the rate from 4 annas to 3 annas."

Mr. F. J. RICHARDS (*interrupting*):—"The two lakhs of rupees is not a fall in the ordinary revenue. It is the estimated amount which would accrue in addition to the present revenue if all the municipalities availed themselves of the provisions of this Bill."

Mr. C. V. VENKATARAMANA AYYANGAR (*continuing*):—"I do not pursue how it has been calculated. I was also referring to Mr. P. Siva Rao's statement that in his municipality and other municipalities there has been a fall in the revenue. I was answering that also. So I was referring to the statement that was furnished by the Government to-day. It shows that in a large number of municipalities the toll-tax has gone up and not gone down. I know in some cases, it has gone down because they are great railway centres and sometime before there was a large and rapid increase in the collection of tolls because of the difficulties in the railway people taking in goods. On account of the railway restrictions the roads had to be used and a large number of carts had to carry the goods and therefore the tolls increased. That is the reason why in several municipalities, especially where they are big railway centres, the revenue in this direction had increased. If we

examine carefully the list supplied to us, we find that the present fall is in the case of those places which are big railway centres. It is because the railway restrictions have now been removed and large quantities of food-grains which used to be carried in carts are now being carried by trains.

"Again as far as the schedules of the Municipal Act are concerned, they are very carefully prepared and in the case of every tax there has been an increase. The professional tax has been raised. The charge for licences for animals has been increased. Tax on motor-cars has been increased from 8 annas to 1 rupee and so on on everything. Perhaps the tax on bicycle has been reduced. The rate for unladen cart has been increased from 2 annas to 3 annas and it is in the case of laden cart alone that it has been reduced from 4 annas to 3 annas. A reason has been given why it has been equalized: it is because it is very difficult to find out whether a cart was laden or unladen throughout; for people may get down at some distance from the gate and come walking. Probably the last legislators took all this into consideration and thought there was no need for the difference and as a compromise fixed the uniform rate of 3 annas raising the rate for unladen carts from 2 annas to 3 annas and reducing that for the laden carts from 4 annas to 3 annas. Therefore it is not fair to suppose that the previous Council passed this through inadvertency and that we should now impose additional taxation. If municipalities are to be popular, if the people both inside and outside the municipal limits are to carry on the municipal administration smoothly, it is very desirable that the charges are not, if I may say so, revolutionary. I am afraid this additional tax is revolutionary and not called for. There is absolutely no hurry about the matter. All the tolls have been sold till the 1st of April next. Therefore even supposing we reject the Bill, there is absolutely no fear that the skies will fall upon us and the municipalities have to go out bag and baggage. Further we will have an opportunity to look into the provisions of the Act carefully and see whether any further amendments are necessary not only in the schedules but also in the body of the Act. Therefore, in consideration of the fact that the Bill itself has been got up in haste and not referred to a Select Committee, and we have found it necessary to change almost every word from the first to the last, probably even the name, there is absolutely no need to pass this motion at present. It has been suggested that this is only a one clause Bill. If we allow such things to pass saying that it is a one clause Bill, I am afraid every Bill will be a one clause Bill and we will have to be passing each Bill. Even if there are five clauses, each may be brought under a separate Bill saying that it is a one clause Bill.

"Therefore, Sir, as representatives of the public at large, we in this Council are bound to reject this Bill, leaving the Government to take up the responsibility on their own shoulders and bring in all such amendments which are necessary and urgent in the interests of the people at large."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU:—"There seems to be some confusion as regards the privileges of private members in moving Bills of this kind in this House. This question was raised the other day and I have carefully gone through Redlich's three volumes of the *Procedure of the House of Commons* and the position appears to be this. The House of Commons no doubt has always been very careful to see that the House of Lords does not exercise any such powers of introducing Bills which involve taxes or of making motions which ask for money. In the House of Commons itself the Crown, or rather the Government reserves to itself the power of asking for money for expenditure. So long as it is only a question of a Bill

3 p.m.

of this kind in which the question of taxes incidentally arises, it does not appear that private members do not possess such a right as this. After all the private member here is not asking for money from the Government, is not asking for any expenditure and he is only proposing a tax or rate to be levied on a class of people. And the private members of this Council are after all the representatives and guardians of the peoples' interests and as such when a proposal comes from a private member I do not see any objection. I do not find any such objection in the practice of the House of Commons.'"

Diwan Bahadur P. KESAVA PILLAI:—"I move, Sir, that the question be now put."

The motion for closure was put to the House and carried.

The original motion that the Bill be passed into law as amended was then put to the House and carried with one dissentient.

V

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

The following resolutions standing in the names of Mr. C. Natesa Mudaliyar and Mr. M. R. Seturatnam Ayyar were deemed to have been withdrawn, the former not being in his place and the latter not having moved the resolution:—

"*Substitution of 'Adi Dravida' for 'Panchama' or 'Paraya'.*"

Mr. C. NATESA MUDALIYAR:—

"138. *That this Council recommends to the Government that the terms 'Panchama' or 'Paraya' used to designate the ancient Dravidian community in Southern India should be deleted from Government records, etc., and the term 'Adi-Dravida' be substituted instead.*"

Holidays and vacations in aided schools and schools under public management.

Mr. M. R. SETURATNAM AYYAR:—

"139. *That this Council recommends to the Government that no distinction be made between schools under public management and other aided secondary schools in prescribing the number of holidays and vacations, that rule 8[8], clauses (ii) and (iii), be deleted and that rule 24, chapter IV, of the Grant-in-Aid Code be substituted.*"

Revival of the practical examination in teaching for the L.T. degree.

Mr. A. T. PALMER:—"Sir, the resolution that stands in my name runs as follows:—

"140. *That this Council recommends to the Government that the old rule of making practical examination in teaching compulsory for the L. T. degree be revived.*"

"Sir, as most of the honourable members here are aware L.T. is a degree which the local university confers on graduates who undergo a year's training in the art of teaching. The course consists of two parts, the theory and the practice in the profession of teaching. The late Mr. Hall of the Teachers' College—may his tribe increase—was a great believer in the practical part of the L.T. course and insisted as long as he had anything to do with the University affairs on making the practical test of the L.T. examination compulsory. But just at the time he was retiring there was a hue and cry raised against this part of the L.T. degree. It was said that to place a candidate before a Board of Examiners in a strange place amongst strange boys and judge of his merits in the ridiculously short period of an hour or less was cruel. It was also said that similar tests were not in vogue in the West. It was also mentioned that the passports given by the

professors in the Teachers' College as to the capability of the students under training was enough for the purpose. And I have no doubt that the University had also financial considerations in favour of it and the result was the practical test was abolished for the L.T. degree examination. It seems to me, Sir, that this was a retrograde step. L.T. is a professional degree, a degree which has no counterpart in the West. It is peculiar, I think, to the Indian Universities. It presupposes that the holder of the L.T. degree is an expert in the art of teaching. Any professional degree that does not take into cognisance the practical side of it is not worth the name, much less the L.T. degree. It seems to me that a sound teacher is the foundation for sound education. A German missionary was constantly in the habit of saying that he did not care how much a teacher knew unless he had the ability to impart his knowledge to the students that come under his influence. I admit, Sir, the practical portion of the L.T. degree examination was a somewhat precarious test but not a real, practical test. Unless one is proficient in the art of handling the boys one is apt to fail in the test. The practical test for the L.T. examination as was practised in those days brought out in the short space of a few minutes the grit of the teacher, his resourcefulness in handling the boys, and his skill, his ability and discipline. If the University thought that it was a haphazard test, they could have attempted some other method of testing the students for the practical course. I suppose I would be raising a nest of hornets round my ears if I say that the abolition of the practical test has deteriorated the L.T. But if the opinion of a teacher of an experience of nearly a quarter of a century is worth anything I must say that the teaching material is losing its efficiency. But at the same time, Sir, after second thoughts I thought I had not better jump this resolution on the House especially after my friend the Minister for Education has whispered into my ears that there is a technical objection, and so I had better withdraw this resolution and allow the University to thrash out this question. I therefore beg leave to be permitted to withdraw this resolution."

The Hon'ble the PRESIDENT :—"I fear the honourable member has forgotten the standing orders. I am sure it is due to inadvertence. Under Standing Order 56 a member withdrawing a resolution by not moving it should not make a speech. The whole speech of the honourable member has been against the standing orders, but I have no doubt that it was due to inadvertence."

The resolution not having been moved was deemed to have been withdrawn.

Raising of the pay of the process-servers.

Mr. M. SURYANARAYANA PANTULU :—" Mr. President, the resolution that stands in my name runs as follows :—

'141. *That this Council recommends to the Government that, having regard to the balances under the heads of process-fees, the pay of the process-servers in the civil courts be raised to Rs.* 15, *Rs.* 17½ *and Rs.* 20, *instead of Rs.* 12-8-0, *Rs.* 14-4-0 *and Rs.* 15 *as at present.*'

" Before I submit anything on this resolution I might say that the figures Rs. 13-8-0, Rs. 14-4-0 and Rs. 15 are the pay which the process-servers are actually receiving now in the civil courts. In the budget for 1921-22 we have got only two scales of pay, Rs. 14 and Rs. 15, and I understand that when I tabled the resolution, the order from the Government or rather from the High Court, had not been received in the subordinate courts fixing the pay at Rs. 14 and

15 instead of the former rates that are already obtaining. But all the same the question that we are now concerned with is as to whether the process-servers do not deserve to have the pay raised to Rs. 15, Rs. 17½ and Rs. 20 from what they are now receiving.

" As I have stated, the Rs. 14 and Rs. 15 were sanctioned by this House in the last session. Sir, I am aware of the fact that we are now in a financial stringency and I am aware also of the fact that there is a strong feeling in the minds of the members of this House to obtain a retrenchment in the salaries of the officers. But I take it that what is meant by the honourable members of this House is the retrenchment of the pay of highly-paid officers and not the retrenchment from the low-paid men.

" Sir, those who are connected with the civil courts are aware that these process-servers have to walk long distances oftentimes and I know as a matter of fact it is so in many parts of the Vizagapatam district they have to walk a distance of 40 miles to and fro from the headquarters of the court-house. They go serving the processes and they are supposed to carry their food in their hands. You may remember, Sir, they are not paid any travelling allowance.

" You know, Sir, that no batta, no travelling allowance is allowed to a process-server when he goes out. He is certainly out of town for something like 15 or 20 days a month and all this time he gets nothing. My submission is this : When you deal with these menials you must deal with them equitably in all the departments. For instance, take the case of the postal peons who deliver letters at headquarter towns ; they go out for 3 or 4 hours perhaps in the course of the day. The process-servers go round villages similarly. The post peon gets a salary of Rs. 16 to Rs. 22. It seems to me, Sir, that a process-server that goes about villages on foot something like 40 miles or so, not less than 25 miles every time he travels, ought to get at least as much as the post peon gets. The educational qualifications of these process-servers are certainly not inferior to the educational qualifications of the post peon. These like the others have probably passed the fourth or the fifth standard examination.

3-15 p.m.

" Then again, the revenue peon in the Collectorate gets a pay of Rs. 12 to Rs. 18, and we must remember that such a revenue peon, in addition to pay, gets travelling allowance and also batta when he goes with his officer, whereas the process-server does not get anything when he goes into camp. Though the revenue peon gets less in the first instance, still his pay with the batta and travelling allowance may suffice for him.

" Next, we have the police constables. They of course do as much work as the process-servers, for example, going on night rounds, guarding treasury, guarding sub-jails and escorting prisoners and things of that sort. Here again persons doing almost the same sort of duty are treated differently. And if the same pay be given to all alike, perhaps they would not have so much heart-burning. I submit therefore that a process-server is entitled at least to get as much as a police constable or a post peon. I have submitted, Sir, in this resolution that regard being had to the large balance under the head of process-fees, the pay of these process-servers be increased. I do not mean to say that because there is such a large balance, therefore the pay of these peons should be increased. If I have not made out a case for the increase of the pay of these process-servers irrespective of the large

balance of 6 lakhs to the credit of process-fees, I shall certainly be wrong. What I do say is that the lot of the process-servers is pitiable, that you have got a good case before you and that you have also a large balance to the credit of the process-serving establishment. Is it not equitable that you should give them the small increment that I have proposed in this resolution? After all, one set of process-servers does get Rs. 15, and it is only those that get Rs. 14 who are eventually promoted to Rs. 15. They have also a gradation of pay, Rs. 17½ to Rs. 20. I am not concerned with the proportion of the peons under each head. That rather concerns the Finance Department; I leave it to the Hon'ble Mr. Knapp. But my point is that the hard lot of these hard-worked process-servers should be relieved a bit. I just wish to say a few words in regard to an objection which is very likely to be raised by my honourable friends in this House, namely, that there are other employees in other departments under Government that require to be helped, more especially the elementary school teacher."

The Hon'ble the PRESIDENT:—"Order, order. I must request the honourable member to confine himself to the case of the process-servers."

Mr. M. SURYANARAYANA PANTULU:—"What I am saying is to meet any possible objection that may be raised with regard to the resolution moved by me. It may be said that process-servers do not deserve any consideration because there are other persons who are more deserving of this and therefore I should postpone this subject some time longer. That might possibly be the objection."

The Hon'ble the PRESIDENT:—"Cannot the honourable member allow that to be said before meeting it? I fear that he will be going considerably out of his way if he takes up the claims of teachers."

Mr. M. SURYANARAYANA PANTULU:—"Now, Sir, the honourable members of this House are aware of that fact, when the Salaries Committee proposed to increase the salaries of some of the establishments, they said that if there is not sufficient money to the credit of the process establishment then a larger percentage of fee should be collected under process-fees and the pay of the amins raised. What was suggested was that the process-fees should be increased in order to meet the increased demand. Well, with the 6 lakhs balance under process-fees we can not only increase the salaries of the amins but also of the process-servers, and I do not see any reason why we should not do it. I submit therefore that this House should be pleased to take into favourable consideration the case of these process-servers and accept this resolution."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I have great pleasure in seconding the proposition. I would request this Council and I am confident the request will be granted, that they should consider favourably every application for increase by the poor-paid servants of the Government. That is one ground why these poor-paid process-servers should be considered a little favourably. The second ground is that the increase will not affect the general budget or anything like that, because there is the special head, 'process-fees' which are paid by the litigants, and out of these fees these people are supposed to be paid. Without straining the point too much I may say that it is a little breach of trust to take away that money and utilize it for other public purposes. On that ground also, and as a matter of equity, these process-servers are entitled to a little favourable consideration. Then as far as the duties of these people are concerned, there is no doubt whatever that they are performing very onerous duties, and the low pay sometimes makes many of them not quite satisfactory in their behaviour. Of course it may be said

that by giving increased pay you could not convert them into angels. But gradually if you go on increasing the pay, it is possible to get a better set of men and more satisfactory work from them. There is no reason why we should grudge to increase the pay of the low-paid men when we are increasing the salary of the high-paid men. Those people are doing very responsible work such as arresting judgment-debtors and collecting large sums of money. Sometimes also where amins are not available they attach property, movable and immovable. It is also necessary that we should deal with this as a precedent so that we may deal with similar people also with consideration. For all these reasons, Sir, I think the House will have no hesitation in passing this resolution."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I am afraid the mover of this resolution did not bear in mind that the pay of these persons is fixed by the High Court. The Government cannot propose and cannot insist upon their being paid more by the High Court. If perchance we do insist, what the High Court might do is, because it is in their hands, to raise the fee payable by the litigants (hear, hear). It is not quite accurate to say that there is anything like six lakhs as balance. The balance, I understand, is about two lakhs forty thousand rupees, and a portion of it, I cannot say how much, will be wiped out by the proposal of the High Court to raise the pay to Rs. 14 and Rs. 15. A reference was made to the entry in the budget as to Rs. 14 and Rs. 15. I may say that that entry was made in consequence of a proposal made by the High Court in answer to an inquiry by us as to whether they were going to fix a higher pay for these process-servers, and they stated it might be Rs 14 and Rs. 15. I believe orders will be passed at once. I sent this resolution to the High Court because it is primarily for them to consider whether they will raise the pay and because we as the Government can only sanction what they propose. This is the reply I received a few days ago. The Registrar writes: 'I am directed to point out in the first place the Hon'ble the Judges have already under consideration proposals for the revision of the pay of all process establishments (including the one to increase the pay of the process-servers) to Rs. 14 and Rs. 15, one-third being in the first-grade and the remainder in the second. The adoption of these proposals which will involve a sum of Rs. 24,000 will be communicated to Government within the ensuing week.'

"That answers one point raised, that effect has not been given to the proposal to raise the pay of process servers to Rs. 14 and Rs. 15. It involves a substantial improvement in the pay of the present third-grade process-servers' two-fifths of the whole number. Then they go on and finally wind up that paragraph by saying 'It should, in the opinion of the Hon'ble Judges, be sufficient; they do not think a greater expenditure will be justified.'

"In the face of this I do not know whether Government can do anything even if they are willing to go further. I am not saying that the Government do think that a higher pay should be given or otherwise. That is the opinion of the High Court and so far as the Government are concerned they are willing to accept that opinion and they cannot go any further."

Mr. M. SURYANARAYANA PANTULU:—"I am afraid the Hon'ble the Law Member spoke too fast for me and I have not caught his last words. Do I understand that in answer to this resolution the opinion of the High Court is that further increase is not called for?"

[The Hon'ble Mr. K. Srinivasa Ayyangar] [15th October 1921

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I sent the resolution to the High Court for their consideration and this is the answer which I received. They think that the increase they propose, that is, Rs. 14 and Rs. 15, should be sufficient. They do not think that a greater expenditure would be justified."

Mr. M. SURYANARAYANA PANTULU :—"Having regard to the view of the High Court I do not think at present it will be worth while to press this resolution to a division."

The resolution was by leave withdrawn.

Statement of the action taken by Government on resolutions to be placed on the Council table.

Mr. A. T. PALMER :—"Mr. President, Sir, I move—

'142. *That this Council recommends that a statement of the action taken by the Government on the resolutions passed by the Council at each session be placed on the table at the next session.*'

3-30 p.m.

"In doing so, Sir, may I start by saying that I was prompted to bring this resolution not by any grievance of mine nor by any grievances of my honourable colleagues? Nor do I intend any offence to the Government by my resolution. I have just a few objects in bringing this resolution for the acceptance of this Council.

"In the first place, Sir, the machinery of the Government, like the mills of God, has a tendency to move slowly. I think a resolution like this will accelerate the motion of its mighty wheels to some extent at least. Then again the Government machinery is so vast and complicated that certain matters are likely to be clogged so as never to see the light of day, and I thought a resolution like this would serve as a light to enlighten the corners and bring into light any resolution that might be forgotten: it will prevent resolutions being put off for future action.

"Again, Sir, I think it is best to strike while the iron is hot. It is best to take action on a resolution when the enthusiasm about it is warm, before the interest in it flags. And again the work of a legislator is like that of a carpenter who is planing a board. He likes to take the shavings off the board so that he may know how much more work he has.

"Lastly, but not the least of all, a resolution like this will be a safeguard against a temptation which Government may have—I don't say the Government has it—but a temptation which the Government may have to adopt the policy of a certain shrewd widower who married a troublesome wife, if the illustration is not unparliamentary. 'I want a new hat, dear', says the wife; 'you shall have it, my darling,' says the husband. 'When will the new motor-car come, dear,' says the wife; 'it is coming by the next steamer, my darling,' is the reply. The 'dear' and the 'darling' were quite happy without either the motor-car or the new hat ever seeing the light of day. I say a resolution like this will accelerate the work of the Government. So, with these few remarks I commend it for the acceptance of this House."

Mr. G. VANDANAM :—"I second it."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"Mr. President, I have no objection to accept this resolution. I hope the 'dear' and the 'darling' will get what they want."

The resolution was put and carried unanimously.

15th October 1921] [Mr. M. R. Seturatnam Ayyar]

Uniformity of text-books for schools under public management and other aided schools.

Mr. M. R. SETURATNAM AYYAR moved—

'143. *That this Council recommends to the Government that the system of prescribing separate list of text-books for schools under public management and for other aided schools be abolished and that rule 91 of the Madras Educational Rules be deleted and rule 66 be substituted in its place in Chapter VII.*'

In doing so, he said :—"This resolution relates to a simple matter of educational freedom and equality of treatment and, as such, it ought to be perfectly non-controversial. Under rule 66 of the Educational Rules a comprehensive list of text-books for all aided schools is annually published, out of which selections are made by individual schools. Under rule 91 a separate list is published for schools under public management. The field of choice in the former is extensive and *that* in the case of the latter is much too narrow and restricted as anyone may see. The question is, why should there be this restriction of choice and freedom in the case of schools under public management? Of the 427 Secondary schools, Board, Municipal and Government Secondary schools form about one-third of the number, and what is good for about 285 aided schools must be equally good and useful to about 142 schools under public management. The object of selection and publishing a list by an expert committee seems to be both educative and corrective. When once the committee makes a careful selection of good and useful text-books from amongst a large number of good, bad, indifferent, nay, even objectionable books, where is the necessity for further restriction and two separate lists? Does the second list contain the best of the best books? I believe it is not always so. In any case there need not be this differential treatment. Headmasters and assistants of schools under public management may be given the same freedom of action as those in aided schools and one list and *that*, the first list, is enough for all types of institutions. This resolution has no reference either to the necessity or the composition of Text-Book Committee or of any selection at all, of books; but it only deals with the readjustment and unification of the lists, consistent with educational principles and I commend this resolution to your acceptance."

Mr. T. SIVASANKARAM PILLAI :—"I second it."

The Hon'ble Rao Bahadur A. P. PATRO :—"I have no objection to accept this resolution, Sir. Proper rules will be framed in order to give freedom to local bodies in charge of schools."

The resolution was put and carried.

Removal of Ceylon quarantine restrictions.

Mr. S. SOMASUNDARAM PILLAI :—"Mr. President, the resolution that stands against my name runs thus:

'144. *That this Council recommends to the Government that they may be pleased to represent to the Ceylon Government the necessity for removing the Ceylon quarantine restrictions.*'

"Before I go into this resolution I want to give you an idea of the position of Ceylon and its importance to India. Ceylon is a small island to the south of India running parallel to the coast of the Ramnad and Tanjore districts from south

to north, coming close to the Indian coast in two places, near Pamban and Point Calimere, and there are three possible routes for people going to Ceylon. They can take boat at Tuticorin, and people who want to cross to Ceylon through Dhanushkodi cross the Pamban passage, and the third is via Point Calimere, which is the usual route near Vedaranniyam. There are two classes of people in Ceylon, the Tamils and the Sinhalese. The Sinhalese are supposed to have emigrated from Bengal in B.C. 543 and are a peculiar class of people living in the interior. But the Tamils are emigrants from Madura and Tinnevelly districts and are settled in the northern portion of the island and also live along the coast. The emigration of the Tamils to Ceylon took place about B.C. 205. Apart from these two classes of people there are nearly one million Tamils recently settled in those places and moreover there are traders and others who go for the purpose of trading. Till recently the island used to communicate with India through Palk's Strait. It is only 37 miles from India. And through Dhanushkodi, although this is only 20 miles, no ship could pass on account of the condition of winds and waves in the Bay of Bengal, which made it impossible to cross. Generally people from Malabar and Tinnevelly used to take boat at Tuticorin People from Tanjore and Ramnad districts used to go via Point Calimere. The products of Ceylon are timber, palmyra rafters, spices and tea which are exported to India in exchange for rice, other food-grains and cattle from India. All these things were taken from Point Calimere crossing Palk's Strait; and till very recently even the Government used the route through Palk's Strait for carrying the Mail. But, unfortunately, in 1896 plague broke out in Bombay, whereupon the Government of Ceylon made an Ordinance in 1897 and prohibited people going from any other port except Tuticorin and they opened a quarantine shed at Tattaparai near Tuticorin. That was the only route allowed for passengers going to Ceylon. Now, the hardship felt by passengers and traders is very great. Before going to that, I want to bring to notice another thing that there were some people who were once living in Jaffna, and being persecuted by the Spanish Government, the Portuguese Government and the Dutch Government came across to settle in Vedaranniyam (Point Calimere) in the Tanjore district. So the Ceylon people now have their kith and kin there. If they want to see their people on any festival occasions, they used to cross that way. Now that the quarantine is in force, a man who lives in Vedaranniyam must go to Tiruturaipundi, from there to Negapatam, Tanjore, Madura and Tuticorin, thence to Colombo, and has to go how many miles? Nearly 500 miles. Instead of crossing within 6 hours 37 miles, he is compelled to go 500 and odd miles to see his own people. All of them are not millionaires to take this jolly trip of such a long distance. There are poor people who will be contented with going in *donies*. To add to this they have to submit themselves to inoculation and other quarantine restrictions, and this is an additional trouble given to them for going to see their own relations. At that time the Ceylon Government could have as well opened another quarantine shed at Point Calimere, or at Kankesanturai. People have a shrewd suspicion that the location of the present quarantine station is in the interest of the South Indian Railway and the British India Steam Navigation Company. I don't know about that, but it lends colour to the suspicion; for the British Indian Steam Navigation Company and the South Indian Railway Company appear to have come to an understanding and all the goods and passengers to Ceylon were at first booked through to Colombo so that people might be compelled to pass through Tuticorin to Colombo. Subsequently, the Dhanushkodi route was opened, and another quarantine shed was opened at Mandapam. But Point

Calimere which is very near to Jaffna is not looked after by the Ceylon Government, but they thought it better to open the Dhanushkodi route, and so Mandapam and Tattaparai are the two places where there are quarantine sheds.

3-45 p.m.

"Their object is to prevent plague, smallpox and cholera, as though the Ceylonese are otherwise immune from these diseases. Smallpox and cholera are found everywhere. Does the Government of Ceylon think that before the year 1897 when this ordinance was proclaimed there was no cholera or smallpox there? Does that Government think that passengers who crossed to Ceylon in the pre-quarantine days did not carry cholera or smallpox to that island then? No. They wanted to add to the catologue of epidemics so that they might be justified in enforcing these quarantine restrictions both at Tattaparai and at Mandapam.

"Another fact is that a number of Jaffna families are great devotees of the Saivite religion. Their important places of pilgrimage are Chidambaram in the South Arcot district and other temples in the Tanjore district. They are very anxious to visit those temples. A number of people cross the sea for this purpose. Their first temple is at Vedaranniyam. From there they go to other places of pilgrimage, and finally to Chidambaram and then return. Suppose a man is at Vedaranniyam and he has to go to Ceylon. He is detained for several days at Dhanushkodi and is put to a lot of hardship, and then he has also to cross a vast area of forest; for, on the other side of Dhanushkodi there is nothing but forest. So, it is really a very great hardship for poor people as well as for traders. No trade is carried on there. There are so many small ports in the Tanjore district and Ramnad district, such as Velanganni, Topputturai, Muttupet, Adirampatnam, Ammapatnam and Tondi and other places. The merchants there are all Muhammadans. They had their *donies* and sloops before these restrictions and all of them lost their trade and their sloops and *donies* have been scrapped. From this it is evident that it was purposely to ruin petty traders who were carrying on a very large trade there that this quarantine was insisted upon by the Government of Ceylon. At any rate, that is the impression produced, and I do not know whether it is true or not. But generally all the common people think that the Government is supporting the South Indian Railway Company and the British India Steam Navigation Company merchants there, in preference to these petty traders. They were in competition with even the British India Steam Navigation Company, and a short time afterwards these restrictions were imposed. Of course they were very clever people in those days and managed to have these restrictions brought on us; but we need not find fault with them. And what little remained for us was ruined by the Government of Ceylon and really we are sorry for that. People there are not only prevented from coming and seeing their own people; they are also prevented from going to places of pilgrimage. So the hardship caused to the people is really intolerable. Somehow or other this disease never seems to attack the first and second class passengers; and if a third-class passenger takes a second-class ticket from Ramnad, and afterwards undertakes to spend a few rupees at Dhanushkodi, he is allowed to pass. Apart from all this, last year, plague broke out in Ceylon in an interior place. With all their vigilance and with all their precautions, somehow or other this rat flea found its way into that place. Now I do not know what the Government of Ceylon is doing but yet they are insisting upon having the Tattaparai and Mandapam quarantine stations. Now it is clear that Ceylon is not free from epidemics. Certain circumstances in a particular locality in the interior of Ceylon might have occasioned this disease now. So why

should a man be afraid of plague or any other epidemic? Of course it is necessary that men should be careful in trying to prevent it, but at the same time, if it is done at the expense of others, at the ruin of others, at the ruin of so many traders and at the ruin of so many families, then certainly it is not very desirable. Geologically Ceylon was believed to be a part and parcel of India. In a Tamil verse it is stated that the first deluge . . ."

The Hon'ble the PRESIDENT:—"Order, order. The question of the first deluge is irrelevant to the present discussion."

Mr. S. SOMASUNDARAM PILLAI (*continuing*):—"It was the deluge that detached the island of Ceylon from India and it was for that purpose that I was drawing attention to it. Ceylon is not different from this country. It was considered to be part and parcel of India and it is said that once the great Ravana was ruling there after their separation of the island. Although the sea is so very kind to us and is prepared to take us that side, the Ceylon Government is so unkind as not to let us go. Nature permits, but man does not permit. It is really a great hardship and it is for that purpose that I wanted to call the attention of the Council to these facts. What I request is that our Government may be pleased to bring all these difficulties before the Ceylon Government and put a stop to all these hardships. This is not the first time that this question was raised in this Council. It was moved once some time before, but then the Government said that they did not see any reason to interfere with the arrangement of the Ceylon Government. But what I say is this. If Ceylon refuses, then we can somehow or other retaliate. We will refuse to send our grains there; we will refuse to send our cattle there. But at the same time as some of our people are suffering at the hands of the Ceylon Government, they must also pay attention to this.

"With these few words, I appeal to our benign Government to take a little more interest in the people who are daily suffering, who are prevented from seeing their own kith and kin who are very near on the other side, and to relieve them from their distress. In Jaffna there is a Devasthanam committee member who is also in charge of the temples at Vedaranniyam and other places. Now Vedaranniyam is on the Indian side and Jaffna is on the other side, and one and the same committee is appointed for all these temples.

"With these words, Sir, I commend this resolution to the acceptance of the Council and hope that this time at least our adamantine Government will show some real sympathy and redress our grievances."

Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I beg to second the resolution moved with such a wealth of antiquarian, historical, geographical and political information. There are two aspects which will have to be considered with reference to these quarantine regulations, but the resolution that has been moved deals only with the quarantine regulations in that they work very harshly upon the passengers proceeding to Ceylon. No doubt, since the plague broke out in India in the year 1896 or 1897, the Ceylon Government, with a view to protect the island from the contamination of the new visitor in India, passed the Ordinance III of 1897 under which they framed certain regulations for the purpose of medically inspecting the passengers who proceeded to the island and as a necessity therefor and for the purpose of a closer scrutiny, they closed many of the ports on the Ceylon side for the passenger traffic. There remained only the Tuticorin-Colombo route. After the opening of the Indo-Ceylonese railway line and when the South Indian Railway

began running through-trains since 1914, a quarantine camp was established at Mantapam in addition to the pre-existing one at Tattaparai. From 1914 at any rate, there has been constant agitation to reduce the rigours of the quarantine regulations. In this very Council on two occasions resolutions were moved, one in November 1915 by Mr. Ramachandra Rao, and later, on another occasion by Khan Bahadur Ahmad Tambi Marakkayar in April 1917. As a consequence of the agitation and discussions that took place here, some of these rigours have been relaxed. One of them was this. In their great eagerness to shut out plague, small-pox, cholera and other kindered diseases from invading Ceylon, the Ceylon Medical inspecting authorities went to the extent of identifying people whom they medically examined by branding them with an acrid vegetable solution which burnt the skin at the place at which it was applied, so that it left a permanent white mark upon the breast of every one. Most of the people who go to Ceylon, apart from the pilgrims who pass to and fro, are of two classes, the coolies who are taken there and the Nattukottai Chetties, their adherents and servants who go there for the purpose of trade. There are so many as 500 to 700 Nattukottai Chetti firms in the island of Ceylon. Most of these do not wear either a coat or a shirt; and when they had to go there with this hallmark on their bodies, and had to be thus branded before they were permitted to cross a strait of about 50 miles, it was considered most degrading. An agitation was set up both in the island of Ceylon and also in the mainland against this and similar rigours of the quarantine regulations, and when the Hon'ble Mr. Bowes, who was the Health Officer and Chairman of the Plague Committee, was apprised of this, he was surprised and he at once gave orders to stop this branding. In its place, what is known as the stamping system seem to have been introduced, that is, the passengers who were examined by the medical officer were stamped with a violet ink, to show that the man was not suffering from any contagious disease. In those days there were only cadjan camps and the passengers felt considerable hardship during the period of their detention. Later on, a permanent camp was built at Mantapam. It may be that the people who go there now are more comfortably lodged than they were previously, but the question is about the detention itself. People do not go there with the idea of enjoying sea breeze for six days. It is the detention that causes hardship and should be abolished.

"There is one other thing which has not been redressed and for which there is no explanation. The rules that are framed, though very good in theory, do not work well. It appears that the first and second class passengers, with some restrictions are allowed to pass on, but the third-class passengers are always detained; I believe—I speak subject to correction—that the South Indian Railway stations in the Madura district, and probably also elsewhere, do not issue through third class tickets to Ceylon. They issue tickets only up to Mantapam to enable the medical officer there to detain these third-class passengers, who may be coolies or who may be respectable people.

"I do not know how that the rat flea entertains a preference for the third-class passengers over the first and second class passengers. In fact, whatever may be the theoretical aspect of the rule, in practice the third class passengers are subject to considerable hardships. There was a humorous reference to this in the People's Magazine from which an extract appeared in an Indian newspaper. I wish to read a portion of it.

4 p.m.

'The Plague Committee is a small body of officials whose hope is the destruction of the rat flea. But their activities apparently embrace also the suppression of coolies and other vermin, particularly those vicious persons who habitually travel third class by rail and on decks of old rooking bottoms. We

do not profess to understand how the rat flea gets into coolies because we have no clear idea of how it gets into the rat in the first instance. But we suppose it is all fully explained in learned books which members of the plague committee duly possess even if they do not peruse them. We can understand the unwillingness of the plague bacillus to fasten itself upon the first and second class passengers in trains and steamers. They are proverbially snobs and superior people with whom there can be no sustained or profitable communion. Also many of them inoculate themselves with some sort of poison which makes them unwelcome subjects for members of the *genus pulex*. With third class travellers the domestic rat is upon terms of greater intimacy and the introduction of a mutual friend in the person of the flea is an ordinary part of the amenities of life.'

"In fact, the newspapers on this side of the Strait and in Ceylon have been taking up the question but the success that has attended their efforts has been rather meagre. The chief present-day difficulties with reference to these quarantine regulations are that the third-class passengers are often detained. People attempt to rise equal to the occasion; that is, at a considerable cost of money both properly spent as well as otherwise. The only way of properly spending it seems to be by becoming a second-class passenger, so that even the cooks of Chetti agents and other low-paid Chetti servants, oftentimes purchase first-class or second-class tickets. Sir, the plague regulations may be medically satisfied by travelling with a first or second-class ticket, no doubt with the due safeguard of somebody in Ceylon standing surety for their appearance. Such being the case, I submit, Sir, that even a third-class passenger must be left to go free. People suffer difficulties and it is in the experience of most of us who travel between Madura and Dhanushkodi that we oftentimes find ourselves in the company of cooks and menial servants of agents of Chettis. I do not say they cannot travel in the second or first class compartments, nor do I deny that we often derive some sort of amusement from their company. The question is why and wherefore they so travel. The quarantine regulations must practically work for the benefit of the health of the island. But, in effect, their working tends to the benefit of the railway company. I am not in the least jealous of that. But the question is whether it is not time, after all the experiences that have been gathered during all these years from 1897 to see if the quarantine regulations do not deserve to be revised now. I submit, Sir, that the Ceylon Government has a natural right to protect the island from being contaminated with all these diseases. But how far they have succeeded by these regulations is a fair point for consideration. I do not presume to assert that the result is one way or the other. The medical men who have framed the rules in Ceylon profess to follow the same system of medicine as the medical officers of India. The plague rules here in India have undergone considerable alterations and revision. Once upon a time we had the detention system and the examination of passengers travelling by rail. Then that was replaced by the passport system. Next they introduced the notification system. If the medical rules work well here, they can also be made to apply with equal benefit in Ceylon. As that Government choose to place these restrictions on persons proceeding from this country, I think it is the duty of our Government to look into the matter and to make representations to Ceylon with a view to get the quarantine regulations revised."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Mr. President, I am afraid the Government cannot accept this recommendation. They are very anxious indeed that their subjects should not be put to any trouble at all. But this is a matter which concerns practically a foreign Government and although we have very often pressed on them to relax the strictness of these regulations we have succeeded only to the extent to which we have succeeded as shown by the present quarantine regulations. We feel that there would be no use in asking the Ceylon

Government, at any rate now, to repeal all their regulations for we have been practically agitating from about 1915 for relaxation of these rules and the present rules are the result of such pressure. We have no hope whatsoever that we shall succeed by making any representations to the Government in inducing them to abolish or to repeal all these regulations. So far as the regulations themselves go, I have got a copy of the rules published by the Ceylon Government, they do not make any distinction between passenger and passenger. Whether in the actual working of it any distinctions are made I am not in a position to say. And even assuming that there have been such distinctions made, the House will see that it is almost impossible to correct it. Now, Sir, under these regulations so far as persons coming from Ceylon to India are concerned there are no restrictions at all. They can freely come in and if they in their turn import a little of plague bacilli we have got to be contented with it. Persons who are ordinarily residents of Ceylon, who come and go back find normally no difficulty in passing on without any detention in the Mantapam camp. For they generally procure from the Ceylon Plague Committee a pass or a permit which I am told they easily get as soon as that committee is satisfied that the man belongs to Ceylon and is coming back to Ceylon. With regard to persons who go from here or return after having come back here a long time ago there is this detention in the camp. I may say this to the Council. I have been to see the camp myself along with the Collector. I interviewed or saw a very large number of persons of various classes located in that place without the presence of either the Collector or the medical officer or any person belonging to the Ceylon Government. No one of them complained of the way they were treated or of their convenience in the camp."

Mr. T. C. SRINIVASA AYYANGAR:—"That is answering a point not raised. The question is about the detention itself."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Whether the detention is for a useful or a useless purpose is primarily for the Ceylon Government to decide. We can certainly say this: 'We won't give you a quarantine camp at Mantapam'; in which case they will have the same across the water and we shall have no control whatsoever over the camp."

Mr. T. C. SRINIVASA AYYANGAR:—"What control have we got now?"

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"We have got this control that if the quarantine camp is insanitary or oppressive we can ask them to move it elsewhere. We will not give them any land. That is a kind of control; that is to say if the people in the camp are not properly treated. For that purpose several of our officers including the District Magistrate, the Superintendent of Police and the Surgeon-General are ex-officio visitors and they are entitled to visit the camp at any time and they inform us whether the detenus are properly treated, whether their conveniences are properly attented to, whether the charges of their feeding are proper. As I said I was not able to find any person making any such complaints. Then I ask how they are affected by the detention as detention, because they are prevented from doing their work on the other side. Curiously enough I found a group of persons who liked detention because they were there being fed at the cost of their masters without having any work to do. It is a question for the Ceylon Government; and so far as I have been able to understand, there is no chance whatsoever of their repealing these restrictions or doing away with them. They think that these restrictions are necessary for the purpose of preserving their island from disease. Whether they succeed or not is a different question. On that, opinions may differ. There is a good deal of plague I am told in Ceylon

and they are anxious to prevent the place from being infected with cholera and smallpox. We can therefore do very little in the matter and as we feel that we cannot do anything useful by making this recommendation or pressing upon the Ceylon Government the repeal of the regulations, and because in the past we were able to induce them only to modify to some extent the rigour of these restrictions, I am not able to accept the resolution on behalf of the Government."

Diwan Bahadur M. KRISHNAN NAYAR :—"I am very much disappointed, Sir, at the answer of the Hon'ble the Law Member. The mover of this resolution as well as the seconder made out a very strong case for this Government taking action in accordance with this resolution, that action being a representation to the Ceylon Government about the necessity for removing these restrictions. What is the answer given? The only answer is this: 'We made representations to the Ceylon Government already; the Ceylon Government removed some of these restrictions but not all; it is not likely therefore that any representations made again will yield any result; therefore there is no use of making any representations; and in the camp at Mantapam the persons who are detained are very comfortable.' This last point, as rightly pointed out by my friend Mr. T. C. Srinivasa Ayyangar, was not raised by any one. Unfortunately Mr. T. C. Srinivasa Ayyangar's speech came to a sudden termination because the time-limit was over. I was listening to him very closely and I saw he was making out a very strong case. If it is the duty of the Ceylon Government to take care of the interests of their subjects, it is equally the duty of the Madras Government to take care of the interests of the people of this presidency. When in the interests of the people of Ceylon the Government of that colony are adhering to these restrictions which we consider so very objectionable, it is certainly the duty of this Government to make a very strong representation once again to the Ceylon Government urging upon them the need for removing these restrictions. In fact, the only answers that I have heard from my honourable friend the Law Member were these: 'The Ceylon Government are not likely to listen to our representations. The people who are being detained are quite well off.' With reference to the first, as I submitted, it is the duty of the Government to make these representations. If the Ceylon Government will not listen, the Madras Government have means in their power to retaliate by prohibiting the export of cattle, of grain and so many other things referred to by the mover of this resolution. When a strong representation is made by this Government, probably the question may go to the Secretary of State and I feel that retaliatory measures will be supported by the higher authorities."

The RAJA OF RAMNAD :—"If I rise to support this resolution, it is not because I feel that this detention is causing any inconvenience to people going to Ceylon or the sanitary condition of the camp is unsatisfactory but because I feel that the detention is opposed to one's sense of national self-respect. When I went for the first time to Ceylon I was about to suffer the great inconvenience of not having my servants with me. In those days only first and second class passengers were allowed to proceed without detention. My friend Mr. Ramanathan who was travelling with me suggested that I may convert the third-class tickets of my servants to second and first classes if I wanted to take them with me. When I was about to resort to this expedient the Hon'ble Mr. Bowes' wire to the Agents of the Ceylon Government to pass my servants arrived and so, was not put to any inconvenience. But subsequently on representation made by this Government I believe they have relaxed all these rigid rules, and the rules I do

not think at the present time work any great hardship. I had been to the camp myself recently after the Hon'ble the Law Member had visited the place and there is no place Sir, I can assure the House, which is kept so clean. It is an ideal place to live in; it is beautifully situated and every conceivable kind of comfort is given.

"And, now, they have electric lights, water-supply, etc. I do not think I need go into the details, but I may assure the House that there
4-15 p.m. is nothing wanting there. I personally asked some of the coolies who were in enclosures which presented the appearance of a cattle fair, and they told me in answer that they were quite comfortable in the camp, and felt nothing wanting. I also asked them whether they were put to any inconvenience in the matter of food or any other thing and they assured me, quite independently of the officers there, that everything was all right and that no hardship was felt. I very well remember, Sir, as I happened to be in the Council at the time, the occasions when the resolution of my friend Mr. Ramachandra Rao and that of my friend Mr. Ahmed Tambi Marakkayar were discussed. It was then stated that these quarantine regulations were intended to prevent Ceylon getting imported cases of plague. I mentioned to the Council then that there were no cases of plague in the southern part of the Madras Presidency, but that there were indigenous cases of plague in the island. There were a few cases coming from Ceylon and these were detained at Dhanushkodi or elsewhere and they died. I brought this to the notice of the Government. At that time there was also a powerfully worded article in the *Justice*, contributed by its then editor, Dr. Nair. I remember Dr. Nair saying in that article that this quarantine never served as a proper preventive. I also believe it was the Sanitary Conference that sat at Geneva that came to the unanimous conclusion that quarantine restrictions are in no way helpful in preventing the spread of plague. Dr. Nair also adverted to this in the article above referred to, and I myself read the proceedings of the Sanitary Conference, and found there the above resolution. Though I do not for a moment agree that the existence of this camp works a hardship, yet on a question of sentiment I think it is very very objectionable. But I am not sure that if the Madras Government would make effective representations, the Ceylon Government would not agree to abolish these regulations. If they will not abolish the camp and if, as the Hon'ble the Law Member threatened, they will have a camp on the other side, at Talaimannar we can have another on this side for the Ceylonese travellers and we can also effectively prevent the recruiting of labour for them. Ceylon cannot afford to get on for a single day without cultivators going from this For these reasons, I strongly support this resolution."

Diwan Bahadur P. KESAVA PILLAI :—"Sir, I believe I was the first person in the old Legislative Council to draw the attention of the Government some years ago to the great hardships suffered by the people going to Ceylon. There are a number of interpellations about it and some of my friends have now pointed out what the hardships are. I am not sure that there is now no hardship felt by the third-class passengers and others. They are penned even now like cattle, to use the Raja of Ramnad's expression, in that ideally kept camp at Mantapam. When a gentleman like the Raja of Ramnad goes and asks the inmates, they may say that they are all right, and that they have no difficulty, just as they do when we visit the jails. As a matter of fact they were complaining that the feeding arrangements were entrusted to contractors, and the Hon'ble Member for Labour, Mr. K. Srinivasa Ayyangar said that they were fed at the expense of the master."

[The Hon'ble Mr. K. Srinivasa Ayyangar] [15th October 1921

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I did not say that, Sir, but I said that there were some persons who did not mind detention because they were fed at the cost of their master. I said also that that was not normal."

Diwan Bahadur P. KESAVA PILLAI :—" But, Sir, the persons who are fed there are generally coolies going to the Ceylon plantations. The money spent in that way will be debited against them and it will be a debt hanging over their heads. I think, Sir, the statement made on behalf of the Government that they cannot influence the Ceylon Government is rather surprising. After all Ceylon is a small island, and here on the other side is a big Government representing the main land, and we cannot understand why they should not take up the cause of the people of this country. The Government can prevent people going to Ceylon, and if the export of rice is stopped, the whole of Ceylon will be starved. If no coolies are sent from here for a week, the plantations in Ceylon will be starved. Everything will be at a standstill. My friend, Mr. Somasundaram Pillai, wanted to point out that Ceylon was part of India. It is really a part of India, and without India, it cannot get on. Now, there is a proposal of the Colonial Secretary, Mr. Churchill, to group Ceylon with some other Crown Colonies, and place it under the administrative control of a High Commissioner placed at Port Louis *in the distant*. The Ceylon people are protesting against it and they wanted to be united to India. Whatever that may be, Sir, I beg to submit that the quarantine regulations are very harsh and work much hardship, not sentimental hardships only, but personal hardships which are keenly felt. I went to Ceylon two or three years ago and I heard a good deal of the corruption and oppression at the camp. The man that can pay can pass. But the poor people that go out as coolies or servants are detained. If such a mighty person like the Raja of Ramnad has suffered according to his own statement, what will be the fate of poorer mortals? I think this Council should press on the Government to make a strong representation to the Ceylon Government to take away the harsh and useless regulations."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I am rather surprised at the attitude which the Government have taken on this resolution, and the surprise is all the greater because notwithstanding the fact that this question has been before the Government and before the public for several years past, they are not even pleased to make a representation to the Ceylon Government to remove the quarantine regulations. I expected that the attitude would have been more conciliatory and more effective than the attitude taken on the two previous occasions when this question was raised in this Council. So far as this Council is concerned their position is fairly clear. The remarks made by the previous speakers on this resolution must have satisfied everyone that notwithstanding a few attempts made to modify the previous quarantine regulations and to reduce their rigour, there are still restrictions regarding detention which deserve the serious consideration of the members of this Council. The Raja of Ramnad has told us that even if it is not felt as a hardship, still he would object to these restrictions on the ground of their being against our ideas of national self-respect. This, in the first instance, is an important matter to be taken into consideration.

" Regarding the question of detention, whatever may have been the experience of the Hon'ble the Law Member when he visited that place with the Collector and whatever may have been the experience of the Raja of Ramnad when he visited the place himself, the mere fact of the detention of a large number of persons penned together like a herd of cattle, as has been said by the Raja, is itself

15th October 1921] [Mr. A. S. Krishna Rao Pantulu]

sufficient to indicate that people must have been put to considerable hardship. Further, are we to accept the position that simply because the Ceylon Government may not be willing to modify their regulations, this Government ought to desist from further attempts in that direction? Is it not the case that this Government, which is and must be as anxious as every member of this Council on a question of this description, can effectively carry out its wishes by taking the necessary retaliatory measures? It will be remembered that on various occasions when other colonies were not willing to extend proper facilities to British Indian subjects residing in that country, the Government did not hesitate to think of introducing retaliatory measures. Therefore I suggest that the Government ought not to hesitate to review its previous decision to oppose this resolution and to take the sense of the Council and allow it to be passed unanimously. With the unanimous voice of the members of this Council I wish the Government would make a strong representation to the Ceylon Government. I am quite sure they will give effect to it; and if they fail to give effect to it, this Government is in duty bound to take retaliatory measures and enforce its will."

Mr. T. SOMASUNDARA MUDALIYAR :—" Mr. President, Sir, I wish to say one or two words in support of this resolution. A bag of rice or paddy that could be carried from India, via Mutupet, Adirampattanam or Tondi to Ceylon, at a cost of annas 4 or 5, is now being carried at Rs. 2 a bag through the round-about routes of Mantapam or Tuticorin. Further, the Government in their resolution No. 246 dated 27th April 1918, have accepted the theory that plague is not carried by human bodies but only by rat-fleas, and in view of that resolution I think the Government must ask the Ceylon Government to cancel the quarantine regulations at once. Further, I understand that the Hon'ble the Labour Member has visited the camp lately, and I think he is aware of the hardships and inconveniences which these third-class passengers are put to, and I expect that the Government will see their way to make the representation to the Ceylon Government asked for in the resolution. With these few words I support this resolution."

Mr. S. SOMASUNDARAM PILLAI :—" I am sorry the Hon'ble the Law Member did not give his support to this resolution. If we are half-hearted in asking, the Government of Ceylon will be whole hearted in refusing. I am sure that if we ask the Government of Ceylon, they will certainly not refuse to comply with our request. If they refuse, we can at once agitate for the inclusion of the island of Ceylon in the Indian Empire. Then there will be no trouble at all. A Government which is unwilling to part with Ireland although separated by the sea will not be unwilling to annex the island of Ceylon to India as it is separated only by a narrow strip of water. I should be quite willing to add Ceylon to the Indian Empire. As it has been well pointed out, if you refuse to supply labour, then certainly the Ceylon Government will easily come round. In whichever port we establish trading facilities, they will extend their restrictions thereto. If they are really interested in preventing epidemics and not to protect S.I.R., and B.I.S.N. company they could have opened one quarantine shed at Point Calimere, another in some other port and so on. Then they would have extended their restrictions to all ports as usual without any hardship to any. I think that every one of the members of this House should press upon the Hon'ble the Law Member the imperative necessity to use his whole-hearted influence in the matter of redressing this long standing grievance. I therefore hope that the Hon'ble the Law Member will be kind

4-30 p.m.

[Mr. S. Somasundaram Pillai] [15th October 1921

enough to take some courage and press this question and see that the object desired for therein is achieved."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Sir, I want to say only one word by way of correcting a misapprehension. From the attitude taken by some of the speakers, it looked as if the Ceylon Government is discriminating against India and the Indians. That is not correct. They are not using these quarantine regulations against any one nation in particular but they are protecting themselves against all emigrants into Ceylon in exactly the same way as others."

The resolution was put and carried.

Mr. O. TANIKACHALA CHETTIYAR :—" Sir, I move . . . . ."

The RAJA OF RAMNAD :—" I demand a poll, Sir, for resolution No. 141."

The Hon'ble the PRESIDENT :—" I am afraid the honourable member is too late. He should have been more alert. When a motion is lost or carried, if an honourable member wants a poll to be taken, he should not wait to catch my eye, but should cry out ' Poll, Poll ' from his seat."

A special officer to compile information regarding district establishments on a communal basis.

Mr. O. TANIKACHALA CHETTIYAR :—" Sir, I beg to move :—

'145. *That this Council recommends to the Government that in view of the answer to question No.* 127 *in the session of August* 1921 *requesting information regarding the establishment in each of the districts in the Madras Presidency on a communal basis, an officer may, if necessary, be put on special duty to compile the necessary information.*'

" As the resolution itself indicates, it arises out of an answer that has been given by the Government to an interpellation put by me or rather a request made by me to compile certain statistics. That is to be found in the proceedings of the 1st August 1921, being question No. 127. The question was —

'To ask the Hon'ble the Member for Finance to furnish information in respect of each of the districts in the Madras Presidency under the following heads up to 31st March 1921 :—

Name of appointment.

Deputy Collector.
Tahsildar.
Stationary Sub-Magistrate.
Deputy Tahsildar.
English head clerk.
Head Accountant.
Deputy Accountant.
Huzur Treasurer.
Taluk Head Accountant.
Head clerk, Sub-Collector's office.
Local Fund Auditor.
Income-tax head accountant.
Record-keeper.
Income-tax accountant.
Head clerk District Forest office.
First-class Revenue Inspector.
Second-class Revenue Inspector.
Local fund head accountant.
Clerks in the Collector's office and the Sub-Collector's office not comprised in any of the foregoing heads up to a salary of Rs. 25.
District Registrars and Sub-Registrars of Assurances.
Total number of such appointments, salary of each, Brahman, other Hindu, Muhammadan, Indian Christian and Anglo-Indian.'

" The following answer was given :—' The compilation of the statistics required would entail the detailed examination of different establishment lists and probably a large amount of correspondence. The Government regret that they see no sufficient reason to undertake the labour and expense which this work would involve.'

15th October 1921] [Mr. O. Tanikachala Chettiyar]

" I want this House to examine the reasons given for refusing this request, whether the reasons really rest on sufficiently solid ground or on sandy soil. The reasons are that to undertake this work would involve much labour and expense. I would like to point out that the labour cannot be very much for however much it might be, it cannot take a lot of time nor involve the appointment of a Labour Commissioner. It can also be done in a very short time by the use of mechanical appliances called roneograph and the cyclostyle. This question can be typewritten into 120 copies and 6 or 7 copies can be sent to officers in each district. There is such a thing as the establishment list in each office. I know it is in the various Government offices in the Madras town including the Secretariat. It is maintained in every Collector's office, in every Sub-Collector's office, in every District Registrar's office and the information required is to be found in those lists. If a copy of this question is typewritten and sent to each one of the officers, the information would be forthcoming. The information is already in the respective offices and the correspondence connected with it involves an expenditure of but a half anna postage stamp on each one of these letters. If a hundred such letters are sent out and the correspondence is continued the expenditure would not cost even a quarter rupee or at the most half rupee in each case. The plea that a large expenditure is involved is certainly shadowy. Sir, the resolution which I moved on the 5th August 1921 requesting the Government to give more appointments to the non-Brahmans was accepted by the Government in a certain fashion, namely that the principle which was laid down in the Board's Standing Order shall be applied to all departments of Government's service and half yearly returns were ordered to be submitted and placed on the Council table. The reason why I require this information is this. If such statements which are to be placed on the Council table are to be of any use at all, there must be a certain standard of recruitment prevailing on a particular day, say on the 30th June 1921 with which those statements might be compared to see whether as a result of the acceptance by the Government of the resolution we have been going forwards or whether we have been going backwards as sometimes it does happen. For instance, in the resolution which I moved, I supported it by certain figures as they prevailed on 31st March 1921 with the figures that prevailed in February 1918. After the answer was given by Government to a question put by the Hon'ble Mr. Ahmad Tambi Marakkayar that they would sympathetically consider the claims of non-Brahmans, I referred particularly to what the result has been in the case of District Registrars this year as compared with 1918. I pointed out that their number became less, that is that the proportion of non-Brahmans became less. Likewise with reference to the establishment in the Secretariat, after an assurance was given that the matter would receive sympathetic consideration, I pointed out that the proportion of non-Brahmans became less than it was in 1918 : so that it amounts to this : that promises might be given by Government but their intentions have to be carried out by their agents in the various districts. To find out whether they have carried out the intentions of the Government to the very letter or whether they have carried it out to any extent, it is necessary to compare the present state of affairs with the statement to be furnished. The statement has to be used as a measuring rod, so to say, to find out whether there have been progress forward or backward. Otherwise the assurance given by the Government becomes absolutely unworkable and the result cannot be tested. For these reasons I pointed out that it is necessary to have that information. Of course if the Government still thinks that the work is so great that it cannot be done in the ordinary course

as suggested by me, then I consider that it is worth while for the Government to employ a special officer who will do that work because the work is of such an important nature. I know in various other matters of doubtful utility the Government have appointed committees and special officers to collect information and to publish same. For instance the Publicity Bureau collected and published recently in March of this year information that the price of articles of consumption have risen by 64 per cent over what was prevailing in the year 1914. I do not know how anybody is the wiser for getting that information. Again it was published that the wages of labourers had risen in Bengal by 90 per cent more than it was in 1914, that in Bombay it had risen by 79 per cent and that in Madras it had risen by 65 per cent. I do not for one moment believe that such information could be correct and yet for purposes of such doubtful utility vast amounts are spent. These statistics would only help to do more harm than good and they excite feelings of dissatisfaction amongst labourers of this part of the country that their lot is worse off than those of their confreré's in other parts of the country. While the Government is interesting itself in publishing information of such character which is of little public utility, I do not see why it should grudge to appoint an officer to collect information which would be of immense advantage to the non-Brahman public. If the Government really want to make good their promise they should not leave it to their agents to carry out their intentions as they please. It is therefore necessary that this resolution should be supported by the Government."

Mr. T. C. TANGAVELU PILLAI :—" Mr. President, I beg to second this resolution and I wish to bring to the notice of the Government that by simply issuing a Government Order that they desire to see all the communities are properly represented, no useful purpose will be served. The Government should carefully supervise and see that their orders are really given effect to. Since the acceptance of the resolution by the Government, they have issued a Government Order extending the principles of the Board's Standing Order to all the offices and they have also sent a circular to all the heads of departments in each district requesting them to intimate the number of non-Brahmans who are willing to join the Secretariat. Although these two Government Orders were sent to all the officers in the district long ago, yet they took no steps to report to the Government or to make enquiries of those who were willing to come forward to join the Secretariat. Such are the difficulties in the way of the fulfilment of the promises of the Government. If the good intentions of the Government are to be translated into action and if the non-Brahmans are to get proper representation in all the services, then I think this resolution must be accepted by the House."

The Hon'ble Mr. A. R. KNAPP :—" Mr. President, I am glad that my honourable friend has brought forward this resolution because it gives me an opportunity for submitting to the deliberate judgment of this House the question how far the Government are justified in preparing and how far a private member is justified in asking for the preparation of elaborate and comprehensive statistics which very often appear to serve no public purpose. You, Sir, in your remarks a few days ago on the subject of questions touched on a point somewhat analogous to this but if I remember right you did not touch this actual question of the preparation of statistics. The problem is not a new

4-45 p.m.

one. We had it to some extent in the old Council, but naturally with the growth in the number of members we are more often exposed to it now. The same problem has had to be faced in other assemblies also. I see that the President of the Legislative Assembly referred to it in a straight talk which he had recently with the members of his Assembly. Let us take the present case. The honourable member, as he told us, asked in August for statistics as regards the caste and salary of a large number of Government officers. The total number of persons with regard to whom he asked for information was very nearly five thousand. His question did not give us any indication as to why he wanted the information although I do not deny we were able to make a shrewd guess. But there was nothing to show us why he particularly wanted the figures prepared up to 31st March 1921. As a matter of fact the figures are available up to December 1920; and can be obtained by the honourable member himself from the District Establishment lists if he takes the trouble to consult them. So, we gave him the answer which he read out to you and which, Sir, I maintain was perfectly proper. It is not quite clear from the honourable member's speech whether he now wishes to press his resolution or not in the terms in which he has framed. That is to say whether he still desires this Council to resolve that an officer should be placed on special duty to prepare the statistics he wants. I gather that he now makes us an offer that, if we promise him the statistics, he will not press his proposal for a special officer. I may say in passing that I am not a little taken aback at the light-hearted way in which so strong an advocate of retrenchment comes to this Council and proposes : ' put a man on special duty and pay for him '. I may tell the Council at once that a special officer will be quite unnecessary. The collection of the figures will of course entail a good deal of correspondence. My honourable friend has suggested that the roneograph will do the work. The roneograph, it is true, will duplicate 120 or even 500 copies; but the roneograph is not going to do the work, of picking out the particulars as to caste, etc., of the various people in the various offices in order to enter in the statement which my Honourable friend wants. To comply with his request will mean, I still maintain, Sir, a good deal of labour not only to the Secretariat but also in the offices in the mufassal, to whom we have to make references. Now, Sir, the position of the Government is this. We have no desire whatever to withhold any information which appears to be of public interest. Whenever we get a question asking for statistics, if we see in it the public purpose which it is intended to serve, we are only too glad to comply. I think the Council will support me if I say that when we can see no such public purpose on the face of the question and when it is obviously going to involve a good deal of labour on already hard-worked establishments we are justified in the public interest in pausing and considering whether we should really undertake the task of preparing these statistics. As I have said, Sir, we could only make a guess as to the reason why the figures are wanted by my honourable friend. He has now told us. But I do not know whether the House will be altogether satisfied with the reason which he has given and will regard this as sufficient justification for making this very elaborate enquiry. We have, as he told us, arrived at an agreement as to the manner in which the predominance of a certain caste in Government service is to be met and the other castes are to be given a greater opening. We have ordered that a periodical report should be sent in showing the progress made in recruiting. If my honourable friend requires, as he says a standard, a measuring rod, surely he can find it in the establishment lists of the 31st December 1920 which are at his disposal in the Council library and from which he can extract

for himself the information that he requires. It can hardly be really essential that he should have fresh information up to 31st March 1921. Well, Sir, I do not say that this is a matter of very great importance. If the Council thinks it will be well for the Government to expend time and labour in collecting these figures I should not be very seriously afflicted if this resolution were carried, but in the interest of economy of money and labour, I would naturally prefer that these statistics should be collected by the honourable member himself. Possibly my friend was not aware that information up to 31st December was already to be had in the Secretariat Library. If that is the case I hope he will withdraw the resolution."

The Hon'ble the PRESIDENT:—"Does the honourable member wish to press his resolution?"

Mr. O. TANIKACHALA CHETTIYAR:—"I am more satisfied now that I have heard the speech of the Hon'ble the Finance Member of the necessity for pressing my resolution. When we interpellate honourable members of Government for information we do not proclaim what our object is in putting the interpellation. If we do so you will put your pruning knife, Sir, and disallow it or cut out the reasons from the interpellation. So we do not incorporate in the interpellation our reasons for the question we put. If the Hon'ble the Finance Member thought that a private member is not justified in asking for such information, he could have been quite frank with me and stated that that was the reason why he did not give such information. But the answer as given and recorded is that there is no sufficient reason to undertake the labour and expense which this work of answering my question involves. I have not heard one word about the volume of labour or amount of expense from the Hon'ble the Finance Member nor have we heard one word about printing, postage stamps and other such things. That is an expense which we see is being incurred in this House day after day in printing so much voluminous matter as is placed before us without regard to considerations of expense. So much with regard to wastage of labour. If 120 copies had been sent out to the various departments and various offices the matter could be very easily done. They have an establishment list in each office of which they can easily send copies to the Government office and all that is required is to put them together and stitch them together. This is all the expense and the labour involved. As Government said that it involved labour of a very laborious kind I suggested that an officer be placed on special duty. The expenses of an officer for one or two months is not going to cost even Rs. 200 a month. If he is going to be employed in such work for two months it will not go beyond four or five hundred rupees. Large sums of money, sometimes thousands, tens of thousands and sometimes even lakhs are spent in the maintenance of establishments which really furnish no accurate or useful information. The Hon'ble the Finance Member said that no public purpose is served by compiling information for answering such a question. If ninety per cent of the population—the non-Brahmans who alone form the large majority rightly or wrongly imagine that they have been unfairly treated in the matter of appointments in the public service and if they want information which affects them, could it be said that it is not a matter of public purpose? Does the Honourable member seriously consider that it is not information serving a public purpose? He says that he has been able to make a shrewd

guess why the information is wanted. To guess the object with which the information is sought does not require much shrewdness. The non-Brahmans want accurate information and it could not be said that it is not a matter of public purpose To say that the price at present has risen by 64 per cent above the price prevailing in 1914 in respect of chilly or coriander, does it serve a more useful purpose? The offer made by the Honourable member about the state of affairs in December could have been given earlier. Now there has been a delay of two or three months. I want the information made available not only to me but to all the Honourable members of the House. As regards the suggestion that the establishment lists of all the offices are available in the Secretariat and that I can compile the information I want, I say that if with the resources at the disposal of the Government, with its large army of officers and reserve men the compiling of such a statistics would involve much time and trouble does my honourable friend expect me, a private member, to go and work in the Secretariat office? Surely the Hon'ble the Finance Member does not want to punish me for my taking some interest in matters which concern the public by requiring me to work in the Secretariat to compile the information I want. If in that way it is suggested the information should be obtained, I can understand the spirit in which the question is answered, the spirit in which the resolution is met and I hope the Council will further emphasize its desire to get the information by passing this resolution. The information is wanted so that the whole work done by the Government in pursuance of the resolution might be judged from a particular standard prevailing on 30th June 1921. Because of the untenable reasons upon which this resolution is opposed by Government I press it to a division."

The resolution was put to the vote and carried.

5 p.m. A poll was then demanded by the Hon'ble Mr. A. R. Knapp with the following result:—

Ayes.

1. Mr. Ankinedu Prasad.
2. ,, Appala Narasayya Nayudu.
3. ,, Appaswami Nayudu.
4. ,, C. Arumachala Mudaliyar.
5. ,, T. Balaji Rao Nayudu.
6. ,, Ellappa Chettiyar.
7. ,, Ethirajulu Nayudu.
8. ,, Gopalakrishnayya
9. ,, Kandaswami Kandar.
10. ,, J. Kuppuswami.
11. Sir P. Tyagaraya Chettiyar.
12. Mr. R. Venkataratnam Nayudu.
13. ,, Ramalinga Chettiyar.
14. ,, Tanikachalam Chettiyar.
15. ,, Muniswami Nayudu.
16. ,, Muttukumaraswami Chettiyar.
17. ,, Narayanaswami Reddi.
18. ,, C. Natesa Mudaliyar
19. ,, V. Pakkiriswami Pillai.
20. ,, P. T. Rajan.
21. ,, Sarabha Reddi.
22. ,, S. T. Shanmukham Pillai.
23. ,, N. A. V. Somasundaram Pillai.
24. ,, Subbarayudu.
25. Mr. Suryanarayanamurti Nayudu.
26. ,, Tangavelu Nayagar.
27. ,, W. P. A. Soundarapandya Nadar.
28. ,, R. K. Shanmukham Chettiyar.
29. ,, Tangavelu Pillai.
30. ,, W. Vijayaraghava Mudaliyar.
31. ,, Muttumanicka Achariyar.
32. ,, Arpudaswami Udayar.
33. ,, Arumainatha Pillai.
34. ,, M. D. Devadas.
35. The Raja of Ramnad.
36. Mr. Prabhakaran Tampan.
37. The Rev. W. Meston.
38. Saiyid Diwan Abdul Razak Sahib Bahadur.
39. Mr. Munshi Muhammad Abdur-Rahman Sahib.
40. ,, Bavotti Sahib.
41. ,, V. Hamid Sultan Marakkayar.
42. Khan Bahadur Muhammad Sadulla Padsha Sahib.
43. Mr. Muhammad Usman Sahib.
44. Khan Sahib Abdur Rahman Sahib.
45. Mr. Saiyid Muhammad Padsha Sahib.

[15th October 1921

Noes.

1. The Hon'ble Sir Lionel Davidson.
2. ,, Muhammad Habib-ul-lah Sahib.
3. ,, ,, A. R. Knapp.
4. ,, ,, P. Ramarayaningar.
5. ,, ,, K. V. Reddi Nayudu.
6. ,, ,, A. P. Patro.
7. Mr. F. J. Richards.
8. ,, C. W. E. Cotton.
9. Mr. R. Littleharles.
10. ,, E. Periyanayagam.
11. ,, P. Subbarayan.
12. ,, A. Ramaswami Mudaliyar.
13. ,, Chattukutti Nambiyar.
14. ,, C. P. Ramaswami Ayyar.
15. ,, T. M. Narasimha Acharlu.
16. ,, T. Namberumal Chettiyar.

Neutrals.

1. Mr. Adinarayana Reddi.
2. ,, P. Kesava Pillai.
3. ,, Krishnan Nayar.
4. ,, A. S. Krishna Rao.
5. ,, P. Siva Rao.
6. Mr. C. V. S. Narasimha Raju.
7. ,, T. Sivasankaram Pillai.
8. ,, M. Suryanarayana.
9. ,, C. V. Venkataramana Ayyangar.

The resolution was declared carried, 45 voting *for* the resolution, 16 *against*, and 9 *neutral*.

The Council was then adjourned to the 15th day of November 1921.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

Proceedings of the Second Session of the Legislative Council of the Governor of Madras assembled for the purpose of making Laws and Regulations under the provisions of the Government of India Act (5 & 6 Geo. V, Ch. 61, 6 & 7 Geo. V, Ch. 37, and 9 & 10 Geo. V, Ch. 101).

The Council assembled at the Council Chamber, Fort St. George, at 11 a.m. on Tuesday, the 15th day of November 1921, the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E., President, presiding.

I

Questions and Answers.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Typists and shorthand-writers.

896 *Q.*—Khan Sahib ABDUR RAHIM KHAN SAHIB Bahadur: Will the Hon'ble the Member for Finance be pleased to state—

(*a*) if under B.P. No. 45, dated 11th April 1919, a typist was held to be entitled to have his initial salary at the same rate as of any other Government servant and also to have a graded pay, why the Government have now fixed the pay of typists at Rs. 20—1—35, when an ordinary clerk can rise to Rs. 60; and

(*b*) whether District Collectors were consulted before fixing the pay of typists at Rs. 20—1—35 and, if so, what their opinion was ?

A.—The Honourable Member is referred to the answer to question No. 1037. According to the orders recently issued, typists who possess the minimum general educational qualification prescribed in article 1 of the Public Service Notification will be eligible for the lowest scale of pay ordinarily admissible for clerks in the offices in which they are employed The pay of typists in the mufassal Revenue Divisional offices referred to by the Honourable Member will consequently be Rs. 35—35—1½—50—1—60, as they possess general educational qualifications. The scale of Rs. 20—1—35 is applicable to those who have only passed the elementary test in typewriting and who do not possess the minimum general educational qualification.

Sub-registrars' offices in the Presidency.

897 *Q.*—Mr. AHMAD MIRAN SAHIB: Will the Hon'ble the Minister for Education (Registration) be pleased to state how many sub-registrars' offices in this Presidency are presided over by more than one sub-registrar and whether it is a fact that disturbances and ill-feelings between officers are frequent in many such offices ?

A.—Twelve sub-registry offices are permanently presided over by two sub-registrars each In cases of sudden and heavy increase of transactions, the Inspector-General is empowered to post temporary joint sub-registrars in sub-registrars' offices for short periods. Government are not aware that there is any friction between the two officers in any of these offices.

Memorial from the widow of the late Sarangapani Ayyangar.

898 *Q.*—Mr. AHMAD MIRAN SAHIB: Will the Hon'ble the Home Member be pleased to state whether the Government have received any memorial from the widow of one Sarangapani Ayyangar who was shot dead in the riots at Kumbakonam and whether they have taken any action thereon?

A.—The Honourable Member is referred to the answer to question No. 817 at the last meeting of the Council.

Pay of attenders.

899 *Q.*—Mr. AHMAD MIRAN SAHIB: Will the Hon'ble the Member for Finance be pleased to state whether the question of revising the pay of attenders who are fit for clerical work, referred to in Government Memorandum No. 1781-D-21-1, dated 21st March 1921, has been decided; and, if so, whether effect has been given to the scale prescribed therein from 1st March 1921, as in the case of other non-gazetted officers?

A.—The memorandum quoted by the Honourable Member called for proposition statements for giving effect to a scale of pay which had been decided upon. Effect is being given to that scale from the 1st March 1921 as the proposition statements are received and approved.

Interval on Fridays for prayer for Muhammadans.

900 *Q.*—Mr. AHMAD MIRAN SAHIB: Will the Hon'ble the Law Member be pleased to state whether the Government have communicated the question and answer to the High Court as per their reply to my question No. 545 asked by me on 1st April 1921 and, if so, to lay on the table the reply received?

A.—The question and answer were communicated to the High Court. A copy of its reply with a circular issued by it is laid on the table.*

Salaries of copyists in the Revenue Department.

901 *Q.*—Mr. AHMAD MIRAN SAHIB: Will the Hon'ble the Member for Revenue be pleased to state the stage which has been reached in the revision of the salaries of copyists in the Revenue Department?

A.—The question is still under consideration.

Dispensaries in the Presidency.

902 *Q.*—Mr. M. APPALA NARASAYYA NAYUDU: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) how many dispensaries were abolished in the Presidency (on the ground of want of funds or otherwise) during the last twelve months; and

(*b*) what steps have been taken to re-open them?

* Vide Appendix I on page 1344 infra.

A.—The Government have no information other than what is available in the annual returns of civil hospitals and dispensaries. The re-opening of the dispensaries is primarily a matter for consideration by the local bodies concerned.

Fixed fee system of excise.

903 *Q.*—Diwan Bahadur C. ARUNACHALA MUDALIYAR: Will the Hon'ble the Minister for Education (Excise) be pleased to state—

(*a*) whether the Government have perused a communiqué on excise policy recently issued by the Bengal Government;

(*b*) whether it is a fact that in Bengal the system of annual auction has been replaced by the fixed fee system and the duty on alcohol required for medicines and industrial purposes has been reduced by over 15 per cent;

(*c*) whether it is a fact that the fixed system of toddy shops once prevailed in the Madras Presidency and the abkāri revenue has enormously increased only after the annual auctioning system was introduced in this Presidency; and

(*d*) whether the Madras Government propose to introduce the fixed fee system in the place of annual auctioning?

A.—(*a*) The Government have since perused the communiqué in question.

(*b*) Yes.

(*c*) The system prevailed in certain areas only. Revenue has increased in these areas since the change.

(*d*) The Government do not intend at present to replace the auction system by the system of fixed fees.

Carting of salt from Covelong factory.

904 *Q.*—Diwan Bahadur C. ARUNACHALA MUDALIYAR: Will the Hon'ble the Member for Finance be pleased to state—

(*a*) whether it is a fact that salt from Covelong factory is being carted to Vandalur station and from Cheyur and Chunampet factories to Acharapakkam station on the South Indian Railway and that these stations have not adequate goods-sheds and that salt is exposed to rain in these stations causing large damage and heavy expenses to the licensees; and

(*b*) whether the Government cannot issue instructions to the Railway authorities to construct goods-sheds for salt at these stations?

A.—(*a*) Salt from the Covelong factory is carted to Vandalur station and from Cheyur and Chunampet factories to Acharapakkam station. There is no goods shed at the Vandalur station. At Acharapakkam station there is a small shed, but it is intended for goods received from other stations and not for those sent out of the station.

(*b*) The matter will be considered.

Travelling allowance for zamindari village officers.

905 *Q.*—Diwan Bahadur C. ARUNACHALA MUDALIYAR: Will the Hon'ble the Member for Revenue be pleased to state—

(*a*) whether it is a fact that village officers in ryotwari villages are given a consolidated travelling allowance of Rs. 10 per year to go to their taluk head-quarters, etc.;

(*b*) whether it is a fact that zamindari village officers are also summoned to go to their taluk headquarters at least three times in a year and are made to stay there several days at the pleasure of clerks at the taluk office; and

(*c*) whether the Government propose to extend this consolidated travelling allowance of Rs. 10 to village officers in zamindari villages also?

A.—(*a*) The Honourable Member is referred to G.Os. No. 499, Financial, dated 1st June 1920, and No. 1958, Revenue, dated 14th August 1920, which have been placed on the Editors' table.

(*b*) The zamindari village officers have to go to the taluk headquarters when called on business. The Government have no reason to suppose that they are detained at the taluk office unnecessarily.

(*c*) The matter is under the consideration of Government.

Pay of village officers in ryotwari villages.

906 *Q.*—Diwan Bahadur C. ARUNACHALA MUDALIYAR: Will the Hon'ble the Member for Revenue be pleased to state—

(*a*) whether it is a fact that it is now two years since the pay of village officers was increased in ryotwari villages;

(*b*) when the Government propose to enhance the salaries of village officers in zamindari villages; and

(*c*) whether the Government propose to give them back pay also for the past two years?

A.—(*a*) The Member is referred to G.O. No. 499, Financial, dated 1st June 1920, which has been placed on the Editors' table.

(*b*) & (*c*) The matter is under the consideration of Government.

Assessment to income-tax for income from salt in South Arcot.

907 *Q.*—Diwan Bahadur C. ARUNACHALA MUDALIYAR: Will the Hon'ble the Member for Finance be pleased to state—

(*a*) how many individuals were assessed to income-tax for income from salt trade in the village of Merkanam in the South Arcot district; and

(*b*) how many of these assessees appealed to the Collector on the ground that they were assessed, taking into account the unsold quantity of salt at Rs. 60 per garce when the salt was being sold at about Rs. 16 per garce?

A.—Eleven persons were assessed to income-tax in respect of salt trade in the village of Merkanam and seven of them appealed on the ground stated. The assessment was reduced in all these cases.

Reports of committees.

908 *Q.*—Rao Bahadur T. BALAJI RAO NAYUDU: Will the Hon'ble the Member for Revenue be pleased to state—

(i) when the reports are likely to be received of the officers of committees investigating the following matters:—

(*a*) the reduction of establishment charges in all departments under Government,

(*b*) the abolition of the Board of Revenue,

(*c*) the bifurcation of the Kistna district,

(*d*) the reconstitution of the Ganjām, Vizagapatam, Gōdāvari and Kistna districts exclusive of their Agency portions;

(ii) whether the Government will be pleased to place those reports on the table and allow sufficient time for public criticism before final orders are passed on them; and

(iii) whether there are any proposals before the Government to transfer the northern portion of the Ganjām district to Bihar and Orissa?

A.—(i) (*a*) There is no committee investigating the reduction of establishment charges. Most of the reports from heads of departments in reply to G.O. No. 158, dated 21st March 1921, have been received.

(*b*), (*c*) & (*d*) The reports have been received.

(ii) The suggestion will be considered.

(iii) There is a proposal for the amalgamation of the Oriya-speaking tracts under one administration.

Memorials of lady apothecaries.

909 *Q.*—Mr. A. D. M. BAVOTTI SAHIB: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) why the Surgeon-General has kept with him the memorials received from lady apothecaries for more than three months without transmitting them to the Government;

(*b*) whether, if the Government have not as yet received those memorials, the Government cannot request the Surgeon-General to transmit them to the Government?

A.—(*a*) The Surgeon-General has considered the requests contained in the memorials and has submitted consolidated proposals to the Government for the revision of pay of lady apothecaries and lady assistant surgeons.

(*b*) The memorials have since been received by the Government.

Non-co-operators in municipal councils and local boards.

910 *Q.*—Mr. A. D. M. BAVOTTI SAHIB: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that in certain municipal councils and local boards strong non-co-operators have got in as members and are trying their best to bring local and municipal administration into contempt;

(*b*) whether the Government cannot amend Act V of 1920 in such a way as to disqualify such non-co-operators from entering municipal councils and local boards as members or continuing as members?

A.—(*a*) It is a fact that non-co-operators have got into certain municipal councils and local boards.

(*b*) The Government are not prepared to take action as at present advised.

[15th November 1921

Police lines in Tellicherry.

911 *Q.*—Mr. A. D. M. BAVOTTI SAHIB: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether it is a fact that the police lines recently constructed in Tellicherry are left unused;

(*b*) whether the reserve police now stationed at Cannanore cannot be transferred to Tellicherry in view of the fact that police lines constructed at a very large outlay are available for their use at the latter place; and

(*c*) whether the District Police office transferred to Cannanore as a temporary measure cannot be shifted back to Tellicherry, the capital town of North Malabar?

A.—(*a*) No police lines have been recently constructed in Tellicherry. The existing lines were built in 1911 or earlier and all except those for two head constables and 16 constables are permanently occupied by the staff of Tellicherry station.

(*b*) Lines are not available in Tellicherry for the armed reserve and the retention of that force at Cannanore is also expedient in view of the fact that there is a Central Jail there.

(*c*) The transfer of the District Police office to Cannanore was not temporary but was ordered as a permanent measure in view of the movement of the armed reserve and the greater suitability of Cannanore.

Gosha women voters.

912 *Q.*—Mr. A. D. M. BAVOTTI SAHIB: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that in Malabar most of the women rate-payers being gosha, the privilege of voting accorded to them is not being generally made use of; and

(*b*) whether the Government have any objection to give such rate-payers the right of voting by proxies, such proxies also being registered in the register of voters?

A.—(*a*) The Government have no information.

(*b*) The Government do not consider it necessary to grant this concession. The election rules provide for special facilities being accorded to women voters who observe the gosha system.

Pay of sub-registrars.

913 *Q.*—Mr. A. D. M. BAVOTTI SAHIB: Will the Hon'ble the Minister for Education (Registration) be pleased to state—

(*a*) whether it is a fact that some sub-registrars have had their salaries reduced instead of being enhanced as a result of the revision of the scale of pay;

(*b*) how many sub-registrars are thus affected in the matter of their salaries;

(*c*) whether the Government have received memorials from sub-registrars who are sufferers under the present scale of pay in view to their grievances being redressed;

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(*d*) if the answer is in the negative, whether the Government propose to enquire whether the Inspector-General of Registration has received any such memorials; and

(*e*) whether the Government cannot redress the grievances of such sufferers?

A.—(*a*) There has been no case in which the substantive pay of the sub-registrar inclusive of temporary increase has been reduced as a result of the revision of the scale of pay. The initial pay of all non-gazetted officers in the revised scale has been fixed in accordance with the principle that existing incumbents will ordinarily enter the time-scales at the stage next above the lowest rate of salary per mensem drawn by them on any date within a period of three months prior to 1st March 1921 or their temporary pay on 28th February 1921, if that is greater, provided that if such salary or temporary pay represents any definite stage in the new scale, they should start at that stage.

(*b*) *to* (*e*) No memorials have been received by the Government, but the Inspector-General has submitted for the orders of the Government the cases of seventeen sub-registrars who were acting sub. *pro tem.* in a higher grade for shorter periods than three months referred to in the answer to clause (*a*) and has recommended that the general rule may be waived in their case. The matter is under the consideration of the Government.

Scale of fees for Public Prosecutors.

914 *Q.*—BHASKARA RAJA RAJESWARA SETUPATI (Raja of Ramnad): Will the Hon'ble the Law Member be pleased to state—

(*a*) whether the scale of fees allowed to Public Prosecutors has been recently raised from Rs. 25 to Rs. 35 per diem; and

(*b*) whether the Government cannot extend the proportionate increased scale of fees to additional and assistant Public Prosecutors?

A.—(*a*) Yes.

(*b*) No.

BHASKARA RAJA RAJESWARA SETUPATI (Raja of Ramnad):—"With reference to answer 914 (*b*) may I know why the Government cannot extend the proportionate increased scale of fees to additional and assistant Public Prosecutors?"

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I think it is unnecessary."

Punitive police at Kamudi.

915 *Q.*—BHASKARA RAJA RAJESWARA SETUPATI (Raja of Ramnad): Will the Hon'ble the Home Member be pleased to state—

(*a*) what the circumstances or recent incidents were that led the Government to decide that the punitive police should continue at Kamudi till 1st October 1922; and

(*b*) if since the quartering of additional police there has been any local disturbance in the area in which punitive tax is levied, to give the number of those incidents with dates?

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A.—(*a*) The Government are satisfied from reports received from the local authorities that the additional police are still necessary owing to the strained relations between the Nadars and other classes.

(*b*) There have been no actual disturbances since 1919, but that result is attributable to the presence of the additional police and furnishes justification for their retention.

BHASKARA RAJA RAJESWARA SETUPATI (Raja of Ramnad):—"It is said that the levy of punitive police in the locality continued owing to the strained relations between the Nadars and other classes. May I know whether it is not limited to Nadars and Maravars only? Further in clause (*b*) it is said that there have been no actual disturbances since 1919. If that be the case, will it not be more appropriate that the local police should be strengthened rather than the imposition of the punitive tax continued for an indefinite period?"

The Hon'ble Sir LIONEL DAVIDSON:—"Broadly speaking, 'other classes' refer to the Maravars. The question exactly what castes and sub-castes are included in that expression is a matter of opinion. In regard to clause (*b*) the Government have considered the question whether it would be suitable to convert the additional police into a part of the permanent staff. They do not think that the time has yet come. The broad fact, I believe, is that the particular area in which the punitive police are employed is the only part of that tract of the country where there has been comparative peace; and I have no doubt that this is due to the presence of this punitive police."

Redistribution of divisions, etc., in the Ganjām district.

916 Q.—Sriman BISWANATH DAS Mahasayo: Will the Hon'ble the Home Member and the Hon'ble the Revenue Member be pleased to place on the table a copy of—

(*a*) the recommendations of the Conference of the Divisional Officers and the Collector of Ganjām held at Berhampur in March 1921 regarding the redistribution of the divisions and the reduction of office establishments in the district;

(*b*) the suggestions of the Divisional Officers and those of the Collector of Ganjām on retrenchment in response to the circular of the Madras Government calling for 20 per cent reduction; and

(*c*) the report of the Agency Commissioner and the Collectors of Ganjām and Vizagapatam on the delimitation of the Oriya-speaking tracts of Madras?

A.—(*a*) The Government have not received the recommendations of the conference referred to.

(*b*) The Collector's report on the 20 per cent reduction has not yet reached the Government.

(*c*) The report of the Agency Commissioner and the Collector of Ganjām on the subject are awaited. Both these officers have informed Government that an essential preliminary is the receipt of the detailed census figures showing the linguistic distribution. The Collector of Vizagapatam was not consulted.

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Religious and charitable inams in the Cuddapah district.

917 Q.—Mr. B. P. DEVARAJULU NAYUDU: Will the Hon'ble the Member for Revenue be pleased to state—

(*a*) the total number, nature and extent of religious and charitable inams in the district of Cuddapah in each of the years from 1910 to 1921 and the total assessment on the above during the same period;

(*b*) the total number and extent of religious and charitable inams in the same district resumed each year from 1910 to 1921, and the amount of assessment taken on to the general revenue during each year of the above period; and

(*c*) the total number, nature and extent of the resumed charitable and religious inams re-assigned (1) for original purposes of endowment, (2) for other charitable and religious institutions?

A.—The Government are not in possession of the required information.

Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur:—"With reference to question 917 the answer is that the Government are not in possession of the required information. Will the Government be pleased to call for the information?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"The volume of information is so large that I do not consider, Sir, that it would be worth while to do so commensurate with the expense and the time involved in the collection of these statistics."

Artisan inams in the Cuddapah district.

918 Q.—Mr. B. P. DEVARAJULU NAYUDU: Will the Hon'ble the Member for Revenue be pleased to state—

(*a*) the total number, nature and extent of artisan inams (blacksmith, carpenter, barber, potter and washerman) in the district of Cuddapah for each of the years from 1910 to 1921 and the total assessment on the above for each year during the same period;

(*b*) the total number, extent, and nature of the above inams, resumed each year from 1910 to 1921, and the total amount credited to the general revenue during each year of the above period; and

(*c*) the total amount of assessment re-assigned to working incumbents during each year of the above period and the number of such incumbents for the same period?

A.—The Government are not in possession of the required information.

Communal representation in taluk boards in the Cuddapah district.

919 Q.—Mr. B. P. DEVARAJULU NAYUDU: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) the number of members nominated by the Cuddapah District Board President from the depressed and backward classes in each of the taluk boards as at present constituted in view of G.O. No. 580 L., dated 15th June 1920;

(*b*) to what community or caste each of the above nominated members of the several taluk boards belongs;

(*c*) the number of Brahman members elected for each of the taluk boards of the district, including presidents and vice-presidents;

(*d*) how many of the elected presidents of the taluk boards are Brahmans;

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(*e*) whether any Brahmans were nominated for any of these taluk boards in addition to Brahman members who have got in by election; and, if so, for which of the taluk boards;

(*f*) whether members of the depressed or backward classes have been nominated in all the unions in the district of Cuddapah and, if not, to which of the unions, if any; and

(*g*) the number of members so nominated in the unions and the caste to which they individually belong?

A.—(*a*), (*b*) & (*c*)—

Taluk boards.	Number of members nominated from the depressed and backward classes.	Community.	Number of Brahman members elected for each taluk board including presidents and vice-presidents.
Cuddapah	3	1 Muhammadan. 1 Christian. 1 Panchama.	3
Proddatur	2	1 Christian. 1 Muhammadan.	2
Jammalamadugu ..	1	Muhammadan.	1
Rayachoti	3	1 Christian. 1 Muhammadan. 1 Barber.	1
Rajampet	1	Muhammadan.	2
Badvel	2	1 Christian. 1 Muhammadan.	2

(*d*) Two.

(*e*) Brahmans have been nominated to all the taluk boards in the district except Jammalamadugu.

(*f*) Members of the depressed and backward classes have not been nominated to other than the unions of Jammalamadugu, Peddapasupula, Rajampet, Nandalur, Chitvel and Rāyachōti.

(*g*) 10 Muhammadans.
1 Ediga.
1 Goldsmith.
1 Golla.

Communal representation in the Revenue department in Cuddapah.

920 *Q.*—Mr. B. P. Devarajulu Nayudu: Will the Hon'ble the Member for Revenue be pleased to state—

(*a*) whether it is a fact that out of the deputy collectors serving in the district of Cuddapah only one is a Muhammadan and all the rest are Brahmans;

(*b*) whether it is a fact that out of the tahsildars and persons holding posts in the tahsildar grade, including huzur sarishtadar, only two or three are held by non-Brahmans and all the rest are held by Brahmans; and

(*c*) whether there are no qualified non-Brahmans in the list of tahsildars to fill up those places?

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A.—(*a*) Yes.

(*b*) There are eleven posts of tahsildars in the Cuddapah district. The establishment list for the district corrected up to 31st December 1920 shows four non-Brahmans as permanent tahsildars and one Muhammadan as acting tahsildar. The Government are not in possession of later information.

(*c*) The Government have no information.

Murder cases in the Cuddapah district.

921 *Q.*—Mr. B. P. Devarajulu Nayudu: Will the Hon'ble the Home Member be pleased to state—

(*a*) the total number of murder cases charged by the Police in each of the taluks of the Cuddapah district for each year from 1910 to 1921;

(*b*) the total number of murder cases committed from each taluk to the Sessions Court and the number of cases that ended in conviction in each year from 1910 to 1921; and

(*c*) the total number of convictions which were confirmed or modified by the High Court of Judicature at Madras on appeal each year from 1910 to 1921?

A.—The Government do not possess the information desired and do not consider that the time and trouble involved in collecting it would be justified.

Cross-examination before Sessions trial.

922 *Q.*—Mr. B. P. Devarajulu Nayudu: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether the attention of the Government has been drawn to the article headed "Cross-examination before Sessions trial" that appeared in the *Hindu* dated 8th August 1921;

(*b*) whether it is a fact that a circular has been issued by the District Magistrate of Cuddapah to the subordinate magistrates in the district that they should under no circumstances allow reservation of cross-examination in preliminary enquiries in cases exclusively triable by the Court of Sessions;

(*c*) whether there is any Government Order authorizing the District Magistrate to issue such a circular; and

(*d*) the number of session cases committed to the Sessions Court of Cuddapah each year from 1910 to 1920, and how many of them ended in acquittal?

A.—(*a*) The Government have read the letter referred to.

(*b*) They have seen a circular issued by the District Magistrate of Cuddapah which may possibly be that referred to by the honourable member, but it does not contain an absolute prohibition of the nature stated in the question.

(*c*) No The District Magistrate does not require the permission of Government to issue circulars.

(*d*) The information available in the Criminal Administration Reports is extracted in the appended statement*

*Vide Appendix II on page 1345 infra.

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Barur tank project.

923 Q.—Rao Sahib S. ELLAPPA CHETTIYAR: Will the Hon'ble the Member for Revenue be pleased to state—

(*a*) whether final orders have been passed with regard to the 'Barur Tank project' with reference to the reply given to Mr. B. V. Narasimha Ayyar's question No. 157 on 23rd December 1919; and

(*b*) if so, to place the papers on the table?

A.—The answer is in the negative.

Bench Magistrates in Salem.

924 Q.—Rao Sahib S. ELLAPPA CHETTIYAR: Will the Hon'ble the Home Member be pleased to state—

(*a*) how many second-class benches of magistrates there are in the Salem district with (i) official presidents,
(ii) non-official presidents;

(*b*) whether there are any difficulties, and if so, what, in securing non-official presidents; and

(*c*) whether any steps are being taken for the appointment of non-official presidents, and if so, for which of these benches?

A.—(*a*) (i) Twelve, assuming that all the stipendiary magistrates presiding over these benches now exercise second-class powers.
(ii) None.

(*b*) & (*c*) The Government have no information but will enquire.

Forest panchayats for Ethapur, etc., in Salem.

925 Q.—Rao Sahib S. ELLAPPA CHETTIYAR: Will the Hon'ble the Home Member be pleased to state whether any steps are being taken for providing village forests with forest panchayats for—

(i) Ethapur and its neighbourhood,

(ii) the villages near Paithur forests in the Atur taluk, and

(iii) Pudupatti in Rasipur taluk in Salem district?

A.—No proposals have reached Government to institute panchayat management in the areas mentioned. It is understood that the greater part of the forest in question consists of hill slopes the conservation of the growth on which is necessary for economic reasons connected with the water-supply.

Report of the Ayling Committee on Perambur disturbances.

926 Q.—Rao Sahib P. C. ETHIRAJULU NAYUDU: Will the Hon'ble the Home Member be pleased to state whether the report of the Ayling Committee constituted for instituting some enquiries about the shooting by the Police in July last in the mill area has been received by the Government, and, if so, to lay the report on the table?

A.—The report has been published and placed on the Editors' Table

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Labour Commissioner at the mill area.

927 Q.—Rao Sahib P. C. ETHIRAJULU NAYUDU: Will the Hon'ble the Law Member be pleased to state—

(*a*) whether the Labour Commissioner or his assistant ever attended any of the meetings of the strikers, whether he visited the Labour Union, and, if so, how often and what steps he took in their behalf;

(*b*) whether the Labour Commissioner usually accompanied the Police Commissioner to the mill area whenever disturbances occurred, and, if so, in what capacity and for what reasons and whether he was advising the Police Commissioner as to the course of action needed;

(*c*) whether Mr. Sundaracharlu, the Assistant Labour Commissioner, was asked to lodge any complaints on behalf of the Adi Dravidas against caste Hindus, whether he did lodge such complaints, and, if so, in how many cases, and in how many cases he helped Adi Dravidas to file complaints to the Police;

(*d*) whether it is a fact that Mr. Sundaracharlu was present at meetings of the Adi Dravidas where lectures were given exhorting them to join work in June, July and August, and, if so, how many meetings and who were the speakers at those meetings;

(*e*) whether it is a fact that Mr. Sundaracharlu constantly exhorted the Adi Dravida labourers to attend the Mills and, if so, what the necessity was for such course of action and whether Police aid was insufficient for the protection of these Adi Dravidas; and

(*f*) whether any motor lorries were hired or otherwise employed by the authorities for the conveyance of Adi Dravidas to the Mills and, if so, how many and during what period and by whom was the cost of these conveyances borne?

A.—(*a*) The Labour Commissioner did not attend any meeting of the strikers or the Labour Union. He did however on three occasions invite deputations of the men to discuss the situation with him. He also had a series of interviews with the management in his efforts to secure a settlement.

His assistant on three occasions attended meetings of the strikers. On the last occasion he was so grossly insulted that the Labour Commissioner forbade him to attend any further meetings.

(*b*) The Labour Commissioner has throughout proceeded to the spot whenever he has heard of any disturbance in the mill area, on some occasions with the Police Commissioner, on others alone. He did so in his capacity as Labour Commissioner and because it was his duty to do so. On any matters on which the Police Commissioner wished to consult him he has given his opinion.

(*c*) The Assistant Labour Commissioner on two occasions gave information at the Police station of complaints of assaults on Adi Dravidas.

(*d*) The Assistant Commissioner was present at three meetings of the Adi Dravidas in June under the orders of the Commissioner of Labour to report to him what happened. The speakers were leaders of the Adi Dravida community.

(*e*) It is not a fact that the Assistant Commissioner of Labour exhorted the Adi Dravidas to attend the mills; the reference to the Police is not understood.

(*f*) No lorries were hired or employed by the authorities for the conveyance of Adi Dravidas to the mills.

Police quartered round the mill premises.

928 Q.—Rao Sahib P. C. ETHIRAJULU NAYUDU: Will the Hon'ble the Home Member be pleased to state how many police officers and men were quartered round the mill premises to guard them and how many were employed in taking the labourers to the mills and the total cost incurred by the State in these services?

A.—I presume the Honourable Member refers to Madras City. No officers or men have been specially detailed to guard the mills nor have police been employed in taking or escorting labourers to the mills. The police have been used at the discretion of the Commissioner to picket the roads by which workpeople go to the mills in order to prevent assaults and breaches of the peace and they have also been used to picket various portions of the disturbed area where rioting or incendiarism was thought possible. It is not practicable to give exact details as to the numbers so employed, as these duties naturally varied from day to day. No additional men were enlisted on account of the disturbances prior to 1st October 1921.

The Medical Department.

929 Q.—Rao Sahib P. C. ETHIRAJULU NAYUDU: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether the attention of the Government has been drawn to a letter in the *Hindu* of the 27th September entitled "The Vagaries of the Medical Department" and to a leaderette appearing on the same day on the same subject;

(*b*) whether the Government propose to take any steps to remedy the grievances pointed out; and

(*c*) whether, in particular, the Government are considering the suggestion that they should themselves order the postings and transfers of assistant surgeons on the recommendation of the Surgeon-General as in the case of other provincial services?

A.—(*a*) The Government have perused the correspondence referred to.

(*b*) & (*c*) The Government do not consider it desirable to take action on mere newspaper allegations. If the officers in question have any grievances on the subject, it is open to them to make representations to the proper authority.

Weapons used by the Adi Dravidas in the mill area.

930 Q.—Rao Sahib P. C. ETHIRAJULU NAYUDU: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether it is a fact that country swords and other instruments of offence have been found on the persons of several Adi Dravidas and also near the localities inhabited by the Adi Dravidas; and

(*b*) whether these swords were made of hoop iron, whether it is a fact that allegations have been made that these swords were made out of hoop iron from the mill premises, and whether the Government have made any investigations into the matter?

A.—(*a*) The Honourable Member is referred to the press communiqué issued on the 6th September.

(*b*) Some of the swords were made of hoop iron. Inquiries were made by the Commissioner of Police to ascertain where these swords were made but without success The Commissioner states that 'they were very crudely fashioned and could have been made by any one.'

Income-tax assessment in the Kistna district.

931 Q.—Mr. K. GOPALAKRISHNAYYA: Will the Hon'ble the Member for Finance be pleased to state—

(*a*) the number of cases of assessment of income-tax in the Collector's list in the district of Kistna in (1) 1919-20 and (2) 1920-21, i.e., after the special department for income-tax began to be employed, and what the whole amount of assessment in these two years is;

(*b*) how many appeals were preferred to the Commissioner of Income-tax against these assessments and how many of such appeals were allowed partly or wholly and what amount of assessment on the whole was reduced in 1919-20 and 1920-21, respectively, as a result of such appeals;

(*c*) what amount was assessed by the Collector as an adjustment for the tax of 1919-20 and what amount of such adjustment had to be remitted in consequence of such appeals;

(*d*) whether it is a fact that the Collector of Kistna wrote to the Government that the assistance of any one special Income-tax officer or special department now working in the district was unnecessary; and

(*e*) if the answer to (*d*) is in the affirmative, whether the Government are contemplating to take immediate steps to remove this special department?

A.—(*a*)—

Year.	Number of assessees.	Amount of tax.
		Rs.
1919-20	28	1,34,377
1920-21	44	1,47,719

(*b*)—

Year.	Number of appeals filed.	Number of appeals allowed.	Amount by which provisional tax was reduced on appeal.
			Rs.
1919-20	.. 20	9	7,550
1920-21	.. 28	20	12,585

(*c*) The demand on adjustment for 1919-20 was Rs. 20,432. The amount of final tax remitted as a result of appeals was Rs. 5,438.

(*d*) & (*e*) The answer is in the negative.

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District and taluk boards in the Presidency.

932 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: Will the Hon'ble the Minister for Local Self-Government be pleased—

(i) to state—

(*a*) what the total number of taluk boards on the 1st June 1921 was;

(*b*) how many of these boards had official presidents and how many non-official presidents;

(*c*) how many had elected presidents and how many non-elected presidents;

(*d*) how many district boards had on 1st June 1921 non-official presidents and vice-presidents and how many official presidents and vice-presidents;

(*e*) what their names are;

(*f*) how many of them were elected by the board and how many appointed by the Government;

(*g*) when their term would expire by efflux of time; and

(ii) to lay on the table a list brought up to 1st July 1921 showing according to districts—

(*a*) the names of the several taluk boards,

(*b*) the names of the presidents and the vice-presidents,

(*c*) whether elected or nominated,

(*d*) whether official or non-official,

(*e*) date of appointment by election or nomination,

(*f*) when the term would expire by efflux of time?

A.—(i) (*a*) 120.

(*b*) 95 and 25 respectively.

(*c*) 37 and 83 respectively.

(*d*) all the district boards except the Nilgiris had non-official presidents. Five had official vice-presidents and 19 non-official vice-presidents.

(*e*) and (*g*) The member is referred to the Quarterly Civil List.

(*f*) Two presidents and three vice-presidents were elected, and the rest appointed by the Government.

(ii) A statement will be furnished to the member.

Mr. R. SRINIVASA AYYANGAR:—"With reference to question 932 (ii) the answer is that a statement will be furnished to the member. May I ask why the statement should not be furnished to other members as well?"

Mr. F. J. RICHARDS:—"The statement is not ready, Sir."

Property-tax payable by South Indian Railway Company.

933 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that the South Indian Railway Administration has declined to pay property-tax to municipal councils and, if so, on what ground; and

(*b*) what steps have been taken by the Government to make the aforesaid railway administration pay the tax during the current year?

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A.—(*a*) The answer is in the affirmative. The Railway administration refuses to pay the tax on the ground that without a fresh notification by the Government of India under section 135 of the Indian Railways Act it is not liable to pay the tax under the new District Municipalities Act of 1920.

(*b*) The Railway administration has been informed that a fresh notification is not necessary and has been requested to withdraw its objection to the payment of the tax.

Flooding of lands in Talanayar, Vennar division.

934 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: Will the Hon'ble the Member for Revenue be pleased to state—

(*a*) what action the Public Works Department has taken to drain the flooding of lands in Talanayar fourth and fifth Settis, Tiruturaipundi taluk, Vennar division;

(*b*) what amount of kist has been remitted in the Talanayar fourth and fifth Settis during the past 25 years;

(*c*) whether the Government have considered the scheme of draining the Talanayar Settis, proposed by Mr. M. B. Krishnaswami Ayyangar, and, if not, why this matter has been delayed; and

(*d*) whether the Government have any intention to carry out the scheme; whether the department has considered any proposals to allow more water to the river Adappar of the Vennar division than is at present allowed and, if so, how?

A.—(*a*) The local officers are taking steps to prevent the submersion of the low-level lands of Talanayar.

(*b*) Rupees 25,391-7-0.

(*c*) & (*d*) The Government have no information about the scheme and proposals referred to.

Subordinate officers of the Revenue Department.

935 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: Will the Hon'ble the Member for Revenue be pleased to state—

(1) whether the new time-scale of pay recently sanctioned to the subordinate officers of the Revenue Department has been given effect to in all districts; if not, whether the Government cannot expedite the same; and

(2) whether it is a fact that the posts of town surveyors, land records deputy surveyors and land records inspectors stand as regards pay and prospects on the same footing with the subordinate officers of the Revenue Department, as per recent orders of the Government?

A.—(1) Revision on the new time-scale of pay has been sanctioned for the revenue non-ministerial subordinates. Revision of pay for the ministerial subordinates has not yet been given effect to. Steps are being taken to expedite the same.

(2) The pay of the land records deputy and town surveyors has been raised from Rs. 25—1—55 to Rs. 35—35—2—65—3/2—80. Land records inspectors have now been merged with firka revenue inspectors.

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Cross-examination of prosecution witnesses in warrant cases.

936 Q.—Rao Bahadur A. S. KRISHNA RAO PANTULU: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether it is a fact that Mr. J. F. Hall, I.C.S., District Magistrate, Nellore, issued a circular to all subordinate magistrates in the Nellore district directing them not to permit the cross-examination of prosecution witnesses in warrant cases before a charge is framed against the accused; and

(*b*) whether the Government will be pleased to inquire into the matter and direct the withdrawal of the circular as illegal and ultra vires?

A.—The Government have made inquiries and learn that Mr. J. F. Hall as District Magistrate of Nellore issued a circular to his subordinate magistrates dealing *inter alia* with the cross-examination of witnesses in warrant cases. The provisions of the circular in this respect are not quite accurately described in the question and, in any case, the Government see no reason to interfere in the matter.

Alleged 'Corruption in Government departments'.

937 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Member for Finance be pleased to state whether the attention of the Government has been drawn to the article headed 'Corruption in Government departments' published in *Hindu* of the 13th September 1921 by Mr. M. Kannayya of Sholingur?

A.—The Government have now perused the letter referred to.

The Madras Law College.

938 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Minister for Education be pleased to state—

(*a*) the number of Professors in the Law College at Madras; and

(*b*) the number of Assistant Professors in the Law College at Madras classified under Brahmans, non-Brahmans, Christians and Muhammadans, together with their native places?

A.—(*a*) Two.

(*b*) Assistant Professors—

(1) Mr. P. Chenchayya (Christian) ..	Madras.
(2) Mr. B. C. Sankara Narayana (Brahman)	Chittoor.
(3) Mr. S. Ramaswami Ayyar (Brahman).	Ambasamudram, Tinnevelly district.
(4) Mr. S. Panchapakesa Sastri (Brahman)	Swamimalai, Tanjore district.
(5) Mr. R. Mathana Gopal Nayudu (Non-Brahman)	Madras.
(6) Mr. K. V. Venkata Subrahmanya Ayyar (Brahman)	Tinnevelly.

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Sarishtadar of the Tanjore Collectorate.

939 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Member for Revenue be pleased to state—

(*a*) whether the attention of the Government has been drawn to the article "What does this mean?" published in *Justice* of the 17th September 1921 over the signature of Mr. T. S. Arogyam;

(*b*) who the huzur sarishtadar in the Tanjore collectorate is;

(*c*) what his name and caste are;

(*d*) how long he has been in that incumbency;

(*e*) what the period allotted for a huzur sarishtadar is according to Board's Standing Order No. 132;

(*f*) who the predecessor of the present huzur sarishtadar was and what his caste was;

(*g*) how long he was in that post;

(*h*) what his present post is;

(*i*) whether any non-Brahman including a Muhammadan was appointed as huzur sarishtadar at any time during the last ten years;

(*j*) whether there are any qualified Muhammadans for a sub-magistrate's place in the district of Tanjore;

(*k*) whether it is a fact that the only Muhammadan subordinate in the Revenue Department is kept down in the clerical line though he is qualified for the post of a sub-magistrate; and

(*l*) what the number is of Muhammadans employed as tahsildars and sub-magistrates in the district of Tanjore during the last ten years? A statement with names may be furnished?

A.—(*a*) The Government have perused the article referred to.

(*b*), (*c*) & (*d*) M.R.Ry. G. S. Vaidyanatha Ayyar Avargal, a Smartha Brahman, acted as huzur sarishtadar for nine months from 16th October 1917 to 18th July 1918 and was re-appointed again on 1st May 1919. The Government have no information whether he still continues as huzur sarishtadar.

(*e*) The member is referred to the Board's Standing Order No. 137.

(*f*) M.R.Ry. P. Rajarama Ayyar Avargal, Brahman Smartha.

(*g*) The Government have no information.

(*h*) Chattram Deputy Collector, Tanjore.

(*i*) Two Indian Christians have held the post of huzur sarishtadar.

(*j*) There is one who has passed the prescribed tests.

(*k*) The Government have no information.

(*l*) (1) Muhammad Abdul Hie Sahib Bahadur,
(2) U. A. Abdur Rahim Sahib Bahadur, and
(3) Muhammad Tamizuddin Khadri Sahib.

Forests in Anantapur.

940 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether the Government have perused the article "Forests in Anantapur district" published in *Justice* of the 17th September 1921 by "One who knows";

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(*b*) what the forest area is in the Anantapur district;
(*c*) how these forests are classified under various heads;
(*d*) what sort of timber and valuable trees are grown in these reserved forests;
(*e*) whether these reserved forests form the breeding ground for innumerable herds of wild boar which devastate crops in the neighbourhood within a radius of ten miles from the forest boundary;
(*f*) what steps are taken by the Forest and Revenue authorities to protect the ryots from the devastation of crops by the wild boars;
(*g*) whether, and if so, how Mr. B. Munuswami Nayudu's resolution to do away with the forests situated within one mile from occupied lands has been given effect to in the Anantapur district;
(*h*) what the area of reserved forests affected by the abovementioned resolution in the Anantapur district was;
(*i*) whether there is a reserve called Golla reserve;
(*j*) what the extent of this reserve is;
(*k*) what the population of this Golla village fifteen years ago was; and
(*l*) what its population now is?

A.—(*a*) Yes, the Conservator of Forests has been asked to report on the statements made, but his reply has not yet been received.

(*b*) The area of reserved forests in the Anantapur district is 747 square miles.

(*c*) Class I—Nil, Class II—306 square miles, Class III—Nil, Class IV—385 square miles, Class V—56 square miles, Class VI—Nil.

(*d*) A complete answer to this clause would run to excessive length.

(*e*) & (*f*) The Government have no information in support of the suggestion.

(*g*) No.

(*h*) The Government have no information.

(*i*) Yes.

(*j*) 7,139 acres.

(*k*) & (*l*) The population in 1901 was 809.
„ in 1910 was 960.
The census figures of 1921 are not available.
No census was taken exactly 15 years ago.

Seripi reserve.

941 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether it is a fact that Seripi reserve is 800 acres in extent;

(*b*) whether it was ever declared by the forest authorities as useless; and

(*c*) what action was taken by the Government upon the declaration of the Forest department?

A.—(*a*) The extent of the Seripi reserve is 822 acres.

(*b*) & (*c*) No, it is a class V reserve.

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Seripi reserve.

942 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether it is a fact that when the Seripi reserve was formed even the ryots who had been cultivating lands in the present reserved area were compelled to give them up;

(*b*) what the annual income to the Government is from this Seripi reserve for the last ten years;

(*c*) what the annual expenditure on this reserve is for the last ten years; and

(*d*) what valuable timber is grown in this reserve for the last ten years?

A.—(*a*) No: at the time of settlement there were five claims for lands within the Seripi reserve.
Three claims in respect of about 113 acres were wholly admitted and the reserve boundary altered excluding the patta lands.
The claim for paimash No. 25 measuring 22 acres was rejected, since the claimant had no patta.
In the fifth claim, the portion relating to paimash No. 24 (27·6 acres) was admitted and the land excluded from the reserve, while the portion of the claim relating to paimash No. 25 was rejected for the reason stated above.

(*b*) & (*c*) Details of receipt and expenditure in respect of single reserve are not available.

(*d*) The Government have no recent information. In 1904 when the working-plan was drawn up *Acacia Sundra* was the chief tree in the reserve.

Sarishtadars in the District Courts of Chittoor, Madura, etc.

943 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Law Member be pleased to state—

(*a*) the names of sarishtadars in the District Courts of Chittoor, Madura, Tinnevelly, Kistna and Bellary;

(*b*) their caste and the period for which they have been occupying these posts in those districts; and

(*c*) whether there is any fixed limit for these sarishtadars to stay in one district?

A.—(*a*) & (*b*) A statement containing the information corrected up to the 31st March 1921 is placed on the table—

Name of the District Court.	Name of the Sarishtadar.	Caste.	Period for which he has been occupying the post.
			Y. M.
Chittoor ..	M. Chellappa Ayyar.	Brahman	6 2½
Madura ..	N. Seshagiri Rao .	Do.	5 3
Tinnevelly ..	P. R. Rangaswami Nayudu.	Non-Brahman ..	11 4
Kistna	V. Perraju	Brahman	0 7
Bellary	T. S. Lakshmana Rao.	Do.	5 8

(c) Transfer of Sarishtadars of district courts is a matter which rests with the High Court by virtue of section 24-A of the Madras Civil Courts Act, 1873, and the Government are not aware if that authority has prescribed any time limit for the retention of a Sarishtadar in any one district.

Attendance of Government employees at non-co-operation meetings.

944 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Home Member be pleased to state—

(a) whether the attention of the Government has been drawn to the article headed "What will the Government do" published by a co-operator on 19th September 1921 in *Justice* of the 20th September 1921;

(b) whether it is a fact that a retired clerk of the Registration department, one Mr. Vasudeva Ayyar, presided over a meeting held on Saturday the 17th September 1921 at Trichinopoly to boycott His Excellency the Governor's visit to Trichinopoly;

(c) whether Government pensioners can behave thus and yet continue to receive pensions from the Government;

(d) whether Government officers such as village karnams and village munsifs can attend non-co-operation meetings and help in their mischievous propaganda work;

(e) whether Government employees from clerks to officers can attend non-co-operation meetings or help in their mischievous propaganda work; and

(f) whether the Government propose to issue immediate injunctions to all Government employees and servants not to join non-co-operation on pain of summary dismissal from the service?

A.—(a) & (b) The Government are enquiring into the matter.

(c) It is within the competence of the Local Government to withhold or withdraw pension of any retired officer who after a warning persists in the active support or advocacy of the non-co-operation movement.

(d) Such conduct on the part of village munsifs or karnams would render them liable to dismissal.

(e) & (f) The attention of the Honourable Member is drawn to G.O. No. 265, Public, dated the 2nd May 1921, which contains a pronouncement of the attitude of the Government in the matter. Government officials who act in the manner indicated in the question render themselves liable to dismissal.

The Rajahmundry Government College.

945 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Minister for Education be pleased to state—

(a) how many Telugu-knowing professors or assistant professors of the Rajahmundry Government College have been transferred to non-Telugu parts of the Presidency; and

(b) whether these professors know Tamil?

A.—The question is vague; if the Member specifies the period, an endeavour will be made to furnish information.

Communal representation in the Secretariat.

946 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the Hon'ble the Member for Finance be pleased to lay on the table—

(a) a list showing the total number of permanent and acting superintendents in each department of the Madras Secretariat on the 1st March 1921 and the number belonging to each of the communities, Brahman, Indian Christian, Muhammadan, non-Brahman Hindu;

(b) the names and the length of qualifying Government service of the acting men and the educational qualifications, general and special, and the salary actually disbursed to each of the acting superintendents on 1st April 1921 for the duty performed in March 1921;

(c) a similar list as regards acting clerks in the upper division;

(d) to state if it is a fact that the Muhammadans are not adequately represented on the Secretariat establishment in spite of the close attention promised in the Government answer to question 9 (b) asked by the Hon'ble Mr. Ahmad Thambi Marakkayar at the meeting of the Legislative Council held on 20th November 1917 and whether the Government will be pleased to appoint a fair proportion of them at least in future vacancies and if necessary create vacancies for their appointment by transfer to the mufassal of clerks and superintendents belonging to communities that are over represented;

(e) to state how many applications from Muhammadans have been received in each department in each of the last three years; and

(f) to state what practical steps, if any, the Government have taken to carry out the promise made in answer to the Hon'ble Mr. Ahmad Thambi Marakkayar's question above referred to?

A.—(a), (b) & (c) Three statements are laid on the table.*

(d) There are at present in the Secretariat five Muhammadan clerks and one typist, of whom one clerk has gone to the Postmaster-General's office with a lien on his appointment in the Local Self-Government Secretariat. Applications for appointments from qualified men are rare.

The Government will bear in mind the Honourable Member's suggestion in giving effect to the resolution regarding appointments in the Secretariat moved by Mr. O. Tanikachalam Chettiyar at the August meeting.

(e)—

Departments.	Number of applications from Muhammadans.		
	1918	1919	1920
Local Self-Government ..	Information is not available.	Nil.	2
Law Secretariat	Do.	2	1
Public Works Department ..	..	Nil.	..
Chief Secretariat (including Finance).	1	1	1
Revenue Secretariat (including Development).	10	4	2

* Vide Appendix III on page 1345 infra.

(*f*) The question and answer were brought to the notice of the Departments of the Secretariat, the Board of Revenue and the Collector of Madras for their guidance.

Auction sale of arrack shops.

947 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the Hon'ble the Minister for Education (Excise) be pleased—

(*a*) to state for each district the amount of the auction sale of (1) arrack shops in March 1921, and (2) toddy shops in July last, as compared with the figures for the previous year; and

(*b*) to state whether it is a fact that the Madras Abkari Administration Report was published very late, and if so, whether the Government cannot take steps to issue it in July of each year?

A.—(*a*) The statements are laid on the table.*

(*b*) The publication of the report in July or earlier than at present cannot conveniently be arranged.

Government Muhammadan College, Madras.

948 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the Hon'ble the Minister for Education be pleased to state—

(*a*) for how many years provision has been made in the civil budget estimate for the construction of a building for the Government Muhammadan College, Madras;

(*b*) what the amount of the provision was, if any, that was made in the civil budget estimate for 1919-20 and 1920-21;

(*c*) why the provision was allowed to lapse each year; and

(*d*) why the Government or their subordinates are slower in getting a building for the Government Muhammadan College than for the Queen Mary's College on the Beach?

A.—(*a*) Only in 1920-21.

(*b*) Rupees 25,000 only in 1920-21.

(*c*) Because plans and estimates were not ready in 1920-21.

(*d*) The presumption underlying the question is incorrect.

Legislative Council Library.

949 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the Hon'ble the Law Member be pleased—

(1) to furnish, with reference to the answer to question No. 443 asked by me at the meeting of the Council held on the 1st September 1921, a list of the books which are proposed to be purchased in England for Rs. 5,000 for the Legislative Council Library;

(2) to state to whom the selection of these books has been entrusted;

* Vide Appendix IV on page 1349 infra.

(3) to state whether the Government cannot entrust the work of the selection of books for the use of the Legislative Council members to a representative committee of the Legislative Council; and

(4) to state whether the Government consider that a sum of Rs. 5,000 will be adequate to bring in all important books on law, politics and other subjects?

A.—(1) The Government are not in possession of a list of the books in question.

(2) The selection was entrusted to M.R.Ry. Diwan Bahadur M. Ramachandra Rao Pantulu Garu and Sir Charles Todhunter, K.C.S.I.

(3) As the books very likely have already been purchased the suggestion cannot be accepted.

(4) This sum is not adequate but fresh additions to the library will be made as funds permit.

Madrasa-i-Azam.

950 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the Hon'ble the Minister for Education be pleased to state whether there is proper accommodation for luncheon for the Muhammadan boys of the Madrasa-i-Azam, Mount Road?

A.—One small tiffin room is provided. Additional accommodation will be available when new buildings are constructed.

Acreage under paddy cultivation.

951 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the Hon'ble the Member for Revenue be pleased—

(1) to lay on the table a statement showing the total acreage under paddy cultivation in each of the districts in the Madras Presidency for the last ten years;

(2) to state what steps the Government propose to take for bringing under rice cultivation a larger extent of arable waste which is available for cultivation; and

(3) to state what the extent is of such arable waste land available in each district (talukwar)?

A.—(1) The total acreage under paddy cultivation in each of the districts in the Madras Presidency will be found published in Appendix E of the annual season and crop reports.

(2) The attention of the Honourable Member is invited to G.Os. No. 1063, Revenue, dated 7th May 1920, and No. 191, Revenue, dated 24th January 1921, which were already placed on the Editors' Table.

(3) The Government are not in possession of the statistics.

Rent Restriction Bill.

952 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether, in view of the fact that the English Rent Restriction Act is said to have had wholesome effect in keeping down house-rents, the Government are prepared to undertake legislation at once with a view to keep down the abnormal rise of house-rents in Madras; and

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(*b*) whether they would leave it to non-officials to move in the matter and bring forward any legislation similar to the one brought forward by Mr. T. Arumainatha Pillai in the old Legislative Council ?

A.—The Government are not prepared to undertake legislation of the kind suggested by the Member, Legislative Council.

Dismissal of bailiff Mr. N. Govindaraja Mudaliyar.

953 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB : Will the Hon'ble the Law Member be pleased to state —

(*a*) whether it is a fact that the bailiff N. Govindaraja Mudaliyar was dismissed by the late Sheriff Sir Mirza Abdul Hussain Sahib Bahadur in January 1920 ;

(*b*) whether it was a fact that on appeal petition presented to the Government by the said bailiff, the Government passed orders to the effect that they declined to interfere on his behalf ; and

(*c*) whether there is anything in the rules or orders of Government to preclude his reinstatement as bailiff by the present Sheriff or his successors if it be considered by them that the bailiff was dismissed rather arbitrarily and not on sufficient grounds ?

A.—(*a*) & (*b*) Yes.

(*c*) Under the rules, the sanction of the Local Government is necessary for the re-employment in Government service of persons dismissed.

Income-tax Assessment.

954 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB : Will the Hon'ble the Member for Finance be pleased to state—

(*a*) whether the attention of the Government has been drawn to the correspondence under the head-line "Income-tax Assessment" in the issue of the *Hindu* of the 13th June 1921, containing certain suggestions of the Gudiyattam merchants in regard to the levy and collection of income-tax and maintenance of accounts by the Indian merchants ; and

(*b*) whether the Government propose to consider the suggestions and pass early orders on the several resolutions referred to ?

A.—(*a*) The Government have perused the correspondence.

(*b*) The suggestions will be considered.

Price of rice in the City.

955 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB : Will the Hon'ble the Law Member be pleased to state—

(1) whether it is a fact that people in the Madras City cannot get four measures of ordinary rice per rupee in the bazaars while they got four measures of Burma rice when Burma rice depots were located in different parts of Madras ; and

(2) what steps the Government propose to take in order that poor people may get rice at least at four measures per rupee as when the price was controlled ?

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A.—(1) The latest recorded price of ordinary rice in Madras City is 5·1 imperial seers against 3·9 imperial seers in the corresponding period in 1919 when control was in force. There are no restrictions now on the import of Burma rice and if it is no longer in demand in Madras City the reason is that it cannot compete with local rice at the present price.

(2) The conditions which justified exceptional measures in 1918 and 1919 have disappeared ; there are ample stocks of foodgrains, and the harvest prospects give every reason to anticipate a further decrease in the price of rice and other foodstuffs. Under these circumstances the Government have no intention of reimposing control.

Constables on night duty in the City.

956 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB : Will the Hon'ble the Home Member be pleased to state whether the attention of the Government has been drawn to the note "Illuminated Police" in column 7 on page 4 of the *Madras Mail* of the 23rd June 1921 ?

A.—This question has drawn the attention of the Government to the note referred to.

Secretariat Superintendents.

957 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB : Will the Hon'ble the Member for Finance be pleased to state—

(1) with reference to the answer to question No. 588 asked by Mr. Tanikachala Chettiyar on 2nd September 1921 which of the Superintendents referred to therein were employed in the Revenue department, and which in the Finance and other departments of the Secretariat ;

(2) whether any of these 36 non-gazetted officers have been transferred from the Secretariat before or after the 5th August 1921 or promoted to higher appointments in the Secretariat or elsewhere, either acting or permanent ;

(3) if so, to what posts, who they are and where they are now ;

(4) whether any qualified Muhammadan has been appointed to any one of such vacancies created by such transfers or promotions, if any ; if not, from which community persons were selected and appointed for the vacancies ; what their names are, length of service and qualifications ;

(5) whether the Government propose to appoint a few qualified Muhammadans as Superintendents ;

(6) whether any special tests have been prescribed for clerks or Superintendents in the different Secretariats ;

(7) how many of the 36 Superintendents possess any special test qualifications and what the total service was of each of these 36 Superintendents on 5th August 1921 ;

(8) whether any attempt was made at any time to bring in a qualified Muhammadan as Superintendent ; and

(9) whether more Muhammadans cannot be brought into the Secretariat in the gazetted and non-gazetted services in view of the paucity of the Muhammadan element on the Secretariat staff ?

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A.—(1) & (7) The information is given in the following statement:—

Name of Superintendents.	Length of service. Y.	M.	Whether has passed any special test.
Chief Secretariat.			
1. Rao Sahib A. Hanumantha Rao	16	5	All the Superintendents have passed special tests.
2. S. Seshayya	22	8	
3. C. Venkatasubbayya	26	8	
Revenue Department.			
4. W. A. Krishnama Achariyar	21	5	Do.
5. P. Castelino	20	7	
6. T. S. Ramaswami Ayyar	24	1	
7. C. J. Paul	11	7	
8. S. Kuppa Rao	23	11	
9. R. Ramaswami Ayyar	11	7	
Finance Department.			
10. S. Dandapani Ayyar	26	0	Do.
11. C. P. Krishna Ayyar	13	5	
12. T. A. Srinivasaraghava Ayyangar	13	2	
13. C. V. Ranga Achari	12	9	
14. C. R. Srinivasa Rao	10	8	
15. K. C Venkatarama Ayyar	14	11	
Law Department.			
16. N. Kailasa Sarma	22	5	Do.
17. M. V. Viraraghava Ayyar	25	4	
18. P. B. Gopala Achariyar	30	0	
19. T. Krishnaswami Ayyar	23	1	
20. P. S. Ramaswami Ayyar	18	3	
21. S. Anantanarayana Ayyar	14	9	
Local Self-Government Department.			
22. T. K. Arunachala Ayyar	29	6	Do
23. V. Srinivasa Ayyangar	25	4	
24. K. A. Ganapathi Ayyar	22	0	
25. N. Ramayya Sastriyar	14	4	
26. T. B. Ramachandra Mudaliyar	17	1	
Public Works Department.			
27. T. S. Ramaswami Ayyar	27	6	Nil.
28. A. S. Narayana Rao	20	2	Yes.
29. S. Gnanapragasam	18	3	Nil.
30. P. Padmanabha Rao	21	2	Yes.
31. K. Gopala Rao	17	9	Do.
32. T. P. Subrahmanyam	16	6	Do.
33. M. A. Tirumalachari	16	9	Nil.
34. Rao Sahib P. K. Subba Ayyar	24	6	Yes.
35. M. V. Venkatarama Ayyar	20	7	
36. A. Venkatasubba Ayyar	22	10	

(2) & (3) Yes, as indicated in the statement below:—

Names.	Post to which appointed.	Where they are now.
Revenue Department.		
P. Castelino ..	Acting Tahsildar and later Acting Deputy Collector.	Tiruppattur, North Arcot.
C. J. Paul	Acting Deputy Collector ..	On special duty in the Development Secretariat.
S. Kuppa Rao ..	Tahsildar	Udaiyarpalaiyam taluk, Trichinopoly district.

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Names.	Post to which appointed.	Where they are now.
Finance Department.		
S. Dandapani Ayyar.	On deputation as Deputy Superintendent of Census Operations.	Census office.
K. C. Venkatarama Ayyar.	Acted as Assistant Secretary to Government.	Reverted as Superintendent, Finance Department.
Local Self-Government Department.		
T. K. Arunachala Ayyar.	Assistant Secretary to Government.	Local Self-Government.

(4) No Muhammadan was appointed; the acting arrangements made were as follows:—

Names.	Community.	Service. Y.	M.	Qualifications.
Revenue Department.				
K. V. Kunhiraman Nayar.	Hindu (Non-Brahman).	15	0	B.A., Revenue (Higher), Criminal (Higher,) Account (Higher), Précis writing, Translation (Higher), Malayalam, Translation (Lower), Tamil, Land Records Tahsildar's training; vernacular tests in Tamil and Malayalam, Riding Test.
S. Kuppa Rao ..	Brahman.	21	0	B.A., Revenue (Higher), Criminal (Higher), Account (Higher), Précis writing, Translation (Higher), Malayalam, Survey and Revenue Inspector's training.
R. Ramaswami Ayyangar.	Do.	9	0	B.A., Account (Higher), Translation (Lower), Tamil, Revenue (Higher), Criminal (Higher), Précis writing, Survey training for six weeks and Revenue Inspector's training for one month and nine days.
P. Duraiswami Reddiyar.	Indian Christian.	19	0	B.A., Précis writing, Account (Higher), Salt Tests A. B. C. E., in Tamil and F.
Finance Department.				
T. R. Narayanan Nambiyar.	Hindu (Non-Brahman).	10	0	B.A., Account Test, Revenue (Higher), Survey and Settlement training, Criminal (Higher).
C. A. Sundara Ayyar (from 8th July 1921 to 24th July 1921).	Brahman.	9	2	B.A., Revenue (Higher), Précis writing, Criminal (Higher), Account Test.
S. Lakshmanaswami Sastri (from 25th July 1921 to 11th August 1921).	Do.	8	3	B.A., Revenue Test, Criminal (Higher), Account (Higher).
Local Self-Government.				
K. Narayana Ayyar.	Brahman.	9	0	B.A., Account Test, Revenue Test, Criminal Test, Précis writing, Translation Test (Higher), Survey and Settlement training prescribed for deputy collectors.

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(5) & (9) The Government will bear in mind the Honourable Member's suggestion provided that qualified Muhammadans apply or register their names.

(6) Revenue Test in Revenue Department for Superintendents and for clerks on Rs. 80 and above. Account Test for the Chief Secretariat which originally included the Finance Secretariat for clerks on Rs. 100 and above (but this rule has not been rigidly insisted on for some time past, as the Account rules are under modification).

(8) The answer is in the affirmative.

Cost of living in the City.

958 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the Hon'ble the Law Member be pleased to state—

(*a*) whether the attention of the Government has been drawn to the note under the head 'The Cost of Living Index' published in the *Madras Mail* of the 11th June 1921; and

(*b*) to furnish statistics to show how the cost of living in Madras City and the cities in the mufassal such as Madura and Trichinopoly has increased since the outbreak of the war, showing the percentage of increase in each of the years up to 1921 under the heads—

"Food, house-rent, clothing, fuel and light, miscellaneous, all items, i.e., cost of living"?

A.—(*a*) Yes.

(*b*) The Government have no information beyond what the Publicity Bureau has furnished to the newspapers.

Pay of Village officers in Zamindari areas.

959 Q.—Mr. B. MUNISWAMI NAYUDU: Will the Hon'ble the Member for Revenue be pleased to state, with reference to the answer given to my question No. 178 on 18th February 1921, whether the proposals of the Board of Revenue regarding the revision of the pay of village officers in *zamindari* areas have been received, and, if so, to lay the same on the table?

A.—The proposals of the Board of Revenue have been received. The Government will consider the request for laying the same on the table.

Trade Unions.

960 Q.—Rao Sahib M. C. T. MUTTAYYA CHETTIYAR: Will the Hon'ble the Law Member be pleased to make a statement setting forth the results of his recent tour in the Bombay Presidency to study the conditions of trade unions and when legislation in this direction is likely to be undertaken by this Government?

A.—It is difficult to state succinctly the results of the investigations. The Government of India is now considering legislation as to Trade unions and have addressed Local Governments on the subject. Till final orders are received from the Government of India, it is not possible to say if and when legislation is likely to be undertaken by this Government.

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Vernacular accounts for assessment of income-tax.

961 Q.—Rao Sahib M. C. T. MUTTAYYA CHETTIYAR: Will the Hon'ble the Member for Finance be pleased to state—

(*a*) whether, in consideration of the representations made to them by the Guzarathi, Marwari, Oriya and other assessees to income-tax affected by the rule framed by the Local Government compelling them to produce translations of their accounts for the Collector's scrutiny, the said rule has been cancelled; and

(*b*) if the answer to the above question is in the negative, whether the Government propose to cancel the rule in question?

A.—The operation of the rule has been suspended by this Government until further orders. The Income-tax Act is under revision and all rules under the Act are to be issued by the Government of India. It is not proposed to cancel the rule in question in the meantime.

Handloom peripatetic weaving party.

962 Q.—Rao Sahib M. C. T. MUTTAYYA CHETTIYAR: Will the Hon'ble the Minister for Development be pleased to state whether, in view of the present Swadeshi awakening all over the province, the Government propose to increase the number of hand-loom peripatetic weaving parties for work in such suitable further centres?

A.—It is expected that an increase in the number of these parties will be possible as soon as the requisite men have been trained.

Nattukottai Nagarathars' Association.

963 Q.—Rao Sahib M. C. T. MUTTAYYA CHETTIYAR: Will the Hon'ble the Member for Finance be pleased to state now that the Nattukottai Nagarathars' Association has acquired a statutory status under the Reform Rules, whether the Government have considered the question of inviting the opinion of that body on all measures of Government, financial, fiscal, commercial and industrial, before they are finally promulgated?

A.—The Government already consulted the Association upon matters upon which they think its advice would be useful. They do not undertake to consult any association or other body upon all measures of Government, financial, fiscal, commercial and industrial before they are promulgated and they cannot give an undertaking to do so in the case of the Nattukkottai Nagarathars' Association.

Government Soap Factory at Calicut.

964 Q.—Rao Sahib M. C. T. MUTTAYYA CHETTIYAR: Will the Hon'ble the Minister for Development be pleased to state whether the experimental and demonstration stage of the Government Soap Factory at Calicut has passed and whether it is now intended to hand it over to private enterprise with such limitations and conditions as may be necessary for preventing profiteering and for ensuring the free training of apprentices?

A.—The answer is in the negative. A Government Order on the subject is issuing shortly, a copy of which will be supplied to the Honourable Member.

Bureau of commercial and industrial intelligence.

965 Q.—Rao Sahib M. C. T. MUTTAYYA CHETTIYAR: Will the Hon'ble the Minister for Development be pleased to state whether the Government propose to establish Bureaus of Commercial and Industrial Intelligence in the city of Madras and a few other commercial and industrial centres, well equipped so as to place useful commercial and industrial information regarding Indian and foreign countries within the easy reach of those interested in commerce and industry in this province?

A.—For several years past there has been a Bureau of Industrial and Commercial Intelligence attached to the office of the Director of Industries in Madras City which serves exactly the purposes indicated by the Honourable Member. It is not proposed to establish similar bureaus at other centres.

Boycott of Foreign Cloth.

966 Q.—Rao Sahib M. C. T. MUTTAYYA CHETTIYAR: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether the Government perused a copy of the demi-official, dated Ranchi, 3rd August 1921, issued by the Government of Bihar and Orissa to all the Divisional Commissioners of that Province, which is printed on page 10 of the *Daily Express* of the 22nd September 1921 (morning edition) under the headline "Boycott of Foreign Cloth," in which that Government embodies certain instructions to their Divisional Commissioners for preventing the hardships that might be caused to dealers in, and buyers of, foreign cloth, by the campaign of boycott of foreign cloth and picketing of such business places by non-co-operators in that province; and

(*b*) whether the Government have issued or propose to issue instructions to their officers both in the City of Madras and in the districts, on the lines of the demi-official of the Bihar and Orissa Government referred to above, for protecting both the consumers of, and the dealers in, foreign cloth from trouble, loss and annoyance that may be caused them by the boycott campaign of non-co-operators?

A.—(*a*) The answer is in the affirmative.

(*b*) The attention of the Member is drawn to the Press Communiqué issued with G.O. No. 517, Public, dated 16th August 1921.

Glass and Dye factories.

967 Q.—Rao Sahib M. C. T. MUTTAYYA CHETTIYAR: Will the Hon'ble the Minister for Development be pleased to state if any steps are being taken or are to be taken for establishing at an early date glass and dye factories in this Presidency to check the flow of imports of foreign articles in these lines, particularly German, American and Japanese?

A.—The history of the experiment on glass-making in this Presidency has so far been most discouraging. Certain enquiries are however being continued both in this Presidency and in the United Provinces.

As regards dye factories it is not known whether the Honourable Member refers to

(*a*) factories for the manufacture of dyes or

(*b*) improved arrangements for the dyeing of cloth.

If (*a*) is intended, the manufacture of synthetic dyes is extremely unlikely to develop in this Presidency owing to lack of any coal. As regards vegetable dyes the Honourable Member is referred to paragraph 259 in the Industrial Commission's report where the opinion is stated that they cannot compete with synthetic dyes.

If (*b*) is intended, it is understood that the Director of Industries is considering the appointment of a Tinctorial Assistant to the Industrial Chemist. No further steps are for the moment in contemplation.

Communal representation in the office of the Inspector-General of Registration.

968 Q.—Mr. C. NATESA MUDALIYAR: Will the Hon'ble the Minister for Education (Registration) be pleased to state—

(*a*) how many Brahmans and non-Brahmans are employed in the office of the Inspector-General of Registration;

(*b*) how many permanent vacancies there are now in the office of the Inspector-General of Registration and how many of these posts he proposes to offer to non-Brahmans in order to make up the deficient representation of non-Brahmans in his establishment;

(*c*) how many clerical upper grade posts there are in the office of the Inspector-General of Registration and how many of these posts are now occupied by non-Brahmans;

(*d*) whether it is a fact that the Inspector-General of Registration has recently filled up two clerical posts in the upper grade with departmentally unqualified and short-service Brahmans, setting aside the right claims of non-Brahmans with pretty long service who were fully qualified (both educationally and departmentally); and

(*e*) whether the Inspector-General of Registration as the head of a department has been instructed to have a due representation of non-Brahmans in the public service?

A.—(*a*) & (*c*) On the 1st November 1921, there were 17 Brahmans and 9 non-Brahmans distributed as under:—

	Brahmans.	Non-Brahmans.
Registrars	2	Nil.
Sub-Registrars	5	5
Clerks (upper grade)	2	2
Clerks (lower grade)	6	2
Typists	2	Nil.

(*b*) & (*d*) Prior to the above date, there were two vacancies, one permanent and the other sub *pro tem.* In these vacancies two Brahmans, qualified educationally and technically and seniors in pay and in rank in the Inspector-General's office to the two non-Brahmans in the lower grade, were appointed sub. *pro tem.*; but the promotions were disallowed by the Accountant-General on the ground that acting arrangements on the same class were not permissible. To the permanent vacancy a non-Brahman from the lower grade acting as Sub-Registrar has since been appointed.

(*e*) Yes.

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Secretariat staff.

969 Q.—Mr. V. PAKKIRISWAMI PILLAI: Will the Hon'ble the Member for Finance be pleased to state, with reference to the answer to question 240 asked by Mr. P. Etirajulu Nayudu at the meeting of the Legislative Council held on the 3rd August 1921, and the answer to question 322 asked by Mr. M. C. Raja at the meeting of the Council held on 5th August 1921—

(*a*) how many of the upper division clerks and the superintendents in each of the Secretariats were graduates in arts on the 16th December 1920 and on the 16th July 1921;

(*b*) how many were non-graduates;

(*c*) the communities to which the non-graduates belonged;

(*d*) whether any of the non-Brahman graduates had put in more service and more educational qualifications than the Brahman clerks or superintendents in any of the Secretariats; if so, how many were in each Secretariat on the two dates above referred to;

(*e*) whether any non-Brahman graduate clerks or superintendents have been superseded by Brahmans after the advent of the non-Brahman ministry, i.e., during any of the months from 17th December 1920; if so, how many in each Secretariat and in each of the months till 1st August;

(*f*) whether some of the Brahman superintendents are only third-class B.A.s in English or optional branch; if so, how many in each Secretariat and to state their names;

(*g*) in which particular officer (name) the gift of appointment and promotion was vested at the time the third-class Brahman graduates were admitted to the Secretariat; and

(*h*) whether it was not on the note of the recommendation of the Brahman ministerial officer then known as Registrar (now as Assistant Secretary) that the third-class Brahman graduates were appointed and promoted from time to time?

A.—(*a*), (*b*) & (*c*) A statement * is laid on the table.

(*d*) The question is not understood.

(*e*), (*f*), (*g*) & (*h*) The information has been collected and embodied in a statement * which is laid on the table.

Office of Examiner of Local Fund Accounts.

970 Q.—Mr. V. PAKKIRISWAMI PILLAI: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) the number of posts sanctioned for the office of the Examiner of Local Fund Accounts and the pay assigned to each;

(*b*) the number of persons appointed from the different communities, Brahman, non-Brahman Hindu, Muhammadan and Christian; and

(*c*) the steps taken, if any, by the Government to ensure proper distribution of the appointments among the different communities?

A.—(*a*) & (*b*) The statement † laid on the table furnishes the information required by the Honourable Member so far as the posts in superior service are concerned.

(*c*) The instructions issued in G.O. No. 613, Public, dated the 16th September 1921, for ensuring a distribution, among the different communities, of appointments in all Government offices apply to the Office of the Examiner of Local Fund Accounts also.

* Vide Appendix V on page 1350 infra. † Vide Appendix VI on page 1352 infra.

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Amins in the Presidency.

971 Q.—Mr. V. PAKKIRISWAMI PILLAI: Will the Hon'ble the Law Member be pleased to state the strength of the cadre of amins in the Presidency, both permanent and temporary?

A.—According to the Civil Budget Estimate for 1921-22 the number is 1,899.

Valangiman union.

972 Q.—Mr. V. PAKKIRISWAMI PILLAI: Will the Hon'ble the Minister for Local Self-Government and the Hon'ble the Home Member be pleased to state—

(*a*) whether it is a fact that the covering stones of the culvert near the dispensary, Valangiman union, have been removed by a Brahman mirasidar with the consent of the chairman, the deputy tahsildar and sub-registrar and utilized for the construction of the Brahman bathing ghat;

(*b*) whether it is a fact that a road has been put up from the agraharam to the bathing ghat and that coconut trees have been planted on both sides with the help of the union servants and village vettis;

(*c*) whether it is a fact that the persons referred to above collected some money from the ryots residing in Maravatti street of the same village by threatening them with impounding of their cattle grazing close to the newly-formed road;

(*d*) whether it is a fact that the sub-magistrate issued notices to those who refused payment and compounded the case at his house with the help of the chairman and collected one rupee from each party and a receipt was granted by mirasidar Gopalaswami Ayyar;

(*e*) whether it is a fact that a petition was sent by registered post to the Collector of Tanjore by the ryots residing in Maravatti street, Valangiman, on 31st August 1921, regarding the collection of the money as mentioned above;

(*f*) what action the Collector has taken on that petition;

(*g*) whether it is a fact that the sub-magistrate who issued such notices and helped the mirasidar in collecting money from the illiterate people was placed under suspension before he was transferred to Valangiman; and

(*h*) whether it is a fact that the sub-magistrate helped the chairman and fined heavily a jatkaman and another non-Brahman for bathing in the Brahman bathing ghat; if so, whether the Government will take immediate steps to remove him from office and take necessary notice of his abovementioned actions?

A.—The Government have no information in the matter.

Mr. V. PAKKIRISWAMI PILLAI:—"Will the Honourable Member be pleased to call for the information?"

The Hon'ble Sir LIONEL DAVIDSON:—"This is a question, Sir, which only concerns me in part. I will consider whether information should be called for but my view in regard to the whole question is that it is not a mere request for information but substantially a statement of facts within the knowledge of the questioner."

The Hon'ble the PRESIDENT:—"Probably I may take this opportunity to mention to the House that these interpellations we are now going through were admitted before I passed my rulings the other day. I have not considered it necessary to work those rulings retrospectively. I am aware that some of these questions offend in one respect or another what I have said. I want to explain why several interpellations have been answered today which according to my latest rulings should not have been admitted."

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Excise income.

973 Q.—Mr. T. A. RAMALINGA CHETTIYAR: Will the Hon'ble the Minister for Education (Excise) be pleased—

(*a*) to give a statement districtwar for the whole Presidency—

(1) of the excise income under the several heads for the last financial year and the estimated income for the current year;

(2) the income from sale of licences for toddy shops for the year ending 30th September 1921 and the amount fetched in the sales held for the year beginning 1st October 1921;

(*b*) to state whether it is a fact that in the recent sales there were no bidders for many shops in the first instance and that resales had to be held;

(*c*) to state how many shops have not yet been sold;

(*d*) to state what was the total number of shops sold only at resales after the first sale had proved abortive;

(*e*) to state whether it is a fact that for the sales of toddy shops the Revenue and Salt officers had to actively canvass for bidders;

(*f*) to state whether it is a fact that the Revenue and Salt officers are even now canvassing actively for trees for tapping;

(*g*) to state whether it is a fact that people who preached against drink at and before sales and who do not lease their trees for tapping are looked upon with disfavour by the Government;

(*h*) to state whether it is a fact that in many cases the bidders at sales wanted to withdraw their bids and that in most cases they sent their petitions sufficiently early to enable the Government to hold resales; what orders the Government have passed on these petitions; if no orders have been passed already, what orders they are going to pass;

(*i*) to state whether the Government will allow the withdrawal of at least those bidders who are prepared to forfeit the initial deposits; and

(*j*) to state what the Government propose to do for the purchasers who are not able to get trees for tapping altogether or who can get them only in insufficient numbers?

A.—(*a*) The statements are laid on the table.*

(*b*) Yes.

(*c*) & (*d*) The Government have no information.

(*e*), (*f*) & (*g*) The Government have no information but have no reason to think that there is any foundation for the allegations.

(*h*) The Government have no information nor have any petitions been received by Government for resales of shops.

(*i*) & (*j*) The questions being hypothetical, the Government are not in a position to answer them.

Mr. T. A. RAMALINGA CHETTIYAR:—"With reference to (*e*), (*f*) *and* (*g*) of question 973 the answer is that the Government have no information. But it is said that they have no reason to think that there is any foundation for the allegations. May I know on what they base this information?"

The Hon'ble Rao Bahadur A. P. PATRO:—"On the reports furnished by the district officers."

* Vide Appendix VII on page 1353 infra.

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Mr. T. A. RAMALINGA CHETTIYAR:—"Then the earlier portion that they have no information is not accurate?"

The Hon'ble Rao Bahadur A. P. PATRO:—"That is quite different."

Mr. T. A. RAMALINGA CHETTIYAR:—"May I know who dealt with these petitions, whether the Government or the Collectors?"

The Hon'ble Rao Bahadur A. P. PATRO:—"The Honourable Member will refer to the Abkari rules in which the Collector has the power and the Board of Revenue disposes of the applications."

Mr. T. A. RAMALINGA CHETTIYAR:—"Will the Government make enquiries and find out?"

The Hon'ble Rao Bahadur A. P. PATRO:—"It is not necessary."

Post-graduate training of assistant surgeons.

974 Q.—Mr. T. A. RAMALINGA CHETTIYAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(1) whether it is a fact that some of the assistant surgeons posted to the Medical College for post-graduate training, according to a recent issue of the *Fort St. George Gazette*, have already undergone the training, and, if so, why they are posted again for the same training;

(2) whether it is a fact that some of those posted for post-graduate training have even acted as District Medical and Sanitary Officers, and, if so, how many; and how many of these have already undergone the training;

(3) whether any examination is held after the training and by whom; if an examination is being held, whether the Government cannot consider the advisability of giving it up, as the assistant surgeons are men of experience who are doing practical work; and

(4) when the system of post-graduate training was instituted; to lay on the table the Government Order issued for the institution of the course and the correspondence leading up to it and any subsequent rules framed by the Government or the Surgeon-General prescribing the courses and the holding of examination?

A.—(1) Yes. Six out of the twenty civil assistant surgeons posted for post-graduate training this year underwent a course on the last occasion, *i.e.*, in October 1920. They were ordered to undergo the course a second time as they were reported to be unfit for promotion.

(2) Two have acted as District Medical and Sanitary Officers in short privilege leave vacancies when no permanent District Medical and Sanitary Officer was available; one of these underwent training last year.

(3) At the end of each course a practical examination is held by the Professors of the College to see whether the officers have derived sufficient benefit from the training. The Government do not propose to make any change in the practice.

(4) The system was introduced in 1920. Copies of the scheme approved by the Government and circular No. 43, dated 7th November

1919, issued by the Surgeon-General on the subject are laid on the table.* The Government do not consider it necessary to lay on the table the connected correspondence between this Government, the Government of India and the Secretary of State.

Defalcation in the Madras Corporation.

975 *Q.*—Rao Sahib U. RAMA RAO: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether there was recently a defalcation in the Madras Corporation, and, if so, whether the Government propose to consider the desirability of appointing a strong committee, of whom one shall be an experienced Accounts Officer, to inquire into the matter and to suggest safeguards for the prevention of such defalcations in future;

(*b*) to state, with reference to Part III of Schedule V of the City Municipal Act, 1919, introducing surcharge in audit, how many cases of loss of Corporation money were surcharged by the auditors on the persons responsible, since the introduction of the Act in October 1919;

(*c*) whether, with reference to the recent defalcation in the Madras Corporation referred to in clause (*a*), the Government cannot consider the question of surcharging the loss on the person or persons responsible for it;

(*d*) whether the Government propose to adopt in this province the practice of publishing the report of the auditor on the working of the Madras Corporation and district municipalities; and

(*e*) whether the accounts of the rice transactions undertaken by the Madras Corporation during the period of scarcity of rice in the Madras City were subjected to audit; and, if so, to place the auditor's report on the table?

A.—(*a*) The Government have no official information on the subject.

(*b*) There were no cases of surcharge up to the end of 1919-20. The Government are not aware that there have been any since.

(*c*) Surcharges are made by the auditors and not by the Government and the matter is therefore one for the former to consider.

(*d*) The Government have already issued orders that the Examiner of Local Fund Accounts should, with effect from 1921-22, prepare annually a consolidated report on the accounts of all local bodies and submit the report through the Accountant-General so as to reach the Government by the 1st January of the official year subsequent to that to which the report relates. This report will be laid before the Public Accounts Committee and also on the Editors' Table.

(*e*) The accounts of the transactions were audited by a private qualified auditor and were also scrutinized by Government auditors. The latter's report is placed on the table. †

Rao Sahib U. RAMA RAO:—"With reference to 975 (*a*) will the Government call for the information?"

Mr. F. J. RICHARDS:—"Yes, Sir."

* Vide Appendix VIII on page 1359 infra. † Vide Appendix IX on page 1362 infra.

The Madras Oriental Manuscripts Library.

976 *Q.*—Rao Sahib U. RAMA RAO: Will the Hon'ble the Minister for Education be pleased to state—

(*a*) when the publication section was started in the Madras Oriental Manuscripts Library, and how many publications have been edited and published by the section since then;

(*b*) whether it is a fact that in Bombay, Government appoints private scholars of reputation and pays them an honorarium to edit and publish at Government cost rare and valuable works with a view to supplement and expedite the work done by the Oriental Manuscripts Library;

(*c*) if the answer to (*b*) is in the affirmative, whether the Government cannot adopt a similar method for this Presidency also;

(*d*) with reference to the answer to my question on the subject, No. 483 (*d*), what other arrangements the Government are prepared to make for the acquisition, preservation and publication of Kanarese manuscripts;

(*e*) the number of Kanarese manuscripts there in the Madras Oriental Manuscripts Library, and how many of them are in a fairly good condition, and how many are in urgent need of being restored; and

(*f*) whether there is a descriptive catalogue of all the available Kanarese manuscripts in the above library, and, if not, whether the Government cannot order the preparation and publication of such a catalogue at a very early date?

A.—(*a*) The opening of a publication section was sanctioned in G.O. No. 801, Home (Education), dated 12th July 1920. The full complement of the section began work on 14th December 1920. No publications have yet been edited and published.

(*b*) & (*c*) Government have no information.

(*d*) The special staff attached to the Office of the Curator of the Oriental Manuscripts Library takes steps to acquire Kanarese and other manuscripts. The permanent staff of the library preserves them. Their publication will be considered when the general question of the publication of vernacular manuscripts is taken up.

(*e*) 921, 438 and 40, respectively.

(*f*) No. The matter will receive consideration.

Rao Sahib U. RAMA RAO:—"With regard to (*b*) and (*c*) of question 976, will the Government call for the information?"

Mr. F. J. RICHARDS:—"Yes."

The Medical Department.

977 *Q.*—Rao Sahib U. RAMA RAO: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether the attention of the Government has been drawn to the letter published in the *Hindu* of the 27th September 1921, under the heading "The Vagaries of the Medical Department" and the editorial comment thereon in its issue of the same date; and

(*b*) to state the reasons for the wholesale transfer of assistant surgeons in Madras during the past two months and furnish a detailed list of such transfers during that period?

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A.—(*a*) The Government have perused the correspondence referred to.

(*b*) The transfers were chiefly due to

(1) the deputation of civil assistant surgeons to undergo the post-graduate course and the health officer's training at the Medical College, Madras, and the appointment of substitutes for their relief;

(2) the provision of appointments for assistant surgeons who returned from military duty and who have been guaranteed appointments in the civil department and consequential changes; and

(3) the return of Indian Medical Service officers to the civil department and changes consequent thereon.

Six Indian Medical Service officers, three permanent civil assistant surgeons and 25 temporary civil assistant surgeons and house surgeons reverted from military duty during the past six months and seven Indian Medical Service officers, six permanent civil assistant surgeons and 40 temporary civil assistant surgeons and house surgeons are still due back from military duty.

For a detailed list of transfers the Honourable Member is referred to the notifications published in Part II of the *Fort St. George Gazette.*

Mr. Molony, the President of the Town-Planning and Improvement Trust.

978 *Q.* -Rao Sahib U. Rama Rao: Will the Hon'ble the Minister for Local Self-Government be pleased to state when Mr. Molony took charge of his office as President of the Town-Planning and Improvement Trust, and what his pay is per mensem; and to give a detailed statement of the work so far done by him?

A.—Mr. Molony took charge as Chairman of the Madras City and Suburban Town-Planning Trust on the 12th February 1921. He draws his grade pay plus a duty allowance of Rs. 250 per mensem. As it was considered necessary that before the formation of the Trust a preliminary survey of the possible scope of the operations of the Trust should be undertaken, Mr. Molony was placed on special duty to undertake this work with effect from the date of his assumption of office as Chairman of the Trust. He has made the necessary investigations and has submitted a report to the Government. He has also been entrusted with and has been attending to the work of construction of houses for the working classes at Puliyantope.

His special duty has ceased now and he has been appointed again as Chairman of the Trust.

Provincial Medical Service.

979 *Q.*—Rao Sahib U. Rama Rao: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) the number of transfers made in the Provincial Medical Service in the last five months and the number for the corresponding period of the previous two years;

(*b*) the approximate increase of cost due to these transfers;

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(*c*) on what principle transfers are made;

(*d*) why all the assistants on the surgical side of the General Hospital were transferred simultaneously; and

(*e*) why Captain G. V. Ram Mohan was transferred from his teaching appointment as Assistant to the Fourth Physician?

A.—(*a*) The statement below gives the required information:—

Year.	Number of transfers made in				
	May.	June.	July.	August.	September.
1919	4	7	5	8	2 *
1920	2	3	8	7	30 *
1921	9	12	13	3	46 †

* Includes twenty-eight transfers due to post-graduate course selection and appointments of substitutes.

† Includes thirty-two transfers due to post-graduate course selection and appointments of substitutes.

The increase in recent transfers is due to—

(1) the deputation of civil assistant surgeons to undergo the post-graduate course in the Medical College;

(2) the appointment of substitutes for their relief;

(3) appointment of civil assistant surgeons to undergo the health officers' training at the Medical College and the appointment of substitutes;

(4) provision of suitable appointments for assistant surgeons who returned from military duty and who had been guaranteed appointments in the civil department and the consequential changes; and

(5) recent return of I.M.S. officers to civil and changes consequent thereon.

(*b*) The information is not available in the Government office.

(*c*) Transfers of civil assistant surgeons are usually made after taking into consideration the following factors:—

(1) Special qualifications of officers.

(2) Length of service in a district or a station and seniority.

(3) Capacity of an officer for holding certain teaching appointments.

(*d*) Three of the assistants were temporary civil assistant surgeons who had put in over two years of service in their appointments and it was found necessary in the interest of the service to give a term of duty to other junior officers who were reported as suitable for these appointments. The work of some of these assistants was also reported to be unsatisfactory.

(*e*) Captain Ram Mohan was transferred in the interests of teaching work. He expected a speedy transfer to the Military Department and it was found convenient to post a senior assistant surgeon who was returning from leave.

Rao Sahib V. Rama Rao :—"With reference to 979 (*b*), will the Government be pleased to call for the information ?"

Mr. F. J. Richards :—"Yes, Sir."

The Hospet municipality.

980 Q.—Mr. A. Ranganatha Mudaliyar : Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether the municipality of Hospet, Bellary district, applied to the Government of Madras for sanction to the levy from the railway administration of the tax on companies ;

(*b*) whether the Government refused to accord or obtain from the Government of India the necessary sanction ; and

(*c*) if so, the reasons for such refusal ?

A.—(*a*) & (*b*) The answer is in the affirmative.

(*c*) The levy of companies tax under the present Act on the railway administration is contrary to public interests, as it would inevitably necessitate increase in charges for fares and freight.

Mincheri reserve.

981 Q.—Mr. A. Ranganatha Mudaliyar : Will the Hon'ble the Home Member be pleased to state—

(*a*) whether the right to cut and sell grass from Mincheri reserve, which hitherto had been leased to Mr. Howes, was recently sold by public auction ;

(*b*) the amount which was fetched at the last auction and that which Mr. Howes was till now paying as rent for the reserve ; and

(*c*) whether the Government have satisfied themselves that the conditions subject to which the auction was held and the sale has been confirmed, safeguard adequately the supply of hay to the army ?

A.—(*a*) Yes.

(*b*) Mincheri reserve fetched Rs. 280 in public auction. The amount hitherto paid by Mr. Howes was Rupees 350 for Mincheri and five other much less productive reserves.

(*c*) Yes : this arrangement was made after consultation with the Military Department.

Assistant Director of Agriculture.

982 Q.—Mr. A. Ranganatha Mudaliyar : Will the Hon'ble the Minister for Development be pleased to state—

(*a*) how many Assistant Directors of Agriculture are in charge of circles and whether those in charge have proved themselves efficient ; and

(*b*) if the answer to the latter part of (*a*) be in the affirmative, why the acting officers have not been confirmed yet in their present appointments ?

A.—The Member is referred to the answers given to question No. 397 (*c*) and (*e*) at the March Sessions of the Legislative Council.

Mr. A Ranganatha Mudaliyar :—"I am not able to understand from the answer whether the acting people in March have since been confirmed."

The Hon'ble Rai Bahadur K. Venkata Reddi Nayudu Garu :—"If the Honourable Member is able to tell the particular instance, I will be able to say definitely."

Mr. A. Ranganatha Mudaliyar :—"I have asked whether those in charge of the circles have been confirmed. In answer I am referred to the answer given in March. That answer will be applicable only if the same state of things continue now also."

The Hon'ble Rai Bahadur K. Venkata Reddi Nayudu Garu :—"I wish to have notice, Sir."

The Sugar Committee.

983 Q.—Mr. A. Ranganatha Mudaliyar : Will the Hon'ble the Minister for Development be pleased to state—

(*a*) whether the Sugar Committee have recommended the establishment of a sugarcane farm in Hospet taluk, Bellary district; and, if so,

(*b*) the steps taken or intended to be taken by the Government to give effect to the above recommendation at an early date ; and

(*c*) the area under sugarcane crop in the Hospet taluk ?

A.—(*a*) The Committee have not recommended the opening of a sugarcane station in Hospet taluk, Bellary district ; they have suggested the establishment of an ordinary circle farm in the western part of the Bellary district.

(*b*) The Committee have themselves remarked that this farm is not so urgently required as those recommended in other districts. The matter will be considered by the Director of Agriculture in the first instance.

(*c*) The Government have no separate figures for the Hospet taluk. The whole area under sugarcane in the Bellary district is only 6,276 acres.

Number of circles under Deputy and Assistant Directors of Agriculture.

984 Q.—Mr. A. Ranganatha Mudaliyar : Will the Hon'ble the Minister for Development be pleased to state whether there are any proposals to add to the number of circles now under Deputy and Assistant Directors of Agriculture and, if so, what these proposals are, what reasons have been adduced for them and what is the extra cost of those proposals ?

A.—Beyond the creation of the ninth circle decided on so early as October 1919, in pursuance of the recommendation of the Indian Cotton Committee in paragraphs 146, 149 and 152 of their report, it is not proposed to add immediately to the existing number of circles.

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Standing Committee of the Council attached to the Excise Department.

985 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Education (Excise) be pleased to state, with reference to Resolution No. 17 of the Legislative Council, dated 3rd August 1921, whether a standing committee of the Council has been attached to the Excise Department and, if so, who the members of the committee are?

A.—The Government will publish the names of the members of the committee when their acceptances have been received.

Grant for maintenance of trunk road, Hospet.

986 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(a) whether the Municipal Chairman, Hospet, has applied to the Government for the payment of grant due for the maintenance of the trunk road within the municipal limits;

(b) whether it is a fact that there were many changes in the personnel of the chairman of the municipality and consequently there was delay in the collection and spreading of road materials;

(c) whether it is a fact that owing to the above delay in spreading metal the Government have declined to sanction the grant due by them to the municipality;

(d) whether the municipal chairman has once again requested the Government to reconsider their decision in the light of further facts adduced by him; and

(e) whether the Government propose to favourably consider the application of the chairman?

A.—(a) The answer is in the affirmative.

(b) The personnel of the chairman changed only once in 1920-21. The delay in the execution of repairs to the trunk road was stated to be due to "certain causes of an administrative nature."

(c) No grant was sanctioned as practically no repairs were done to the trunk road.

(d) Yes.

(e) The Government have refused to reconsider the original order. But they have as a special case, and subject to certain conditions, permitted the council to include in the accounts for 1921-22 the cost of the metal which was collected in 1920-21 and which remained unutilized.

Admission to the Connemara Library.

987 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Education be pleased to state—

(a) whether, and if so, what dress has been prescribed for those who wish to go into, and use the books of, the Connemara Library;

(b) whether the wearing of a turban and the use of a coat are insisted on for admission to the library; and

(c) whether, if so, the Government cannot relax these rules?

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A.—(a) The rule required that the readers 'are cleanly in person and properly dressed'. The words 'properly dressed' were at one time interpreted to mean wearing of coat and headdress when the hair was kept in Indian style. The rule was subsequently relaxed in the case of sanyasis and others with whose dress the wearing of coat would be out of keeping and it was decided in April last that a head-dress need not be insisted on when an angavastram was worn.

(b) No, not in all cases.

(c) As explained above, the rule has been relaxed.

Money rewards to Police officers.

988 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Home Member be pleased to state the total amount of money rewards paid to officers in the Police Department during each of the last five years, for detection of crimes or for other reasons?

A.—The Honourable Member is referred to the published annual administration reports of the Police Department.

Conviction of Yaqub Hasan, police constable.

989 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Home Member be pleased to state—

(a) whether in June last Yaqub Hasan, a police constable, was convicted by the Chief Presidency Magistrate of the offence of assault on an under-trial prisoner and sentenced to three days' simple imprisonment;

(b) whether the then Crown Prosecutor, Mr. Sydney Smith, applied for revision in the High Court and obtained bail for the accused;

(c) whether the Government disapproved of the Crown Prosecutor's appearance for the accused without instructions from them and asked the Public Prosecutor to support the conviction; and

(d) whether, when the revision petition came before the High Court for enquiry, the Public Prosecutor said that he was unable to support the conviction and would not press for a retrial, and, if so, whether this also was in pursuance of the instructions of the Government?

A.—The Honourable Member is referred to the answer given to question No. 1029.

As regards clause (c) of the question, the Government pointed out to the Commissioner of Police that under Standing Orders the regular course would have been to have engaged a private lawyer to appear for the accused constable and not to have employed the Crown Prosecutor. As the Crown Prosecutor had actually appeared on behalf of the accused, the Public Prosecutor was instructed to appear on behalf of the Government.

Sandalwood area in the Hospet taluk.

990 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Home Member be pleased to state—

(a) when the reserve called the sandalwood area was constituted in Hospet taluk, Bellary district;

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(*b*) the number of sandalwood trees since planted from year to year with the number out of them which exists now on the ground in a healthy condition; and

(*c*) the amount spent on the area annually up to the end of 1920-21 ?

A.—(*a*) A sandal area near Chilakanahatti was constituted reserved forest with effect from 1st May 1914.

(*b*) & (*c*) The Government are not in possession of this information.

Mr. A. RANGANATHA MUDALIYAR :—" Will the Government call for the information ? "

The Hon'ble Sir LIONEL DAVIDSON :—" No, Sir. I do not think there is sufficient cause to call for the information. It has been stated in answer to another question that separate records are not ordinarily kept of outlay on particular reserves."

Bondinakalla reserve.

991 *Q.*—Mr. A. RANGANATHA MUDALIYAR : Will the Hon'ble the Home Member be pleased to state—

(*a*) the extent of Bondinakalla reserve, Rayadrug taluk, Bellary district; and

(*b*) the amount spent on, and the revenue realized from, the above reserve during each of the last five years ?

A.—(*a*) Two thousand two hundred and fifty-four acres.

(*b*) Information is not available for individual reserves.

Grant of public tanks on patta in Kurnool.

992 *Q.*—Mr. A. RANGANATHA MUDALIYAR : Will the Hon'ble the Member for Revenue be pleased to state whether the taluk board of Koilkuntla, Kurnool district, protested against the grant of public tanks and ponds on patta and several mahazars also were presented by ryots to the same effect ?

A.—Government have no information.

Ponds, tanks, etc., in Bellary and Anantapur.

993 *Q.*—Mr. A. RANGANATHA MUDALIYAR : Will the Hon'ble the Member for Revenue be pleased—

(*a*) to furnish a list of ponds, tanks and wells, not used for irrigation in Bellary, Kurnool and Anantapur districts, (1) which have been transferred to local bodies according to the principles laid down in G.O. No. 1070, Financial, dated 14th August 1872, and (2) which have been transferred to ayan and assigned on patta to private parties with the amount paid by them in cases where the value of the tank, pond or well, as the case may be, was received from the assignee ; and

(*b*) to state whether the local bodies concerned were consulted before the tanks, ponds and wells referred to in (*a*) (2) above were assigned on patta and, if not, the reasons for the omission ?

A.—Government have no information.

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Retrenchment in the Revenue Department.

994 *Q.*—Mr. K. SADASIVA BHAT : Will the Hon'ble the Member for Revenue be pleased to state—

(*a*) whether proposals have been received from the Collectors of districts on the subject of retrenchment in the Revenue Department by 20 per cent or thereabouts of the current expenditure ; and

(*b*) whether, if they have not been received, the Government will call for them and scrutinize them before the preparation of the next budget ?

A.—Proposals for the reduction of expenditure in the Land Revenue Department have been received and will as far as possible be taken into account in the preparation of the budget for 1922-23.

Advance of money to divers.

995 *Q.*—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR : Will the Hon'ble the Minister for Development be pleased to state—

(*a*) the reasons why the Government invariably advance money to divers;

(*b*) the amount thus advanced standing against their names ;

(*c*) what steps are taken to recover the amount if it remains in arrears ;

(*d*) whether the Government finally write off such irrecoverable outstandings as bad debts ; and

(*e*) under what heading of the budget this is accounted for ?

A.—(*a*) The Government advance money to divers in order to enable them—

(i) to purchase canoes required for the prosecution of the chank fishery, and

(ii) to tide over the period prior to the commencement of the fishery and after the commencement, the days when they cannot go to sea owing to bad weather.

(*b*) The outstanding amount on 1st April 1921 under clause (*a*) (i) above was Rs. 262 while that under clause (*a*) (ii) at the end of June 1921 was Rs. 1,881-6-4. The Government are not in possession of the names of the individuals from whom these amounts are due.

(*c*) & (*d*) The arrears under clause (*a*) (i) above, if any, can be recovered by the sale of canoes which are mortgaged to Government as security for the advance ; while the arrears under clause (*a*) (ii) are recovered by deductions from the amounts payable to divers for chanks fished and delivered to Government at the next season. Irrecoverable arrears are of course written off as bad debts.

(*e*) The transactions under clause (*a*) (i) appear under class V of the Provincial Advances and Loan Account. The advances made under clause (*a*) (ii) are debited in the first instance to " Advances recoverable—Special Advances—Advances for fishery operations " and the recoveries are credited to the same head by debit to 35-B. Industries—Industries transferred—Pearl and Chank Fisheries—Contingencies.

Irrecoverable arrears under clause (*a*) (i), if any, when written off will be adjusted by debit to the head " 47. Miscellaneous—Irrecoverable temporary loans written off ", while irrecoverable balances under clause (*a*) (ii) are debited to " 47. Miscellaneous—Miscellaneous and unforeseen charges " by credit to the head " Advances recoverable—Special Advances —Advances for fishery operations. "

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New tutorial system of education.

996 Q.—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: Will the Hon'ble the Minister for Education be pleased to state—

(*a*) whether it is a fact that the Presidency College, Madras, has now introduced a new tutorial system of education, viz., asking the students to go to the residences of professors and lecturers; and

(*b*) to state the reason why such a tutorial system has been instituted?

A.—The answer is in the negative.

District Board Vice-President of Gōdāvari.

997 Q.—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) the reason why the district board vice-president of Gōdāvari still continues in office even though the transitory period is over; and

(*b*) the reason why section 12 (5) of the Madras Local Boards Act of 1920 is not given effect to in this case?

A.—The Member's attention is invited to the proviso to rule 8 (2) of Schedule X of the Madras Local Boards Act, 1920, under which the present vice-president will continue in office until 10th August 1923 when his term under the old Act will expire.

Restaurant in the Trichinopoly railway station.

998 Q.—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: Will the Hon'ble the Home Member be pleased to state—

(1) whether it is a fact that a new upper storied building free of rent, with electric fittings, at the heavy expense of the South Indian Railway, is provided for the Hindu restaurant at the Trichinopoly Junction; and

(2) if the answer is in the affirmative, whether the Government cannot move the South Indian Railway authorities to provide the present Muhammadan rented restaurant with similar facilities for the convenience of Muhammadan passengers?

A.—The question was referred to the Agent, South Indian Railway, who states as follows:—

(1) Yes.

(2) The present Muhammadan refreshment room is a private building put up by the contractor as a temporary measure.

Arrangements will be made to construct in the remodelling scheme, a permanent double storey refreshment room for both the classes in accordance with our standard type, and in that building, the necessary equipment will be provided.

Jail manufacture at Trichinopoly.

999 Q.—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: Will the Hon'ble the Law Member be pleased—

(1) to state whether it is a fact that carpets and rugs are manufactured at the Central Jail, Trichinopoly;

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(2) to state if the answer is in the affirmative, whether the Government departmentally purchase the goat and the sheep wool for manufacturing rugs from the best centres of tannery;

(3) to state if the answer to (2) is in the negative, the reasons why the Government do not undertake this profitable business instead of leasing it to contractors;

(4) to give a list of articles departmentally purchased by them for the Central Jail, Trichinopoly, during the year 1920-21; and

(5) to state the amount realized from the sale of (granite) road metal at the Central Jail, Trichinopoly, for the year 1920-21?

A.—(1) Cotton carpets, woollen cumblies and blankets are manufactured in the Central Jail, Trichinopoly, but no rugs.

(2) No. Wool is obtained through Jail contractors.

(3) The Government are not aware that the method of supply of wool suggested by the member will be the cheapest. They will enquire if it cannot be adopted.

(4) A list of the articles purchased by *the manufactory department* is laid on the table.*

(5) Rs. 3,281-6-7.

Famine in Bellary.

1000 Q.—Mr. SAIYID MUHAMMAD PADSHA SAHIB: Will the Hon'ble the Member for Revenue be pleased to state—

(*a*) whether the attention of the Government has been drawn to the harrowing accounts given of the famine in the Bellary district, in the correspondence in the *Madras Mail* of the 26th September 1921, under the heading "Bellary Famine—Some Tragic Stories";

(*b*) whether the Government do not think that the occurrences detailed in the correspondence above referred to indicate the utter inadequacy of the relief hitherto provided in the abovementioned district and call for further and more effective measures to be adopted to combat the severe famine prevailing in that district; and

(*c*) what steps the Government propose to take to afford further relief to the famine-stricken ryots in that district?

A.—(*a*) The Government have perused the article referred to.

(*b*) & (*c*) The report of the Collector of Bellary, dated 2nd October 1921, which contains his remarks on the allegations in the article and the steps taken by him to give relief to the affected ryots in the district has been published in the newspapers.

'Andhravani' newspaper.

1001 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether it is a fact that the proprietor of the weekly newspaper 'Andhravani' of Ganjām was ordered by the District Magistrate of Ganjām to deposit a security of Rs. 500 under the Press Act;

* Vide Appendix X on page 1363 infra.

(*b*) what occasioned the demand for this security in the face of proposals for imminent repeal of the Press Act ;

(*c*) whether it is a fact that the District Magistrate subsequently withdrew his order and that the paper is allowed to be published as usual ; and

(*d*) if so, whether this withdrawal was due to any undertaking given by the publisher of the 'Andhravani' or effected as an acknowledgment of a mistake on the part of the District Magistrate ?

A.—(*a*) Yes.

(*b*) The appearance of objectionable articles in the paper at the time.

(*c*) Yes, by the successor of the District Magistrate who passed the original order.

(*d*) The order was withdrawn as the Press Act was about to be repealed and it was considered unnecessary in the circumstances.

Employment of dismissed public servants by the municipalities and district boards.

1002 *Q.*—Sriman SASIBHUSHAN RATH Mahasayo : Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(1) if any municipalities, local or district boards have in their employ any dismissed servants of the Government ; and

(2) whether it is a fact that at the meeting of the Ganjām District Board on 24th September last the President of the Board, while giving notice of his intention to resign, expressed that there was unnecessary interference with his duties by the Government and the Ministry and that that was one of his chief reasons for resignation—

(*a*) whether the resignation of the President has been received and accepted and

(*b*) what were the instances of interference referred to in the resignation and, if so, to lay the resignation on the table ?

A.—The Government have no information. Under section 16 of the Act a President resigns by giving notice to the district board, and its acceptance by the Government is not required. No reasons for the resignation have been communicated to the Government.

Drainage in the Central delta, Gōdāvari district.

1003 *Q.*—Diwan Bahadur D. SESHAGIRI RAO PANTULU : Will the Hon'ble the Member for Revenue be pleased to state—

(*a*) whether it is a fact that there are no proper outlets for drainage in an area of nearly 120 square miles in the Central delta, Gōdāvari district, and that in consequence nearly 50,000 acres of land suffer from immersion ;

(*b*) whether it is a fact that after long-continued complaints from the ryots concerned proposals have at last been made to improve the Panchanadi drain ; and

(*c*) when the proposals were submitted by the Executive Engineer ; when estimates were sanctioned by the Government ; and when the work will be started ?

A.—The Government are aware of the drainage difficulties in the Gōdāvari Central delta. The question of improving the drainage is receiving the best attention of the Public Works Department officers. The estimate for the improvements to the Panchanadi drain as also those for improvements to the Cowsica and Vasaltippa drains submitted by the Superintending Engineer have been returned to him for revision.

Construction of bridges over irrigation channels in delta tracts.

1004 *Q.*—Diwan Bahadur D. SESHAGIRI RAO PANTULU : Will the Hon'ble the Member for Revenue be pleased to state what provision has been made in the current year for constructing bridges and culverts over irrigation channels that have interfered with rights of way in the delta tracts of the Gōdāvari and Kistna districts ?

A.—No information on the subject is available with the Government, but it has been called for.

Right of landholder to remove timber from his land in Gōdāvari.

1005 *Q.*—Diwan Bahadur D. SESHAGIRI RAO PANTULU : Will the Hon'ble the Home Member be pleased to state—

(1) whether it is a fact that in the Gōdāvari district the right of the landholder to remove timber from his lands under his pass under section 10 of the Madras Forest Act is abrogated and he is obliged to take permits from the Forest Ranger ;

(2) when this change was introduced and in what districts ;

(3) whether it is a fact that on application being made the Forest Ranger at Rajahmundry directs his forester stationed some miles off to issue permits and the landholder is directed to go to the forester for permits each time he wants to remove fuel ;

(4) whether the Government have received petitions complaining that great hardship is felt by the people in having to apply to the ranger for permission to remove timber from their fields and in having afterwards to go to the forester stationed at another place ; and

(5) whether the Government cannot restore the right of the landholder to remove timber from his own fields under his own pass under section 35 of the Act ?

A.—The Government have no information in the matter, but will make inquiries of the Chief Conservator of Forests.

Cattle grazing in Palnad taluk, Guntūr.

1006 *Q.*—Diwan Bahadur D. SESHAGIRI RAO PANTULU : Will the Hon'ble the Home Member be pleased to state whether it is a fact that in the Palnad taluk, Guntūr district, ryots have been obliged to graze their cattle in Government forests without payment of fees and in defiance of rules ?

A.—As a result of the preaching of non-co-operators, a number of ryots in the Guntūr district have violated the forest rules in the manner described.

Acquisition of house-sites for Panchamas.

1007 *Q.*—Mr. T. SOMASUNDARA MUDALIYAR : Will the Hon'ble the Law Member be pleased to lay on the table G.O. No. 3559, Revenue, dated 10th November 1917, and all proceedings that led up to it, regarding the acquisition of house-sites for Panchamas, and also all subsequent Government Orders in connexion with that subject and all instructions issued in connexion with the acquisition scheme ?

A.—The material Government Orders except those of a confidential nature and those already placed on the Editors' Table are laid on the table.*

* Placed separately on the table.

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Ceylon Quarantine Regulations.

1008 Q.—Mr. S. SOMASUNDARAM PILLAI: Will the Hon'ble the Law Member and the Member for Finance be pleased to state—

(*a*) when the Government of Ceylon issued quarantine regulations closing all their ports except Colombo to Indo-Ceylon passenger traffic;

(*b*) how many ports there were for the passenger traffic before these quarantine regulations were issued;

(*c*) whether it is a fact that Point Calimere is the nearest Indian port to Jaffna, the northern portion of the island of Ceylon;

(*d*) whether it is a fact that the Dhanushkodi-Mannar route was opened only about seven years ago;

(*e*) whether it is a fact that passengers from India suffer great hardships and sufferings in the Ceylon quarantine camps;

(*f*) whether the Government ever remonstrated with the Government of Ceylon for closing the ports in the district of Tarjim, which are nearest to Jaffna;

(*g*) whether there is any necessity now for keeping these ports closed; and

(*h*) whether the Government have any objection to bring to the notice of the Ceylon Government the necessity for opening these ports for passenger traffic and to urge upon them the necessity for removing the quarantine restrictions?

A.—(*a*) The regulations were issued in 1899.

(*b*) The information is not available.

(*c*) Yes.

(*d*) Yes.

(*e*) No.

(*f*) The Ceylon Government were addressed on the subject of the closure of the northern ports of Ceylon.

(*g*) This is a matter for the Ceylon Government to decide.

(*h*) In view of the objection taken by the Ceylon Government to passenger traffic otherwise than through Mantapam, the Government fear that it would be useless to move the Ceylon Government to reopen the ports. Nor are they prepared at present to address that Government for removing the quarantine restrictions.

BHASKARA RAJA RAJESWARA SETUPATI (Raja of Ramnad):—"May I ask whether the attitude of the Government is the same even after the resolution of the Council in the previous month?"

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I want notice."

Mulgeni Rent Enhancement Act of 1920.

1009 Q.—Mr S. SOMASUNDARAM PILLAI: Will the Hon'ble the Law Member be pleased to state whether any rules have been framed by the Local Government under section 12 of the Mulgeni Rent Enhancement Act XIII of 1920?

A.—Draft rules have been framed and will soon be published.

Municipal addresses to Mr. Gandhi.

1010 Q.—Mr. S. SOMASUNDARAM PILLAI: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that some members of some of the District Municipalities read addresses on behalf of those municipalities to Mr. Gandhi; and

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(*b*) whether the Government are going to take any steps for asking explanations from such municipalities?

A.—(*a*) The answer is in the affirmative.

(*b*) The answer is in the negative.

Non-co-operation.

1011 Q.—Mr S. SOMASUNDARAM PILLAI: Will the Hon'ble the Home Member be pleased to state whether the Government are going to take any steps to prohibit the preachings of non-co-operators who generally mislead the illiterate masses?

A.—The general policy of Government has been indicated in G.O. No. 265, Public, dated 2nd May 1921, and in subsequent press communiqués, dated 16th August and 3rd September, dealing specially with the boycotting and picketing of piece-goods and liquor shops. The application of the policy to individual cases lies in the hands of the magistracy who have statutory power to take action against particular agitators where such a course is expedient.

Marriage procession of Nadars in Sivakasi.

1012 Q.—Mr. W. P. A. SAUNDARA PANDIA NADAR: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether it is a fact that the High Court of Madras passed a decree authorizing the Nadars of Amarnadu in the Sivakasi division of the Ramnad district to conduct their marriage processions along the main streets;

(*b*) whether the District Magistrate endorsed the decree of the said High Court to the Divisional Officer at Sivakasi;

(*c*) if the answer to (*b*) is in the affirmative, what steps were taken by the Divisional Officer at Sivakasi with regard to the execution of the said decree; and

(*d*) to state who is responsible for the delay in executing the said decree?

A.—The Government have no information on the subject. I would point out to the Honourable Member that it is open to any person who may feel aggrieved at any action or want of action on the part of the local police or magistracy to represent his case to the District Magistrate.

Nomination of Mr. Mutturamalingam Pillai as a member of the Sivakasi Taluk Board.

1013 Q.—Mr. W. P. A. SAUNDARA PANDIA NADAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that one Mr. Mutturamalingam Pillai, who is not a resident of the Sivakasi Taluk Board area, has been recently nominated as a member of the said board; and

(*b*) whether it is justifiable according to the Local Boards Act of 1920?

A.—M.R.Ry. Mutturamalingam Pillai Avargal has been appointed a member of the Sivakasi Taluk Board; but he has not ceased to be a resident of the taluk board area within the meaning of sections 3 (19) and 56 (1) (*g*) of the Madras Local Boards Act, 1920.

Compounders.

1014 Q.—Mr. W. P. A. SAUNDARA PANDIA NADAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that compounders have to pass the intermediate grade in practical dispensing under the Government technical examination scheme and that they have to do clerical work in mufassal stations in addition to their compounding work; and

(*b*) whether the Government cannot place the compounders on a par with clerks and typists of intermediate grade in the matter of pay and allowances?

A.—(*a*) Compounders are required to pass the Government technical examination in practical dispensing in the intermediate grade which is the only grade of examination in that subject. They are also expected to be able to read and write English. The Government have no information as to the nature and extent of the clerical work done by compounders in the mufassal.

(*b*) The question of fixing a revised scale of pay for compounders is under the consideration of the Government.

Alleged treatment of a Nadar woman by the Sub-Magistrate of Radhapuram.

1015 Q.—Mr. W. P. A. SAUNDARA PANDIA NADAR: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether the attention of the Government was attracted to the report of the inhuman treatment meted out by the Sub-Magistrate of Radhapuram to a Nadar woman according to the *Hindu* of the 27th August under 'Tinnevelly notes';

(*b*) whether it is a fact that the Sub-Magistrate declined to let her on bail and made her walk a distance of 35 miles from the Radhapuram sub-jail to the central jail at Palamcottah when she was in an advanced stage of pregnancy, with the result that she was taken ill and succumbed, in spite of the best treatment, at the women and children's hospital at Vannarpet;

(*c*) if the answer to the above is in the affirmative, whether any notice was taken of the conduct of the Sub-Magistrate; and

(*d*) whether the Government cannot issue instructions to District Magistrates with a view to prevent such ill-treatment by subordinate Magistrates?

A.—(*a*) The Government have now seen the report in the *Hindu* referred to by the Member.

(*b*), (*c*) & (*d*) The Government have no information. A copy of the question and answer will be communicated to the District Magistrate who is the proper authority to deal with the matter.

Marriage procession in Maelamar-nadu.

1016 Q.—Mr. W. P. A. SAUNDARA PANDIA NADAR: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether it is not the fact that the Nadars of Maelamar-nadu, a village in the Sattur taluk, Ramnad district, have been given a decree in their favour by the High Court to have marriage processions along certain main streets;

(*b*) whether the District Magistrate of Ramnad was asked to conduct the marriage processions by way of executing the decree; and

(*c*) if so, why the District Magistrate has not executed it yet, though nearly six months have passed since the passing of orders?

A.—The Government have no information but will enquire.

Congestion of courts at Madura.

1017 Q.—Mr. W. P. A. SAUNDARA PANDIA NADAR: Will the Hon'ble the Law Member be pleased to state whether the Government have any proposal to locate the several sub-courts of the Ramnad district in various other important places of the district; and, if so, whether Sattur and Virudupatti come in the list of places proposed or selected?

A.—There is no such proposal as is referred to in the question.

Adi-Dravidas' cheri in Vadakkalur village, Trichinopoly.

1018 Q.—Mr. T. C. TANGAVELU PILLAI: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether it is a fact that the cheri of the Adi-Dravidas in Vadakkalur village of the Trichinopoly district, consisting of about 120 houses, belonging to 700 Adi-Dravidas, was burnt down by the caste men;

(*b*) what steps the Police took to arrest the offenders and to bring them to book;

(*c*) whether it is a fact that the same Police have, at the instance of the caste men, charged the Adi-Dravidas for rioting and arson and are keeping them under remand; and

(*d*) whether, in view of the present strained state of feelings between the castemen and the Adi-Dravidas of the Ariyalur division, Government cannot depute a special officer to take early steps and prompt measures to mitigate their sufferings?

A.—(*a*), (*b*) & (*c*) The riot at Vadakkalur on 26th June 1921 to which the Honourable Member apparently refers, was the result of a movement among the Adi-Dravidas to refuse to perform the mamul services for the caste people at weddings and funerals. The caste people of the village endeavoured to secure the services of the Adi-Dravidas of a neighbouring village for two important weddings at Vadakkalur on 26th June 1921. The Adi-Dravidas of Vadakkalur resented the interference of their fellow caste men and in the early morning of 26th June 1921 some of the houses in the Paracheri at Vadakkalur were observed to be in flames. The Adi-Dravidas suspecting that this was the work of the caste people proceeded in a mob to burn and loot the houses in the village and caused considerable damage in the caste people's quarters and order was not restored until the Police arrived on the afternoon of the 26th. A number of Adi-Dravidas were arrested and the case is still under enquiry. There is apparently no evidence to fix the responsibility of burning the Paracheri on the caste people and the fact remains that far greater damage was done to the quarters of the caste people than to those of the Adi-Dravidas.

(*d*) The Government consider that it is unnecessary to depute a special officer for the purpose suggested. The facts are known to the Commissioner of Labour and the matter is one with which he and the District officials are competent to deal.

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Srirangam Devasthanam.

1019 Q.—Mr. T. C. TANGAVELU PILLAI: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) if the Srirangam Devasthanam purchased war loan bonds;
(*b*) if so, what the total amount purchased thus was;
(*c*) in whose name the war loan bonds were issued;
(*d*) whether any interest has been paid, and, if so, to whom and when;
(*e*) whether it is a fact that the trustees asked the Imperial Bank of India (Trichinopoly) for payment of interest; if so, what the reply was;
(*f*) whether the amount of interest received has been entered in the temple accounts, and, if so, when; and
(*g*) why the amount was not paid into the temple treasury at once?

A.—(*a*) The answer is in the affirmative.
(*b*) Rupees 11,000
(*c*) The Government have no information.
(*d*) Interest has been paid twice, the first time on 17th December 1919. The date on which the second payment was made and the person to whom the interest was paid on either date is not known.
(*e*) The Government have no information.
(*f*) The interest has been entered in the temple accounts on 17th December 1919 and 8th August 1921.
(*g*) The Government have no information.

Disturbances at Karūr.

1020 Q.—Mr. T. C. TANGAVELU PILLAI: Will the Hon'ble the Home Member be pleased to state—

(*a*) the causes of the disturbances at Karūr which led to firing by the police; and

(*b*) whether any inquiry has been held, and, if so, what the results of the said inquiry are?

A.—(*a*) The cause of the trouble is reported to have been the refusal of the dramatic company which was visiting Karūr to give a benefit performance in aid of the Khilafat funds. This led to an attack by a mob on the theatre.

(*b*) The Government understand that the case is under trial.

District Registrars.

1021 Q.—Mr. T. C. TANGAVELU PILLAI: Will the Hon'ble the Minister for Education (Registration) be pleased to state—

(*a*) the number of District Registrars who have completed thirty years' service; and

(*b*) why they are still retained in the service and whether there are any special reasons for their retention?

A.—(*a*) The Member is referred to the published list of officers of the Registration Department corrected up to 1st September 1921.

(*b*) They have not yet attained the age of 55 years.

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Admission in Arts Colleges.

1022 Q.—Mr. O. TANIKACHALA CHETTIYAR: Will the Hon'ble the Minister for Education be pleased to give information in respect of the following matters:—

The number of students who were admitted into
(1) the Junior Intermediate Class and
(2) the Junior B.A. Class,
(*a*) in each of the Government colleges,
(*b*) in each of the aided colleges during the year 1920-21 and the year 1921-22; and of these how many were Brahmans and how many were non-Brahmans in each college, and how many of each of the two communities sought admission in each college?

A.—The information available at present is given in the statement.*

Water-power of the Kundah river, Nilgiris.

1023 Q.—Mr. V. C. VELLINGIRI GOUNDAR: Will the Hon'ble the Member for Revenue be pleased—

(1) to state whether it is a fact that the right of utilizing the water-power of the Kundah river in the Nilgiri hills given to Messrs. Tata & Co. of Bombay has since been transferred by the above company to another company;

(2) to state if so, to whom, and the circumstances and terms in which, such transfer was made;

(3) to state how far the scheme has progressed now, and when it is expected to be finished;

(4) to lay on the table all the correspondences that passed between Messrs. Tata & Co. and the Government, together with a copy of the final agreement or the terms under which the licence was given to the above company?

A.—(1) & (2) The concession was granted to Messrs. Tata Sons, Limited, Bombay. On a representation made by the company they have been informed that the Government have no objection to their transferring the rights in the concession to the Nilgiri Power Syndicate, Limited. This syndicate is to take over all out-of-pocket expenditure incurred by Messrs. Tata Sons, Limited, in connexion with the scheme and to instal a temporary plant for the supply of energy required at Ootacamund until such time when financial conditions permit the formation of the Nilgiri Power Company to work out the grant.
(3) The Government have no information.
(4) A copy of the agreement referred to with a precis of alterations agreed to is placed on the table.† The Government do not consider that any public purpose would be served by laying all the correspondence on the table.

Repairs to Srirangam temple.

1024 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether the Government will be pleased to state if they have received the report of the Collector of Trichinopoly on the memorial submitted by the public about repairs to the temple at Srīrangam;

* Vide Appendix XI on page 1364 infra. † Vide Appendix XII on page 1364 infra.

(*b*) whether the Government have any objection to publish the report ; and

(*c*) whether the Government are in a position to state when the Government may pass orders in the matter ?

A.—(*a*) The answer is in the affirmative.

(*b*) & (*c*) The report has been referred to the Board of Revenue and the question of publishing it will be considered on receipt of the Board's reply.

Notice of bail applications in Tinnevelly district.

1025 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the Hon'ble the Home Member be pleased to state—

(*a*) whether it is a fact that all magistrates in the district of Tinnevelly insist on a notice of two or three days being given to the police for every bail application ;

(*b*) whether this practice is based on any circular issued by any officer, and, if so, by whom ;

(*c*) whether this practice is not likely to cause serious hardship and inconvenience to the accused, especially in petty cases ; and

(*d*) whether the Government have any objection to issue orders to see that this practice is put an end to and that all magistrates are given discretion to pass orders on bail applications with or without notice as they find it just and equitable ?

A.—(*a*) to (*d*) By a circular issued in 1913 by the District Magistrate all Magistrates in Tinnevelly district were requested to see that, before releasing accused persons on bail, notice of bail applications was given to the police at least two days in advance. From the wording of the circular it appears to have had reference to non-bailable cases. The Government will examine the need for modification of the circular.

Hill stations of Harur, Uttankarai, etc., in Salem district.

1026 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the Hon'ble the Member for Finance be pleased to state—

(*a*) if it is a fact that the climate of Harur, Uttankarai and Chitteri in the Salem district is very malarious ;

(*b*) whether there are any orders in force that Government servants serving in those places should be transferred after a year's service or so to prevent their suffering in health ; and

(*c*) if there is no such rule, whether the Government have any objection to ask the district authorities to consider the matter and report ?

A.—(*a*) The areas mentioned by the Honourable Member are reported to be malarious more especially the Chitteri Hills and the parts of Uttangarai taluk adjacent thereto.

(*b*) & (*c*) There are no orders at present about periodical transfers of officers serving in those tracts. The Government understand from a report from the Collector of Salem that it is not customary to keep officers there for more than a year. They consider that the matter must be left to the discretion of the district officers and that no hard and fast rule can be laid down in the matter.

Hill Allowance to taluk staff at Harur.

1027 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the Hon'ble the Home Member and the Hon'ble the Member for Revenue be pleased to state—

(*a*) if it is a fact that the Railway administration is giving hill allowance to its subordinates employed between Salem and Jalarpet ;

(*b*) whether it is a fact that the Government does not pay any hill allowance to their taluk staff at Harur in the Salem district ; and

(*c*) if so, whether the Government have any objection to have the matter considered with a view to the grant of an allowance to the taluk staff at Harur ?

A.—(*a*) The Government have no information.

(*b*) The answer is in the affirmative.

(*c*) The Government are not aware of any necessity to consider the question.

Quarters for Government servants at Harur.

1028 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the Hon'ble the Member for Finance be pleased to state—

(*a*) whether it is a fact that Harur and Uttankarai in the Salem district are places far removed from railway communications and general markets and that Government servants are put to great difficulty in getting quarters to live in at these places ;

(*b*) whether it is a fact that only taluk officials at these places are given house-rent allowance and the other officials are not given any ; and

(*c*) whether the Government have any objection to ask the district authorities to consider and report if the allowance should not be given also to all other Government officials at these places ?

A.—The Government understand that at Harur quarters have been provided for all the staff. They also understand that at Uttankarai there is no special difficulty in obtaining houses. No house-rent allowances are given to the taluk officials at either place but at Harur rent is charged in the ordinary way when a Government house is occupied. The Government do not consider any special enquiry necessary now into the circumstances of these two places. In accordance with their policy of providing quarters on rent for all Government officers who cannot obtain accommodation otherwise, the needs of the officials stationed in these two places will be duly taken into consideration as soon as funds are available for house-building.

Appeal from conviction of policeman for assaulting an under-trial prisoner.

1029 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the Hon'ble the Home Member be pleased—

(*a*) to state whether the attention of the Government has been drawn to an article in the *Hindu* of the 17th September 1921 under the heading " A mysterious affair " commenting on the action of Mr. Adam, Public Prosecutor, Madras, in connexion with a case before the High Court concerning a policeman convicted by the Chief Presidency Magistrate for assaulting an under-trial prisoner ;

(*b*) if so, to state if the facts as stated in the said article are accurately reported ; and

(*c*) to state who was responsible for the action taken in the case, whether Mr. Adam acted *suo motu* or if it was done under the instructions of the Government;

(*d*) to state if it was under the instructions of the Government, what led to the Government cancelling their previous orders, if any, in the matter;

(*e*) to state whether the Government propose to take any action in the matter; and

(*f*) to make a statement elucidating the whole matter in the public interest?

A.—(*a*) Yes.

(*b*) No.

(*c*), (*d*), (*e*) & (*f*) The instructions to Mr. Adam are contained in paragraph 1 of Official Memorandum No. 390-O. 3, dated 28th June 1921, and Mr. Adam's report of what occurred at the hearing of the appeal is given in his statement dated 28th September 1921. Copies of both these papers are laid on the table* together with a copy of the order of the High Court in C. R. Petn. No. 345 of 1921. Mr. Adam has requested the approval of Government to his instituting a suit for damages against *Hindu*. Orders have not yet been passed on this request.

Pandits in board schools, etc., in Tanjore.

1030 *Q.*—Mr. C. V. VENKATARAMANA AYYANGAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether the Government have received a memorial from the pandits in the board and the municipal schools in the Tanjore district regarding their pay and prospects;

(*b*) whether the facts are stated accurately in the said memorial; and

(*c*) what action, if any, has been or is being taken in the matter?

A.—(*a*) The answer is in the affirmative.

(*b*) The Government cannot guarantee the accuracy of the facts contained in the memorials.

(*c*) The memorials were returned as the power to fix the pay of the pandits is vested in the local bodies under which they are employed.

Uttankarai Taluk Conference.

1031 *Q.*—Mr. C. V. VENKATARAMANA AYYANGAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether the Government have received a copy of the proceedings of the third Uttankarai (Salem district) Taluk Conference held in May 1920;

(*b*) whether the Government have yet taken action on any of the matters contained therein; and

(*c*) more especially, whether there is any early chance of the Government taking up the question of the bifurcation of the present Dharmapuri Taluk Board, so as to give a separate board for the Uttankarai taluk as indicated in the memorial?

* Vide Appendix XIII on page 1368 infra.

A.—(*a*) The Government have recently seen a copy of the proceedings of the conference;

(*b*) The Government do not propose to take any action.

(*c*) The question of bifurcating the Dharmapuri Taluk Board is under the consideration of the Government.

"Handcuffing political prisoners."

1032 *Q.*—Mr. C. V. VENKATARAMANA AYYANGAR: Will the Hon'ble the Home Member be pleased to state—

(*a*) if the attention of the Government has been drawn to an article in "The Madras Review" of the 25th September 1921, under the heading "Handcuffing political prisoners," stating that Mr. V. V. S. Ayyar, late of the *Desabhakthan*, was taken to the Central Station publicly handcuffed;

(*b*) if so, whether what is stated in the journal is correct;

(*c*) whether any difference in treatment is prescribed by the rules between the cases of political and of ordinary prisoners;

(*d*) whether the Government are aware that according to the papers, the United Provinces Government treats political prisoners as first-class misdemeanants are treated in England;

(*e*) whether it is a fact that political prisoners are not so treated in this province, and if so, to state the reasons for the difference in treatment in the two provinces; and

(*f*) whether the Government propose to take any, and if so, what action as regards the treatment of political prisoners in jails and when under escort to and from jails?

A.—(*a*) The Government have now perused the article in question.

(*b*) The Government have no information but will enquire.

(*c*) No.

(*d*) & (*e*) The Government have no information as to how political prisoners are treated in the United Provinces.

(*f*) The question of the treatment of political prisoners in jails is under consideration by the Government of India. Government do not propose to take any action at present.

Sri MEKA V. APPA RAO Bahadur:—"Are the Government aware that there are certain cases of hunger strike as a protest against the ill-treatment of political prisoners?"

The Hon'ble Sir LIONEL DAVIDSON:—"I venture to ask you, Sir, whether the supplementary question arises out of the original question and answer. I ask for a ruling whether the supplementary question is in order."

The Hon'ble the PRESIDENT:—"I understand the Honourable Member to say that there have been cases of hunger strike. I must point out that interpellation is not intended for giving information to the Government."

Conservation of Hindri water in Kurnool.

1033 *Q.*—Rao Bahadur C. V. RANGA REDDI: Will the Hon'ble the Member for Revenue be pleased to state—

(*a*) whether it is a fact that the Government have been taking gauge measurements with a view to conserve the Hindri water for irrigation purposes near Krishnapuram in the Kurnool taluk; and

(*b*) if so, whether the Government are in a position now to state when they can take up the work on hand ?

A.—The Hindri river is being gauged in connexion with the Gazuladinne project, Pattikonda taluk, Kurnool district. The project consists in the construction of a reservoir on the Hindri river near the village of Gazuladinne in the Pattikonda taluk at a cost of about Rs. 13·5 lakhs to irrigate 11,968 acres. The Government are not now in a position to state when the project will be taken on hand.

Loan for the Local Government from the Government of India.

1034 Q.—Rao Bahadur C. V. RANGA REDDI: Will the Hon'ble the Member for Finance be pleased to state—

(*a*) whether it is a fact that this Government have applied to Government of India for a loan ;

(*b*) if so, the amount of the loan applied for ; and

(*c*) whether the Council will be given an opportunity to consider the terms of the loan and other matters connected with it before they are finally settled ?

A.—(*a*) Yes.

(*b*) The amount of loan applied for was 45 lakhs against which the Government of India have agreed to give 40 lakhs.

(*c*) Yes.

Indian Secretaries, Under Secretaries, etc.

1035 Q.—Rao Bahadur C. V. RANGA REDDI: Will the Hon'ble the Member for Finance be pleased to state—

(*a*) the number of Indians appointed to posts of (1) Secretaries, (2) Under Secretaries during the last ten years ;

(*b*) how many of them were recruited from the Provincial services ; and

(*c*) the number of Indians who hold these appointments now ?

A.—(*a*) (1) & (2)—

Secretaries	4
Under Secretaries	11

(*b*) Secretaries—Two recruited from Provincial Service. Under Secretaries—Eight recruited from Provincial Service.

(*c*) One Secretary and five Under Secretaries.

Imperial Forest service.

1036 Q.—Rao Bahadur C. V. RANGA REDDI: Will the Hon'ble the Home Member be pleased to state—

(*a*) the number of applications received for posts in the Imperial Forest service ;

(*b*) how many of the applicants have been selected ; and

(*c*) the names of the applicants selected with their qualifications ?

A.—The Honourable Member is referred to the answer to question No. 931.

The Hon'ble Sir LIONEL DAVIDSON:—"Before any supplemental question is put with regard to question No. 1036, I rise to ask that in the printed answer '931' may be corrected into '826'; 931 was the original question number and 826 is the final number."

Rao Bahadur C. V. RANGA REDDI Garu:—"It is only that that I wanted to ask."

Elementary grade typists.

1037 Q.—Rao Bahadur C. V. RANGA REDDI: Will the Hon'ble the Member for Finance be pleased to state—

(*a*) what initial pay typists of the elementary grade were getting before the revision of the scale of pay of non-gazetted officers ;

(*b*) whether the scale of pay of the elementary grade typists was revised along with the scale of pay of non-gazetted officers ;

(*c*) what initial pay the elementary grade typists are getting now ;

(*d*) whether the scale of pay of the elementary grade typists is the same as that of muchis ; and

(*e*) if so, whether the Government propose to give them the same scale of pay as that given to clerks in the mufassal ?

A.—(*a*) Rupees 20—1—25 with a temporary allowance of Rs. 10 per mensem.

(*b*), (*d*) & (*e*) Under the arrangements which came into force on 1st March 1921 the separate scale of pay for typists has been abolished. It has also been decided that the elementary test in typewriting should no longer be recognized as affording by itself a qualification for entry into Government service. An officer who has passed the intermediate typewriting test is eligible for admission into the ordinary clerk's grade even though he does not hold the prescribed educational qualifications. One who has passed only the elementary test, on the other hand, can only enter the clerk's grade if he holds the educational qualifications. But he may still enter in the inferior grade on Rs. 20—1—35 for which no educational qualifications are prescribed. Such cases will be rare and it is the intention of Government that typewriting work should not ordinarily in future be entrusted to any one who has not passed at least the intermediate test.

The pay of Rs. 20—1—35 for which alone a man is eligible if he has only passed the elementary typewriting test and has no general educational qualification is the same as the pay given to the class of attender who is doing more intelligent work. Other attenders performing menial services are placed on a lower scale. Muchis are classed with attenders but under the new arrangement will not be placed in the scale Rs. 20—1—35 unless they are doing work entitling them to that pay. There is thus no ground for the suggestion in the Honourable Member's question that the man employed as a typist is going to be classed with those doing menial service.

(*c*) As in the case of other non-gazetted establishments, the present elementary grade typists are being transferred to the appropriate new scale on a pay as nearly as possible equivalent to that which they were hitherto drawing including their temporary allowance.

Training of Prosecuting Inspectors, etc., under Public Prosecutors.

1038 Q.—Rao Bahadur C. V. RANGA REDDI: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether it is a rule that prosecuting inspectors and sub-inspectors of police should be trained under public prosecutors for a period of six months before they are so appointed;

(*b*) whether the Government are appointing only persons who are so trained; and

(*c*) whether there are no deviations from that rule?

A.—(*a*) Yes.

(*b*) & (*c*) Exceptions have been made in a few cases where there were good reasons for departing from the rule.

APPENDIX I.

[Vide answer to question No. 900 asked by Mr. Ahmad Miran Sahib at the meeting of the Legislative Council held on the 15th November 1921, page 1282 supra.]

Letter—from F. G. BUTLER, Esq., M.A., I.C.S.
To—the Secretary to Government, Law (General) Department.
Dated—the 2nd May 1921.
No.—Dis. 997.

With reference to your letter No. 1464/B-1, Judicial, dated 11th April 1921, forwarding a copy of a question asked by Mr. A. M. Ahmad Miran Sahib Bahadur at the meeting of the Legislative Council held in March last, and of the answer given thereto regarding the grant of two hours' leave of absence on Fridays to Muhammadan parties attending Civil and Criminal Courts, I am directed to forward, for the information of Government, a copy of High Court Circular Dis. No. 1757 of 1920, dated 23rd August 1920, regarding the grant of such concession to Muhammadan suitors and witnesses attending Civil Courts.

ENCLOSURE.

CIRCULAR.

Dis. No. 1757 *of* 1920.

The attention of Courts is drawn to the concession allowed to the Muhammadan employees of the Government in G.Os. Nos. 1408 and 1066, Public, dated the 14th November 1913 and the 14th July 1915, respectively, to absent themselves for one or two hours on Fridays to say their prayers.

Muhammadan suitors and witnesses attending Courts can generally take advantage of the luncheon interval for the purpose, but in case this is not possible, it will be open to the Courts to grant them the same concession as is allowed to the Muhammadan employees of Government. The Courts will ordinarily grant such requests unless the absence of the party or the witness will seriously interfere with the work before them.

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The time and duration for which the leave of absence may be granted will, of course, be at the discretion of the Courts.

High Court of Judicature,
Madras, 23rd August 1920.

R. H. COURTENAY,
Registrar.

To all District and Sessions Judges,
for communication to Subordinate Judges and District Munsifs.
" the Judge, City Civil Court, Madras.

APPENDIX II.

[Vide answer to question No. 922 asked by Mr. B. P. Devarajulu Nayudu at the meeting of the Legislative Council held on the 15th November 1921, page 1291 supra.]

Statement showing the number of persons received in the Sessions Court of Cuddapah for each of the years from 1910 *to* 1920.

Years.	Number of persons received during the year.	Number of persons acquitted.	Years.	Number of persons received during the year.	Number of persons acquitted.
1910	112	74	1916	146	88
1911	95	60	1917	182	128
1912	162	96	1918	163	115
1913	200	86	1919	452	264
1914	171	89	1920	193	107
1915	163	84			

APPENDIX III.

[Vide answer to question No. 946 asked by Khan Bahadur Muhammad Sadulla Badsha Sahib at the meeting of the Legislative Council held on the 15th November 1921, page 1303 supra.]

(*a*)—

Departments of Secretariat.	Superintendents on 1st March 1921.	Brahman.	Indian Christian.	Muhammadan.	Non-Brahman Hindus.	Total.
Local Self-Government.	Permanent	5	Nil.	Nil.	1	6
	Acting	2	..	..	1	3
Law	Permanent	6	..	..	..	6
	Acting	1	..	..	.	1
Public Works Department.	Permanent	9	1	..	..	10
	Acting	1	..	..	..	1
Chief Secretariat (including Finance).	Permanent	7	..	..	..	7
	Temporary and acting ..	2	1	.	2	5
Revenue	Permanent	5	2	..	..	7
	Temporary and acting ..	3	..	..	..	3
	Total number of permanent Superintendents.	..	..	..	..	36
	Total number of acting and temporary Superintendents.	..	..	..	..	13

b)—

Name of acting Superintendent.	Length of qualifying Government service.	Educational qualifications.		Salary actually disbursed on 1st April 1921.
		General.	Special.	
	Y. M.			Rs. A. P.
Local Self-Government.				
1. C. V. Krishnaswami Ayyar.	18 8	B.A. ..	Précis-writing, Account Test, Revenue Test, Survey training for six weeks.	191 4 2
2. K. Narayana Ayyar ..	9 2	Do. ..	Account Test, Revenue Test, Criminal Test, Précis-writing, Translation Test (Higher), Survey and Settlement training prescribed for Deputy Tahsildars.	180 0 0
3. K. Kuppuswami Mudaliyar.	22 4	Do. ..	Précis-writing, Account Test, Translation (Higher).	161 0 0
Law Secretariat.				
4. B. Ramakrishna Ayyar.	12 5	B.A. ..	Account Test	180 0 0
Public Works Department.				
5. M. A. Tirumalachari..	16 8	B.A. ..	Nil..	180 0 0
Chief Secretariat.				
6. A. S. Manikkam Pillai.	16 10	B.A. ..	Translation (Lower), Précis-writing, Criminal Test.	180 0 0
7. T. R. Narayana Nambiyar.	9 5	Do. ..	Account Test, Revenue Test, Criminal Test, Survey and Settlement training.	180 0 0
8 C. A. Sundara Ayyar.	8 7	Do. ..	Book-keeping, Intermediate, Revenue Test, Précis-writing, Criminal Test, Account Test.	180 0 0
9. V. Varada Achariyar .	7 8	M.A. ..	Account Test and Criminal Test.	180 0 0
10. N. V. Sankara Variyar.	7 11	B.A. ..	Criminal Test, Revenue Test, Account Test.	180 0 0
Revenue Secretariat (including Development).				
11. T. R. Tyagaraja Sastri.	16 1	B.A. ..	Translation (Lower), Tamil, Account Test, Revenue Test, Criminal Test.	180 0 0
12. S. Raghava Ayyangar.	9 5	Do. ..	Translation (Lower), Tamil, Revenue Test, Criminal Test, Account Test, Second Class Vernacular Test for Deputy Collectors (Tamil).	180 0 0
13. S. Raghavendra Rao ..	11 3	Do. ..	Revenue Test, Translation Lower (Tamil), Account Test, Criminal Test, Second Class Vernacular Test for Deputy Collectors (Tamil), Survey and Revenue Inspectors' training.	136 0 0

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(c)—

Names of acting and temporary clerks.	Length of qualifying Government service.	Educational qualifications.		Salary actually disbursed on 1st April 1921.
		General.	Special.	
	Y. M.			Rs. A. P.
Local Self-Government Secretariat.				
1. K. Krishnaswami Ayyar.	6 7	B.A. ..	Nil	85 0 0
2. P. Parameswara Ayyar.	11 1	Do. ..	Account Test, Revenue Test, Survey training, worked as Revenue Inspector, Nilgiris, for two years.	85 0 0
3. C. V. Ramaswami Ayyar.	2 3	Do. ..	Nil	54 7 0
4. N. Sundararajulu Nayudu.	..	Do. ..	Nil	52 0 0
5. T. Govinda Menon ..	..	Do. ..	Nil	52 0 0
6. K. S. Krishnaswami Ayyangar.	..	Do. ..	Nil	52 0 0
7. N. V. Srinivasa Ayyangar.	..	Do. ..	Nil	52 0 0
8. S. Vaidyanatha Sarma.	..	Do. ..	Nil	52 0 0
9. M. Muthu Vadivelu Mudaliyar.	..	Do. ..	Nil	52 0 0
10. T. K. Sesha Ayyar ..	..	Do. ..	Nil	48 14 6
Law Secretariat.				
11. T. Sivasankaran Nayar.	10 3	B.A. ..	Account Test, Revenue Test, Criminal Test.	100 0 0
12. D. Kesava Pillai ..	..	Do. ..	Nil	67 9 7
13. P. V. Jesudasan ..	..	Do. ..	Nil	52 0 0
14. P. C. Kunhiraman ..	..	Do. ..	Nil	52 0 0
15. C. Karunakaran ..	..	Do. ..	Nil	52 0 0
16. P. N. Sekharan ..	..	Do. ..	Nil	52 0 0
17. T. Daniel	..	Do. ..	Nil	52 0 0
18. C. P. Gnanamuthu ..	..	Do. ..	Nil	52 0 0
Public Works Department Secretariat—Nil.				
Chief Secretariat (including Finance).				
19. N. Raghunathan ..	..	M.A. (Honours), B.L.	....	78 0 0
20. K. Ramayya	..	B.A., B.L.	Revenue Test	78 0 0
21. A. Ramunni Nayar ..	..	B.A. ..	Nil	78 0 0
22. P. V. Parameswara Ayyar.	..	Do. ..	Nil	78 0 0 †
23. V. Gururaja Rao ..	* 1 5	Do. ..	Nil	78 0 0 †
24. A. Antony	* 1 4	Do. ..	Criminal Test, Revenue Test, Account Test.	85 0 0 †
25. P. Raghavan Nayar (since left service).	..	Do. ..	Account Test	..
26. M. I. Malloth ..	..	B.A., B.L.	....	65 0 0
27. T. E. Viraraghava Ayyangar.	..	B.A. ..	Nil	52 0 0

* Holds permanent appointment elsewhere.
† Holds substantive appointment elsewhere. Service shown is service in the Chief Secretariat.

Names of acting and temporary clerks.	Length of qualifying Government service.	Educational qualifications. General.	Educational qualifications. Special.	Salary actually disbursed on 1st April 1921.
Chief Secretariat (including Finance)—cont.				
				Rs. A. P.
28. C. P. Phillipose ..	..	..	Nil	52 0 0
29. T. S. Ramaswami ..	..	B.A. ..	Nil	52 0 0
30. V. S. Viraraghavayya.	Since left.	B.A., B.L.	....	52 0 0
31. T. R. Rajagopalan ..	* Do.	B.A. ..	Nil	65 0 0
32. P. S. Krishnaswami ..	Do.	Do. ..	Nil	52 0 0
33. S. Rajagopala Ayyangar.	* Do.	Do. ..	Nil	100 0 0
34. R. Raghava Achariyar.	* Do.	Do. ..	Nil	80 0 0
35. M. S. Venkataraman.	* Do.	Do. ..	Nil	80 0 0
Revenue (including Development) Secretariat.				
	Y. M.			
36. S. D. Sundaram Pillai.	23 6	B.A. ..	Précis-writing	145 0 0
37. P. Ramakrishna Ayyar.	9 7	Do. ..	Revenue Test, Account Test, Criminal Test, Translation (Higher), Tamil and Telugu, Survey and Revenue Inspectors' training.	100 0 0
38. R. Naraharì Sastri ..	13 12	Do. ..	Revenue Test, Criminal Test, Account Test, Translation (Lower), Telugu, Survey and Revenue Inspectors' training.	78 8 0
39. A. S. Venkatarama Ayyar.	10 5	F.A., History and Tamil branches of B.A.	Account Test, Criminal Test, Revenue Test, Survey and Settlement training.	78 0 0
40. W. J. Fernandez ..	..	B.A., B.L.	....	78 0 0
41. V. Narasinga Rao ..	6 1	M.A. ..	Revenue Test, Criminal Test, Translation (Higher), Tamil, Account Test.	65 0 0
42. C. Subbarama Ayyar.	3 3	B.A. ..	Nil	67 15 0
43. U. Sridhara Panikkar.	..	Do. ..	Nil	65 0 0
44. V. Simhadri	..	B.A. (Honours).	Nil	54 15 0
45. P. Padmanabha Menon.	..	B.A. ..	Nil	52 0 0
46. A. Balakrishna Nambiyar.	..	M.A. ..	Nil	52 0 0
47. G. Soundararajulu Ayyangar.	..	B.A., B.L.	....	52 0 0
48. C. Sankaran Nayar ..	..	B.A. ..	Nil	52 0 0
49. S. Srinivasan	..	B.A. (Honours).	Nil	52 0 0
50 S. Ponnuswami Pillai	..	B.A., B.L.	Nil	*38 9 3
51. G. Rathnam	..	B.A. ..	Nil	†16 12 5
52. S. J. Augustus ..	9 8	Do. ..	Revenue Test, Account Test, Criminal Test.	100 0 0
53. V. S. Mahadeva Ayyar.	6 8	Do. ..	Revenue Test, Criminal Test, Survey training.	78 0 0

* From 1st to 23rd March 1921.

† From 14th to 23rd March 1921.

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APPENDIX IV.

[Vide answer to question No. 947 asked by Khan Bahadur Muhammad Sadulla Badsha Sahib at the meeting of the Legislative Council held on the 15th November 1921, page 1304 supra.]

(1)

Results of the sales of arrack shops for 1921–22 *as compared with those for* 1920–21.

District.	Rentals, 1920–21.	Rentals, 1921–22.	District.	Rentals, 1920–21.	Rentals, 1921–22.
	Rs.	Rs.		Rs.	Rs.
Ganjam	2,18,105	2,02,635	North Arcot	5,73,192	4,53,204
Vizagapatam	3,14,220	2,10,996	South Arcot	5,94,564	5,43,420
Godavari	2,24,790	2,24,742	Tanjore	2,57,844	2,69,712
Agency	2,28,609	2,81,092	Trichinopoly	5,01,960	4,36,860
Kistna	4,03,971	3,31,032	Madura	4,23,480	2,91,696
Guntur	3,00,237	2,03,295	Ramnad	2,09,988	1,81,764
Nellore	2,06,139	1,45,968	Tinnevelly	3,60,852	3,65,772
Cuddapah	4,15,506	2,01,444	Coimbatore	6,86,928	4,45,350
Anantapur	2,69,574	1,37,664	The Nilgiris	1,82,580	1,80,960
Bellary	3,08,172	2,19,732	Salem	3,17,922	2,79,468
Kurnool	2,22,900	90,360	South Kanara ..	1,06,755	1,21,392
Madras	6,39,000	8,32,680	Malabar	1,50,996	1,65,520½
Chingleput	3,70,692	3,99,024			
Chittoor	1,84,758	1,34,886	Total ..	86,94,038	73,64,768½

(2)

Results of the sales of toddy shops for 1921–22 *as compared with those for* 1920–21.

District.	Rentals, 1920–21.	Rentals, 1921–22.	District.	Rentals, 1920–21.	Rentals, 1921–22.
	Rs.	Rs.		Rs.	Rs.
Ganjam	43,943	32,021	North Arcot	8,54,968	6,22,528
Vizagapatam ..	1,04,902	35,250	South Arcot	5,08,008	4,56,072
Godavari	1,86,810	51,501	Tanjore	18,16,392	15,82,668
Kistna	4,06,839	90,789	Trichinopoly	9,89,472	4,84,848
Guntur	1,54,467	23,193	Madura	7,56,420	4,66,620
Nellore	1,67,667	228	Ramnad	4,49,448	1,79,568
Cuddapah	2,32,080	1,10,001	Tinnevelly	3,68,280	1,88,016
Anantapur	10,69,260	3,98,772	Coimbatore	12,51,096	4,52,088
Bellary	7,85,064	4,66,956	Salem	12,00,612	3,41,481
Kurnool and Banganapalle.	7,01,406	3,95,550	Malabar	4,88,199	4,27,227
Madras City ..	37,632	21,720	South Kanara ..	4,30,230	10,932
Chingleput	7,36,320	4,74,060			
Chittoor	9,04,380	7,03,200	Total ..	1,50,42,463	82,90,509
	3,95,568	2,75,220			

Figures for 1921-22 are only provisional.

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APPENDIX V.

[Vide answer to question No. 969 asked by Mr. V. Pakkiriswami Pillai at the meeting of the Legislative Council held on the 15th November 1921, page 1314 supra.]

(*a*), (*b*) & (*c*)—

Superintendents and Upper division clerks.	16th December 1920.			16th July 1921.		
	Number of graduates.	Number of non-graduates.	Communities to which the non-graduates belonged.	Number of graduates.	Number of non-graduates.	Communities to which the non-graduates belonged.
Local Self-Government Secretariat.						
Superintendents ..	6	Nil.	..	5	Nil.	
Upper division clerks.	25	Nil.	..	25	Nil.	
Law Secretariat.						
Superintendents ..	6	Nil.	..	6	Nil.	
Upper division clerks.	23	Nil.	..	18	Nil.	
Public Works Department Secretariat.						
Superintendents ..	9	1	Brahman.	9	1	Brahman.
Upper division clerks.	14	7 (In the General Branch). (No distinction was made between Upper and Lower division clerks in the Irrigation branch on 16th December 1920.)	One Muhammadan, six Brahmans.	19	9	One Muhammadan. Seven Brahmans. One Non-Brahman Hindu.
Chief Secretariat.						
Superintendents ..	7	Nil.	..	8	Nil.	
Upper division clerks.	24	Nil.	..	11	1	Brahman (appointed in Law Department and subsequently transferred to Chief Secretariat in re-distribution of staff).
Finance Secretariat.						
(Finance Secretariat was formed only with effect from 1st June 1921.)						
Superintendents ..	..	Nil.	..	6	Nil.	
Upper division clerks.	..	Nil.	..	15	Nil.	
Revenue Secretariat (including Development).						
Superintendents ..	8	Nil.	..	6	Nil.	
Upper division clerks.	26	Nil.	..	23	Nil.	

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(*e*)	(*f*)	(*g*)	(*h*)
Whether any non-Brahman clerks or Superintendents have been superseded by Brahmans after advent of non-Brahman Ministry.	Whether some of the Brahman Superintendents are third-class B.As., their number and names.	The name of the officer in whom the gift of appointment was vested, etc.	Whether it was not on the note of recommendation of the Brahman ministerial officer that third-class Brahman graduates were appointed, etc.
	DEPARTMENTS OF SECRETARIAT.		
	Local Self-Government Department.		
2 (vide answer to question No 692-A of 3rd September 1921).	2 1. V. Srinivasa Ayyangar .. .. 2. K. A. Ganapathi Ayyar .. .	Mr. J. H. A. Tremenheere, I.C.S. Mr. H. D. Taylor, I.C.S.	There is no information.
	Law Department.		
1 (transferred from Local Self-Government Department).	2 1. P. S. Ramaswami Ayyar, English III, Optional I. 2. S. Anantanarayana Ayyar, English and Optional III.	Mr. C. M. Schmidt. Mr. C. G. Mackay, I.C.S.	Information is not available.
	Public Works Department.		
Nil	7 1. * T. S. Ramaswami Ayyar, English and Language III, Zoology II. 2. * A. S. Narayana Rao, English and Vernacular II, History III. 3. * P. Padmanabha Rao, English and Mathematics III, Telugu II. 4. K. Gopala Rao, English and Latin III, Chemistry II. 5. T. P. Subramaniam, English, Logic and Philosophy III, Sanskrit II. 6. M. A. Tirumalachari, English, Sanskrit and History III. 7. M. S. Venkatarama Ayyangar, English, Tamil and Physics III.	Date of admission. 29th January 1894. 3rd June 1901. 2nd June 1900. 10th November 1903. 1st February 1905. 24th October 1904. 24th December 1901.	
	Finance Department.		
None	Yes; 3— 1. K. C. Venkatarama Ayyar .. . 2. C. V. Rangachariar .. .. .. 3. C. R. Srinivasa Rao	Sir Lionel Davidson (as Chief Secretary). Mr. F. B. Evans, I.C.S. (as Under Secretary). Sir William Meyer (as Chief Secretary).	No.
	Chief Secretariat.		
Yes; in two cases temporarily.	Yes; 2— 1. Rao Sahib A. Hanumantha Rao, English III, Mathematics II. 2. S. Seshayya, English and History III.	Mr. C. M. Schmidt. Mr. F. D. Bird.	No.

(e)	(f)	(g)	(h)
Whether any non-Brahman clerks or Superintendents have been superseded by Brahmans after advent of non-Brahman Ministry.	Whether some of the Brahman Superintendents are third-class B.As., their number and names.	The name of the officer in whom the gift of appointment was vested, etc.	Whether it was not on the note of recommendation of the Brahman ministerial officer that third-class Brahman graduates were appointed, etc.
	DEPARTMENTS OF SECRETARIAT—*cont.*		
	Revenue and Development Departments.		
Yes; in one case ..	Yes; 3— 1. T. S. Ramaswami Ayyar, English and Physics III.	Mr. D. T. Chadwick, I.C.S. (as Under Secretary).	No.
	†2. S. Kuppu Rao, English Mathematics and Natural Philosophy.	The Hon'ble Mr. A. R. Knapp, C.B.E., I.C.S. (as Revenue Secretary).	
	3. R. Ramaswami Ayyangar, English III, History II.	Mr. F. Noyce, I.C.S. (as Under Secretary).	

* The gift of appointment and promotion vested with Under Secretaries. For their names the Honourable Member is referred to the Civil Lists.

† Had preference in service in the districts before transfer to Secretariat.

APPENDIX VI.

[Vide answer to question No. 970 asked by Mr. V. Pakkiriswami Pillai at the meeting of the Legislative Council held on the 15th November 1921, page 1314 supra.]

Statement.

Designation of posts.	Number of posts (permanent and temporary).	Scale of pay.	Number of persons appointed from			
			Brahmans	Non-Brahman Hindus.	Muhammadans.	Christians.
Assistant Examiner ..	1	Rs. 450	1	..	..	..
Superintendents and Assistant Inspectors.	22 (1 post is vacant).	150—15—240—20—400.	18 + 1 (*a*)	3 + 1 (*a*)	..	..
Clerks	45	35—5—40—4—120—3—150 for non-graduates and 40—4—120—3—150 for graduates.	35 + 1 (*b*)	8 + 2 (*b*)	1	1

(*a*) These are permanent clerks acting as Assistant Inspectors. (*b*) These are acting clerks.

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APPENDIX VII.

[Vide answer to question No. 973 asked by Mr. T. A. Ramalinga Chettiyar at the meeting of the Legislative Council held on the 15th November 1921, page 1316 supra.]

Excise—Revenue, 1920–21.

Name of district.	Country spirits.					
	Duty on distillery spirits.	Fees from distilleries	Licence fees for sale of distillery spirits.	Total receipts from distillery spirits.	Receipts from outstills and other similar systems.	Total receipts from country spirits.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Ganjam	4,69,857	100	2,16,994	6,86,951	..	6,86,951
2. Vizagapatam	3,73,829	100	3,30,625	7,01,554	1,47,614	8,52,168
3. Godavari	2,46,643	110	2,23,710	4,70,493	59,043	5,29,536
4. Kistna	11,78,453	..	4,02,560	15,81,013	..	15,81,013
5. Guntur	71,529	..	2,99,138	3,70,967	..	3,70,967
6. Nellore	5,35,967	..	2,05,097	7,41,064	..	7,41,064
7. Cuddapah	6,95,250	..	4,13,117	11,08,367	..	11,08,367
8. Anantapur	3,79,021	100	2,91,733	6,70,857	..	6,70,857
9. Bellary	4,28,216	100	3,03,558	7,31,904	..	7,31,904
10. Kurnool	2,87,197	120	2,39,805	5,27,122	..	5,27,122
11. Madras	27,95,966	100	6,22,717	34,18,783	..	34,18,783
12. Chingleput	3,88,326	..	3,50,627	7,38,953	..	7,38,953
13. Chittoor	1,75,017	..	1,75,163	3,50,180	..	3,50,180
14 North Arcot	7,44,437	..	5,78,777	13,23,214	..	13,23,214
15 South Arcot	6,83,713	100	5,94,653	12,78,466	..	12,78,466
16. Tanjore	5,41,667	..	2,57,796	7,99,463	..	7,99,463
17. Trichinopoly	5,26,541	..	4,96,354	10,22,895	..	10,22,895
18. Madura	4,41,128	..	4,13,236	8,54,364	..	8,54,364
19. Ramnad	2,02,402	..	1,93,688	3,96,090	..	3,96,090
20. Tinnevelly	4,95,995	100	3,77,162	8,73,257	..	8,73,257
21. Coimbatore	8,67,975	100	6,80,174	15,48,249	..	15,48,249
22. The Nilgiris	1,21,491	..	1,84,570	3,06,061	..	3,06,061
23. Salem	7,01,812	..	3,14,355	10,19,167	..	10,19,167
24. South Kanara ..	5,11,873	..	1,06,551	6,18,424	..	6,18,424
25. Malabar	5,25,275	100	1,51,194	6,76,569	..	6,76,569
26. Anjengo	..	..	..	..	..	..
Total ..	1,13,92,613	1,160	84,23,654	2,28,17,427	2,06,657	2,30,24,084
Total for 1919-20 ..	*1,57,93,021	1,185	61,30,457	*2,19,24,663	1,78,728	*2,21,03,391

* Revised figures.

Excise—Revenue, 1920-21—cont.

Name of district.	Country fermented liquors.			Malt liquors.		
	Tari—tree-tax receipts. (8)	Other receipts from tari (licence fees, etc.). (9)	Total receipts from fermented liquors other than malt liquors. (10)	Duty on beer manufactured in India. (11)	Licence fees for sale of beer manufactured in India or elsewhere. (12)	Total receipts from beer. (13)
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Ganjam	1,17,459	40,728	1,58,187	..	..	..
2. Vizagapatam ..	2,00,472	1,10,277	3,10,749	..	..	..
3. Godâvari	4,56,682	1,70,856	6,27,538	..	..	..
4. Kistna	6,06,200	3,92,367	9,98,567	..	..	..
5. Guntur	1,42,688	1,55,236	2,97,924	..	..	..
6. Nellore	2,11,857	1,55,426	3,67,283	..	330	330
7. Cuddapah	1,11,341	2,10,237	3,21,578	..	..	..
8. Anantapur	4,68,066	9,25,658	13,93,724	..	..	..
9. Bellary	4,42,368	8,15,615	12,57,983	..	4,512	4,512
10. Kurnool	6,88,397	4,08,200	10,96,597	..	..	..
11. Madras	4,19,702	7,27,913	11,47,615	..	..	..
12. Chingleput	9,88,094	8,34,307	18,22,401	78,876	4,623	83,499
13. Chittoor	2,29,752	3,77,723	6,07,475	..	..	..
14. North Arcot	6,27,775	8,74,036	15,01,811	..	9,650	9,650
15. South Arcot	4,69,699	2,97,100	7,66,799	..	12,600	12,600
16. Tanjore	10,61,922	17,12,199	27,74,121	..	12,710	12,710
17. Trichinopoly	3,40,062	9,52,114	12,92,176	..	37,800	37,800
18. Madura	2,26,133	7,48,336	9,74,469	..	20,590	20,590
19. Ramnad	2,84,986	4,53,821	7,38,807	..	..	..
20. Tinnevelly	3,34,193	3,68,498	7,02,691	..	..	..
21. Coimbatore	8,11,700	14,19,579	22,31,279	..	50,905	50,905
22. The Nilgiris	..	..	..	1,06,954	1,98,500	3,05,454
23. Salem	7,02,298	13,14,587	20,16,885	..	6,060	6,060
24. South Kanara ..	3,48,859	4,04,918	7,53,777	..	..	..
25. Malabar	4,46,808	4,68,255	9,15,063	..	4,104	4,104
26. Anjengo	..	..	..	..	..	..
Total ..	1,07,37,513	1,43,37,986	2,50,75,499	1,85,830	3,62,384	5,48,214
Total for 1919-20 ..	1,09,71,756	1,37,74,647	2,47,46,403	6,05,051	3,25,440	9,30,491

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Excise—Revenue 1920-21—cont.

Name of district.	Wines and spirits (foreign liquors other than beer, medicated wines and commercial spirits).			Total of columns (7), (11), (14) and (17).
	Duty on spirits and wines manufactured in India and excised at the tariff rate. (14)	Licence fees for sale of foreign liquors generally whether imported or manufactured in India. (15)	Total of columns (15) and (16). (16)	(17)
	Rs.	Rs.	Rs.	Rs.
1. Ganjam	..	850	850	8,45,988
2. Vizagapatam	..	1,704	1,704	11,64,621
3. Godâvari	..	11,231	11,231	11,68,305
4. Kistna	..	10,007	10,007	25,89,587
5. Guntur	..	2,735	2,735	6,71,626
6. Nellore	..	1,120	1,120	11,09,797
7. Cuddapah	..	300	300	14,30,245
8. Anantapur	..	1,050	1,050	20,65,631
9. Bellary	..	13,352	13,352	20,07,751
10. Kurnool	..	650	650	16,24,369
11. Madras	3,01,701	4,55,294	7,56,995	53,23,393
12. Chingleput	..	32,587	32,587	24,77,440
13. Chittoor	..	2,670	2,670	9,60,325
14. North Arcot	..	2,385	2,385	28,37,060
15. South Arcot	1,56,825	6,700	1,63,525	22,21,390
16. Tanjore	..	15,169	15,169	36,01,463
17. Trichinopoly	..	2,053	2,053	23,54,924
18. Madura	..	15,342	15,342	18,64,765
19. Ramnad	..	300	300	11,35,197
20. Tinnevelly	..	1,560	1,560	15,77,508
21. Coimbatore	..	11,723	11,723	38,42,156
22. The Nilgiris	..	9,214	9,214	6,20,729
23. Salem	..	1,101	1,101	30,43,213
24. South Kanara	..	1,205	1,205	13,73,406
25. Malabar	12,225	20,290	32,515	16 28,251
26. Anjengo	..	..	..	..
Total ..	4,70,751	6,20,592	*0,91,343	4,97,39,140
Total for 1919-20 ..	* 6,96,126	4,20,456	*11,16,582	4,88,96,867

* Revised figures.

Excise—Revenue, 1920-21—cont.

Name of district.	Receipts from commercial spirits including medicated wines. (18)	Opium. Net gain on issues of excise opium. (19)	Opium. Licence fees for sale of opium (wholesale and retail). (20)	Opium. Total receipts from opium. (21)
	Rs.	Rs.	Rs.	Rs.
1. Ganjam	40	1,59,570	89,802	2,49,372
2. Vizagapatam	40	2,50,524	1,37,887	3,87,911
3. Gōdāvari	40	3,79,320	1,95,224	5,74,544
	Yanam.	*2,609*	..	*2,609*
4. Kistna	40	1,66,666	1,25,167	2,91,833
5. Guntūr	..	56,314	44,840	1,01,154
6. Nellore	10	18,279	19,273	37,552
7. Cuddapah	..	8,310	22,589	30,699
8. Anantapur	..	5,920	7,234	13,154
9. Bellary	10	4,301	7,008	11,309
	Sandur.	..	..	..
10. Kurnool	..	17,898	22,716	40,614
11. Madras	310	58,284	49,260	1,07,544
	Mysore.	*3,960*	..	*3,960*
	Travancore.	*1,85,000*	..	*1,85,000*
12. Chingleput	..	8,436	..	16,776
13. Chittoor	..	12,470	8,340	22,500
14. North Arcot	10	24,212	10,030	54,149
15. South Arcot	20	7,900	29,937	18,960
	Pondicherry.	*2,960*	11,060	*2,960*
16. Tanjore	70	33,117	..	85,287
	Karikal.	*3,663*	52,170	*3,663*
17. Trichinopoly	50	11,898	..	26,656
	Pudukkottai.	*925*	14,758	*925*
18. Madura	20	16,944	..	64,153
19. Ramnad	10	9,122	47,209	23,070
20. Tinnevelly	100	13,968	13,948	36,719
21. Coimbatore	30	23,470	22,751	44,882
22. The Nilgiris	110	12,710	21,412	22,285
23. Salem	..	7,328	9,575	16,556
24. South Kanara	70	5,155	9,228	9,979
25. Malabar	260	32,467	4,824	56,431
	Travancore.	..	23,964	..
	Cochin State.	*81,400*	..	*81,400*
	Mahe.	*240*	..	*240*
26. Anjengo	..	100	..	100
Total .. {	1,240	13,44,183	10,00,006	23,44,189
		2,80,757		*2,80,757*
Total for 1919-20 .. {	1,820	13,15,965	9,41,079	22,57,044
		3,27,871		*3,27,871*

NOTE.—(1) The revenue derived from excisable articles issued to Indian States and foreign territory is shown in italics below the figures relating to the districts of issue and is not included in those figures.

(2) The amount shown in column (9) includes Rs. 33,812 on account of transport duty on toddy imported from the Nizam's Dominions.

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Excise—Revenue, 1920-21—cont.

Name of district.	Hemp drugs. Duty on ganja. (22)	Hemp drugs. Duty on bhang. (23)	Hemp drugs. Total duty on hemp drugs. (24)	Hemp drugs. Licence fees (wholesale and retail) and warehouse dues. (25)	Hemp drugs. Total receipts from hemp drugs. (26)
	Rs.	Rs.	Rs.	Rs.	Rs.
1. Ganjām	49,082	468	49,550	50,398	99,948
2. Vizagapatam	22,972	75	23,047	35,139	58,186
3. Gōdāvari	16,318	9	16,327	17,436	33,763
	85	..	..	..	*85*
4. Kistna	14,905	..	14,905	26,061	40,966
5. Guntūr	16,455	..	16,455	32,127	48,582
6. Nellore	16,573	..	16,573	23,139	39,712
7. Cuddapah	37,446	117	37,563	35,148	72,711
8. Anantapur	20,747	15	20,762	33,367	54,129
9. Bellary	19,914	..	19,914	42,477	62,391
	630	..	..	..	*630*
10. Kurnool	29,627	51	29,678	35,283	64,961
11. Madras	73,003	2,312	75,315	56,228	1,31,543
	..	..	..	..	..
	..	..	..	..	..
12. Chingleput	15,371	276	15,647	13,700	29,347
13. Chittoor	20,823	24	20,847	20,345	41,192
14. North Arcot	17,053	99	17,152	33,816	50,968
15. South Arcot	10,640	33	10,673	16,727	27,400
	1,925	..	..	..	*1,925*
16. Tanjore	28,067	..	28,067	47,155	75,222
	1,952	..	..	..	*1,952*
17. Trichinopoly	16,400	141	16,541	27,606	44,147
	1,020	..	..	..	*1,020*
18. Madura	44,066	1,164	45,230	80,287	1,25,517
19. Ramnad	20,149	316	20,465	56,399	76,864
20. Tinnevelly	30,468	9	30,477	47,913	78,390
21. Coimbatore	27,855	237	28,092	57,907	85,999
22. The Nilgiris	1,948	12	1,960	2,939	4,899
23. Salem	17,274	219	17,493	19,825	37,318
24. South Kanara ..	23,056	..	23,056	24,200	47,256
25. Malabar	29,752	33	29,785	36,420	66,205
	87,500	..	..	..	*87,500*
	17,500	..	..	..	*17,500*
	105	..	..	..	*105*
26. Anjengo	3,500	..	3,500	..	3,500
Total .. {	6,23,464	5,610	6,29,074	8,72,042	15,01,116
	1,10,717				*1,10,717*
Total for 1919-20 .. {	6,93,337	14,974	6,98,311	8,28,188	15,26,499
	1,44,670				*1,44,670*

NOTE.—(1) The revenue derived from excisable articles issued to Indian States and foreign territory is shown in italics below the figures relating to the districts of issue and is not included in these figures.

(2) The amount shown in column (9) includes Rs. 33,812 on account of transport duty on toddy imported from the Nizam's Dominions.

Excise—Revenue, 1920-21—cont.

Name of district.	Licence fees for sale of cocaine and allied drugs. (27)	Fines and forfeitures. (28)	Miscellaneous. (29)	Grand total. (30)	Total charges as shown in Imperial Return II. (31)	Net revenue in the year. (32)
		Rs.	Rs.	Rs.		
1. Ganjam	Issued free of fee.	2,191	3,509	12,01,048	..	..
2. Vizagapatam ..		3,884	4,970	16,19 612	..	..
3. Godavari		7,162	7,310	17,91,124	..	..
		..	..	*2,604*	..	..
4. Kistna		20,357	2,801	29,45,584	..	..
5. Guntur		7,012	163	8,28,537	..	..
6. Nellore		4,045	8,404	11,99,520	..	..
7. Cuddapah		4,345	1,989	15,39,989	..	..
8. Anantapur		5,282	10,202	21,48,398	..	..
9. Bellary		4,844	12,368	20,98,673	..	..
		..	..	*630*	..	..
10. Kurnool		6,760	5,342	17,42,046	..	..
11. Madras		7,902	8,657	55,79,349	..	..
		..	..	*3,960*	..	..
		..	..	*1,85,000*	..	..
12. Chingleput		9,937	6,556	27,40,056	..	..
13. Chittoor		5,111	3,915	10,33,043	..	..
14. North Arcot ..		6,852	7,068	29,56,707	..	..
15. South Arcot ..		6,316	20,648	22,94,734	..	..
		..	..	*4,885*	..	..
16. Tanjore		13,835	9,288	37,85,165	..	..
		..	..	*5,615*	..	..
17. Trichinopoly ..		5,859	6,430	24,38,066	..	..
		..	..	*1,945*	..	..
18. Madura		8,280	2,991	20,65,726	..	..
19. Ramnad		5,194	6,108	12,46,443	..	..
20. Tinnevelly		2,336	13,684	17,08,737	..	..
21. Coimbatore		17,425	22,608	40,13,100	..	..
22. The Nilgiris ..		570	226	6,48,819	..	..
23. Salem		7,964	9,385	31,14,436	..	..
24. South Kanara ..		2,080	10,843	14,43,634	..	..
25. Malabar		15,215	8,442	17,74,804	..	..
		..	..	*87,500*	..	..
		..	..	*98,900*	..	..
		..	..	*345*	..	..
26. Anjengo		..	4,400	8,000	..	..
Total ..	..	1,80,758	1,98,907	5,39,65,350	..	..
				3,91,474		
Total for 1919-20 ..	..	1,28,744	3,31,843	5,31,42,317	..	..
				4,72,541		

NOTE.—(1) The revenue derived from excisable articles issued to Indian States and foreign territory is shown in italics below the figures relating to the districts of issue and is not included in those figures.

(2) The amount shown in column (9) includes Rs. 33,812 on account of transport duty on toddy imported from the Nizam's Dominions.

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The estimated income for 1921-22 is given below :—

	Rs.
Country spirits	2,40,37,840
Toddy	2,52,15,500
Foreign liquors	16,07,540
Opium	27,29,000
Hemp drugs	16,25,000
Miscellaneous..	4,79,500
Total ..	5,56,94,380

Districtwar figures are not available.

Toddy Rentals.

District.	1920-21 Rentals.	1921-22 Rentals.	District.	1920-21 Rentals.	1921-22 Rentals.
	Rs.	Rs.		Rs.	Rs.
Ganjam	43,943	32,021	North Arcot	8,54,968	6,22,528
Vizagapatam	1,04,902	35,250	South Arcot	5,08,008	4,56,072
Godavari	1,86,810	51,501	Tanjore	18,16,392	15,82,668
Kistna..	4,66 839	90,789	Trichinopoly	9,89,472	4,84,848
Guntur	1,54,467	23,193	Madura	7,56,420	4,66,620
Nellore	1,67,667	228	Ramnad	4,49,448	1,79,568
Cuddapah	2,32,080	1,10,001	Tinnevelly .. .	3,68,280	1,88,016
Anantapur	10,79,260	3,98,772	Coimbatore	12,51,096	4,52,088
Bellary	7,85,064	4,66,956	Salem	12,00,612	3,41,481
Kurnool and Banganapalle.	7,04,406	3,95,550	Malabar	4,88,199	4,27,227
Madras City ..	37,632	21,720	South Kanara ..	4,30,230	10,932
Chingleput	7,36,320	4,74,060			
Chittoor	9,04,380	7,03,200			
	3,95,568	2,75,220	Total ..	1,50,42,463	82,90,509 *

* Figures for 1921-22 are only provisional.

APPENDIX VIII.

[Vide answer to question No. 974 asked by Mr. T. A. Ramalinga Chettiyar at the meeting of the Legislative Council held on the 15th November 1921, page 1318 supra.]

(1)

Scheme for a special post-graduate course of study for civil assistant surgeons to replace the septennial promotion examinations.

(1) *Medicine.*—Clinical teaching in the wards for two hours, three times weekly on alternate days for two months. Attendance at clinical lectures.

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(2) *Surgery.*—Clinical teaching in the wards for two hours, three times weekly on alternate days for two months. Attendance at clinical lectures. Attendance at operations as directed by the Professor of Surgery.

Medicine and Surgery.—Attendance at out-patients' department which will be arranged during the two months given to medicine and surgery as opportunity allows.

(3) *Midwifery.*—Attendance at operations as ordered. Attendance in the Gynaecology, Maternity and X-Ray in-patient departments with clinical demonstrations by the Professor of Obstetrics on alternate days for one month for two hours in the mornings. Three clinical lectures on Gynaecology and Obstetrics by the Professor of Obstetrics.

N.B.—The details of these lectures will be arranged by the Professor of Obstetrics and will be designed to bring to the notice of assistant surgeons recent developments in the various subjects which have a particular bearing on their work.

(4) *Ophthalmology.*—Attendance at Ophthalmic Hospital, to include clinical demonstrations in the wards and attendance at operations on alternate days for one month for two hours in the mornings. Three clinical lectures by the Ophthalmic Surgeon.

(5) *Pathology.*—Four practical classes with demonstrations by the Professor of Pathology on Pathological, Haemotological and Bacteriological clinical methods. One class a week for four weeks. Also practical classes on Clinical Pathology in the afternoons.

Medico-legal and post-mortem demonstrations as opportunity occurs during the two months' attendance at the General Hospital.

(6) *Hygiene.*—Out-door demonstrations twice a week for three months by the Professor of Hygiene—to be held in the afternoon.

Civil assistant surgeons taking these courses will be given examinations of a practical nature at the end of the courses. One hundred marks will be allotted for each subject of which 40 will be given for attendance and industry and 60 allotted as the maximum for the examination, and the minima will be 75 per cent and 40 per cent, respectively.

(2)

CIRCULAR No. 43.

Post-Graduate Course for Civil Assistant Surgeons.

In G.O. No. 486, Medical, dated 25th October 1918, the Government have sanctioned the substitution of post-graduate courses of study followed by an examination for the present septennial examinations prescribed for Civil Assistant Surgeons. The post-graduate courses will be held once a year. For the first course Civil Assistant Surgeons between 5 and 6 years' service will be admitted and for the second course Civil Assistant Surgeons between 11 and 12 years' service. The junior course will last for three months and the senior for two months. There will be a practical examination at the end of the first course. Civil Assistant Surgeons deputed to undergo the post-graduate course will be given the pay and allowances drawn by them previous to their deputation and also the travelling allowance. The following time-table for the post-graduate courses for Civil Assistant Surgeons drawn up by the Principal, Medical College, Madras, has been approved by the Surgeon-General and is published for information :—

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Time-table for the post-graduate course of Civil Assistant Surgeons.

—	October and November.				
	7 to 9 a.m.		7-30 to 9-30 a.m.	10-30 a.m. to 12-30 p.m.	—
(1)	(2)		(3)	(4)	(5)
	October.	Nov.	October.		
Monday	Ophthalmology ..	Out-patient department, Government General Hospital.	....	Clinical lectures, medical wards, General Hospital.	Medico-legal and post-mortem demonstrations as opportunity occurs during October and November while attending the Government General Hospital.
Tuesday	....		Midwifery ..	Clinical lectures, surgical wards, General Hospital.	
Wednesday	....		....	Clinical lectures, medical wards, General Hospital.	
Thursday	Ophthalmology ..		....	Clinical lectures, surgical wards, General Hospital.	
Friday	....		Midwifery ..	Clinical lectures, medical wards, General Hospital.	
Saturday	Ophthalmology ..		....	Clinical lectures, surgical wards, General Hospital.	

—	October and November.	December.			
	3 to 5 p.m.	7 to 9 a.m.	—	2-30 to 4-30 p.m.	3 to 5 p.m.
	(6)	(7)	(8)	(9)	(10)
Monday	Midwifery (during October only).	Attendance at the Tuberculosis Institute daily 1st to 15th December. Out-patient department, Government General Hospital, 16th to 31st December.	Medico-legal and post-mortem demonstrations as opportunity occurs while attending the Government General Hospital.	..	..
Tuesday	Hygiene (out-door demonstrations).			..	Hygiene (out-door demonstrations).
Wednesday	Pathology lectures and practical classes with demonstrations (two lectures).			Pathology lectures and practical classes with demonstrations (two lectures).	..
Thursday	..			..	..
Friday	Hygiene (out-door demonstrations).			..	Hygiene (out-door demonstrations).

(By order)

A. C. INGRAM, Major, I.M.S.,
Personal Asst. to the Surgeon-General.

OFFICE OF THE SURGEON-GENERAL WITH THE GOVERNMENT OF MADRAS,
7th November 1919.

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APPENDIX IX.

[Vide answer to question No. 975 asked by Rao Sahib U. Rama Rao at the meeting of the Legislative Council held on the 15th November 1921, page 1318 supra.]

Extract from the Accountant-General's audit report on the Madras Corporation for 1919-20.

16. *Provisions Depot Accounts.*—In pursuance of Resolution No. 10, dated the 20th August 1918, of the Corporation five provision depots were opened on the 12th September 1918 in the marginally-noted 5 centres for the benefit of the poor in times of distress and they were all closed on the 31st December 1919. Though it was the intention of the Council that the depots should be under the management and supervision of three councillors, viz., Messrs. T. Rangachariar, C. Srinivasachariar and S. Guruswami Chettiyar, the whole concern appears to have been conducted by only one of the members Mr. S. Guruswami Chettiyar. To run the concern the councillor was financed from time to time from the Corporation funds to the extent of Rs. 6,15,859-4-0 from the beginning to the end and the whole amount with a negligible profit of Rs. 3-15-10 was repaid by the councillor into the Corporation Treasury as sales were effected. The accounts maintained by the councillor in connexion with the provision depots were for the first time given to the audit section for scrutiny on the 26th September 1919. They were scrutinized and the criticisms of the auditors were sent to the President of the Corporation for necessary action. He in his turn forwarded them to the councillor for reply. The latter got all the accounts audited by a qualified auditor named M. N. Singh, evidently with a view to avoid further criticisms from the Government auditors. The private auditor made out an account of amounts received as advances from the Corporation and amounts remitted into the Corporation Treasury but he does not appear to have applied all the necessary checks that would have been applied by our staff. In the first place the most essential record in a large concern like this is the stock account showing the quantities received, the quantities disposed of daily and the balance on hand on any date. Such an account does not appear to have been maintained. Even if it be possible now to determine the actual quantities purchased from the paid vouchers, it is not possible to work out the quantities sold and much less the balance, as the so-called daily sales books placed before the auditors for check gave merely the total collections of the day without the quantities sold on several days and the rates at which they were sold. An account of this kind is necessary to see what quantities of provisions were sold and what were realized actually by sales and whether the total credits in the accounts worked up to the total realizations allowing for the incidental charges incurred on account of establishment, etc., for running the concern. It appears that memoranda were printed in several thousands at a cost of about Rs. 554. These might have helped to find out the actual sales but they were not produced for audit. The report of the private auditor who audited the accounts does not also give a statement of the quantities of provisions received and the quantities disposed of. To the extent that the advances made from time to time by the Corporation have been refunded from the sale-proceeds with the trifling profit of Rs 3-15-10 the position is satisfactory, but the accounts maintained were lacking in the essential details as to quantities of provisions purchased, those sold, the rates of sale, and the balance if any on hand to satisfy in audit that the remittances represented actual sale-proceeds.

Two in Govindappa Naicken Street.
One in Washermanpet.
One in Wall-Tax Road.
One in Royapettah.

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17. On the first occasion that an advance of Rs. 15,000 was made to run the provision depot, the sanction of Government was obtained—vide G.O. Mis. No. 705 M., dated the 5th May 1919. For subsequent advances the sanction of Government was not obtained. In the preliminary audit report issued on the 23rd December 1919, it was pointed out that the sanction of Government was necessary for all subsequent advances. No action would seem to have been taken as yet on this point though advances aggregating Rs. 6,00,859-1-0 were granted.

APPENDIX X.

[Vide answer to question No. 999 asked by Mr. A. P. I. Saiyid Ibrahim Ravuttar at the meeting of the Legislative Council held on the 15th November 1921, page 1329 supra.]

List of articles departmentally purchased for the Central Jail, Trichinopoly, during the year 1920-21.

Grey wool III.
Black wool for warders' cumblies.
Do. third sort.
Grey wool I.
Cut wool grey.
Catgut.
Castor-oil.
Empty barrels.
Empty gunnies for packing goods.
Leather for binding purposes.
Iron screws of sizes.
Locks of sorts.
Hinges of sizes.
Hydrochloric acid.
Sand paper.
Lead solder.
Lead.
Glass panes of sizes.
Copper sulphate.
Buttons for warders' suits.
Hooks and eyes for warders' suits.
Bamboos of sorts.
Shellack.
Flush bolts.
Hooks of sizes.
Iron of sorts.
Brass eyelets.
Chest handles.
Brass rods and wires of sizes.
Canvas.
Green banath.
Rattan.
Bamboo seives.
Bamboo winnows.
Sal ammoniac.
Borax.
Brass buttons.
Flannel.
Rosin.
Chalk.
Copper tacks.
French polish.
Brass sheets of sizes.
Linseed oil.
Husk.
Coloured twist 10's.
White twist 10's.
Do. 2/20's.
Napthalin.
Charcoal.
Steel bars.
Empty dealwood cases.
Jute yarn.
Saws of sizes.
Brass stamp.
Shuttles.
Spindles.
Compasses.
Screw drivers.
Chisels.
Planes.
Squares.
Hammers of sorts.
Files of sorts.
Blow lamp.
Board.
Brass handles.
Card thread.
Empty tins.
Bolts and nuts.
Iron rivets.
Coir yarn.
Grey mill spun wool.
Red powder.
Violet powder.
White mill spun wool.
Black mill spun wool.
Coconut oil.
Tamarind seeds.
Firewood.
Country soap.
Sunlight soap.
Raw rice grit.
Corn flour.
Fullers earth.
Twist white 6's.
Cotton.
Light kaki twist 20's.
Chunam.
Brass rings.
Wire nails of sorts.
Ball thread.
Jungle wood planks.
Long cloth.
Teakwood of sizes.
Mango planks.
Mild steel plates $\frac{1}{4}$" and $3\frac{1}{16}$".
Coloured twist 20's.
Machine needles.
Hand needles.
Explosives.
Deep green twist 20's.
Machine reels.
Gingelly seeds.
Alingi baskets.
Jaggery.
Aloe fibre.
Corah grass.
Twist white 40's.
Twist coloured 40's.
Twist white 60's.
Bees' wax.
Glue.
Turpentine.
American flour.
Straw boards.

APPENDIX XI.

[Vide answer to question No. 1022 asked by Mr. O. Tanikachala Chettiyar at the meeting of the Legislative Council held on the 15th November 1921, page 1337 supra.]

Admission of Brahman and non-Brahman students into the Junior Intermediate and Junior B.A. classes of Arts Colleges, during 1920-21 *and* 1921-22.

Name of College.	Class.	Year.	Number of Brahman students admitted.	Number of Non-Brahman students admitted.	Remarks.
1. Queen Mary's College.	Junior Intermediate.	1920-21 ..	6	55	Number of rejections very small; figures not available.
		1921-22 ..	12	67	
	Junior B.A.	1920-21 ..	1	6	
		1921-22 ..	0	10	
2. Madras Christian College	Junior Intermediate	1920-21 ..	77	92	No information is available about the number rejected.
		1921-22 ..	60	104	
	Junior B.A.	1920-21 ..	80	151	
		1921-22 ..	82	150	
3. St. Joseph's College, Trichinopoly.	Junior Intermediate.	1920-21 ..	160	85	Do.
		1921-22 ..	124	84	
	Junior B.A.	1920-21 ..	138	67	
		1921-22 ..	198	102	
4. National College, Trichinopoly.	Junior Intermediate.	1920-21 ..	56 (101 applied).	5 (12 applied).	
		1921-22 ..	55 (87 applied).	3 (7 applied).	
5. S.P.G. College, Trichinopoly.	Junior Intermediate.	1920-21 ..	113 (142 applied).	21 (76 applied).	
		1921-22 ..	119 (151 applied).	31 (59 applied).	
	Junior B.A.	1920-21 ..	80 (157 applied).	32 (65 applied).	
		1921-22 ..	65 (152 applied).	54 (87 applied).	
6. Madura College.	Junior Intermediate.	1920-21 ..	47	3	No student was refused admission.
		1921-22 ..	69	17	
			1,542	1,139	

APPENDIX XII.

[Vide answer to question No. 1023 asked by Mr. V. C. Vellingiri Kavandar at the meeting of the Legislative Council held on the 15th November 1921, page 1337 supra.]

Stamp 8 annas.

THIS INDENTURE made the Eighteenth day of October One Thousand Nine hundred and twenty between THE RIGHT HONOURABLE THE SECRETARY OF STATE

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FOR INDIA IN COUNCIL (hereinafter called "the Secretary of State" which expression unless excluded by or repugnant to the context shall be deemed to include the Secretary of State for India in Council and his successors and assigns) of the one part and Messieurs TATA SONS LIMITED whose registered office is at Bombay (hereinafter called "the Grantee" which expression unless excluded by or repugnant to the context shall be deemed to include the said Messieurs Tata Sons Limited and the Company to be formed and registered as hereinafter mentioned and their approved assigns) of the other part WHEREAS the grantees have applied to the Government of Madras for the right to make use for the purpose hereinafter mentioned of the water flowing in the Kundah river in the Nilgiri district and the Secretary of State has agreed to make them a grant thereof upon and subject to the terms and conditions hereinafter set forth.

Now it is hereby declared and agreed as follows:—

(1) The Secretary of State hereby assigns to the grantees the sole and exclusive right to draw off or store and use the entire flow of water in the said river and its tributaries at or above its junction with the Bhavani river for the purpose of the generation of electrical energy at such place or places as may be selected by the grantees and be approved by the Government of Madras such grant to continue in force (subject as hereinafter mentioned) so long as the option of purchase hereinafter given to the Secretary of State shall not be exercised.

PROVIDED ALWAYS—

(*a*) That the water so drawn off shall be used for the purpose of the generation of electrical energy and for no other purpose whatsoever and

(*b*) that the whole of the water so drawn off shall be returned to the stream from which it was drawn off at a point or points to be approved of in writing by the Government of Madras without pollution wilfully caused by the grantees or diminution other than by normal usage for the generation of power and unavoidable loss from absorption or evaporation.

(2) The grantee shall within two years from the date of this Indenture form and register under the Indian Company Laws a limited liability company for the purpose of taking over and working the grant hereby made and shall transfer to the said company this grant and all other the rights and liabilities of the grantees under this Indenture upon terms that the said company shall carry out all the obligations of the grantees under this Indenture and the licence to be granted by the Government under the Indian Electricity Act, 1910, or any statutory modifications thereof PROVIDED ALWAYS that the transfer of the rights and liabilities conferred and imposed by this Indenture shall not relieve the grantees of liability in respect of anything done or omitted by the grantees which would attach to the grantees but for such transfer PROVIDED ALSO that if such a limited liability company as aforesaid be not formed in the manner and within the period aforesaid it shall be lawful for the Government of Madras by notice in writing to the grantees to determine the grant hereby made and all other rights and interests conferred on the grantees by this Indenture but without prejudice to any liability previously incurred by them hereunder.

(3) The grantees agree that they shall acquire, construct and provide respectively at their own expenses in every respect all land works and plant necessary or proper to draw off from the stream such portion of the water as may be required for properly attaining and carrying out the objects of this grant PROVIDED ALWAYS that the number, situation and designs of all such hydraulic works shall before construction be submitted to and be subject to approval in

writing by the Government of Madras who may direct such alterations in such number, situation and designs as it thinks proper for the protection of public or other private interests and no works shall be commenced by the grantees without the permission of such Government to be signified under the hand of the Chief Engineer for Irrigation first had and obtained.

(4) The grantees agree that the hydraulic electrical and other plant installed shall be capable of a minimum output of ten thousand five hundred kilowatts.

(5) Tenders selected by the grantees for final consideration for all plant and machinery to be purchased under this Indenture shall be submitted by the grantees to a committee to be appointed by the Government of Madras whose decision as to the acceptance of such tenders shall be accepted by the grantees as final provided that limitations on the employment of other than British materials and workmanship shall not be such as are likely materially to increase the cost, delay completion or impair efficiency.

(6) No rent shall be payable by the grantees for or in respect of the grant hereby made.

(7) The grantees shall pay to the Government of Madras within six months of the registration of the Company referred to in clause (2) the sum of Rupees six lakhs which shall be used for the Coimbatore water-works and for no other purpose.

(8) The grantees shall make reasonable compensation to any tenant or tenants, occupier or occupiers of land and to any other person or persons whomsoever for any damage or loss which may be sustained by him or them by reason of or in consequence of the carrying out of the objects of this grant or in anywise in relation thereto or by reason of any matter or thing which may be done in pursuance of these presents and further shall indemnify the Secretary of State against all actions, suits, claims and the demand on account of any such damage or loss as aforesaid.

(9) Save as herein otherwise expressly provided the grantees shall not sell sub-lease, lease, mortgage, transfer or assign in any way whatsoever their rights or obligations hereunder or any part thereof except with the previous written consent of the Government of Madras.

(10) If at the end of eighteen months from the date of the registration of the Company so to be formed as aforesaid the execution of the works and provision of plant necessary for the working of such licences as may be granted under the Indian Electricity Act, 1910, or any statutory modifications thereof shall not have been commenced according to designs approved of as provided by clause (3) hereof or if the grantees shall become insolvent or if the said company shall go into liquidation or shall abandon or in the opinion of the Government of Madras shall fail efficiently to carry out the purposes hereof or if the said sum of Rupees six lakhs payable by the grantees under this Indenture shall remain due and unpaid for a period exceeding two months from the due date of payment thereof or if the grantees shall make default in respect of any other obligation imposed upon the grantees by this Indenture it shall be lawful for the Government of Madras notwithstanding any previous waiver to determine the grant hereby made by giving to the grantees six calendar months' previous notice in writing of the intention so to do under the hand of the Secretary to the said Government in the Public Works Department Irrigation Branch and at the expiration of such

period of six months every article, clause and thing herein contained shall cease and be void but without prejudice to any claim or right of action against the grantees which may have accrued to the Secretary of State prior to such determination.

(11) In the event of the determination of the said grant and these presents under the power conferred by the last preceding clause or in any event on the expiration of fifty years from the date of the registration of the company so to be formed and registered as aforesaid and on that of every subsequent period of twenty years the Secretary of State shall have the like option of purchasing all lands, buildings, works, materials and plant belonging to the grantees suitable to and used by them for the purpose of any undertaking established by them for the purpose of working or making use of the grant hereby made as is conferred upon the Local Government by sub-section (2) of section 7 of the Indian Electricity Act, 1910, with regard to the undertaking (of a licensee under that Act) to which that section applies (but unconditionally and free from all the conditions specified in that sub-section) and upon the like terms as specified in that sub-section by reference to sub-section (1) of the same section Provided that notwithstanding the second proviso to sub-section (1) of section 7 of the said Act no percentage shall be added to the fair market value of the lands, buildings, works, materials and plant.

(12) Any notice required by this Indenture to be given to the grantees shall be deemed to have been duly served if such notice shall have been given to the grantees by being addressed to their registered office in Bombay and if sent by post shall be deemed to have been received by the grantees on the day on which it ought in due course of post to have been delivered.

(13) The stamp duty hereon shall be borne by the Secretary of State for India in Council and the cost of the preparation and execution of this Indenture shall be borne by the grantees.

(14) In the event of any dispute or difference or question arising between the parties hereto as regards this Indenture or the interpretation or construction of any of the terms or provisions hereof or any matter connected herewith or with the operation hereof or the rights, duties or obligations of either of the said parties in relation to the premises and whether during the subsistence or after the determination hereof such dispute or difference shall be referred to the arbitration of two arbitrators on to be appointed by either party In the event of disagreement between the arbitrators the dispute or difference shall be referred to an umpire to be chosen by them whose decision shall be final or the matter shall be referred to an officer to be nominated by the Government of India whose decision shall likewise be final.

In witness whereof William John Howley Secretary to Government Public Works Department Irrigation Branch by and under the direction of His Excellency the Governor of Fort St. George acting for and on behalf of the Secretary of State has hereunto set his hand and seal and the common seal of Tata Sons Limited was hereunto affixed the day and year first above written.

Signed sealed and delivered by the above-named William John Howley in the presence of } W. J. Howley.

R. F. Stoney
Deputy Secretary P.W.D.

A. W. Robert
Under Secretary to Govt. P.W.D.

Seal.

18-10-20.

[15th November 1921

The common seal of TATA SONS LIMITED was hereunto affixed by order of the Board in the presence of

Seal of Messrs. Tata Sons Ld.

Tata Sons Ld.
J. D. GHANDY
Director.

Tata Sons Ld.
R. D. LAM
Secretary.

PRECIS.

Clause 2 of the Indenture dated 18th October 1920.

The period forming and registering the company has been extended to four years.

Clause 7 of the Indenture dated 18th October 1920.

The sum of six lakhs shall not be demanded until the company referred to in clause 2 thereof is formed, and the execution of the Coimbatore water-works actually put in hand.

APPENDIX XIII.

[Vide answer to question No. 1029 asked by Mr. C. V. Venkataramana Ayyangar at the meeting of the Legislative Council held on the 15th November 1921, page 1340 supra.]

(1)

Memorandum of the Government of Madras, Public Department, No. 390/O.-3, dated the 28th June 1921.

[Conviction of Constable Yaqub Husain, P.C. 1109, by the Chief Presidency Magistrate.]

In connexion with the revision petition which has been filed in the High Court against this conviction, the Public Prosecutor is specially instructed to appear in support of the conviction. He need not however oppose any plea for a modification of the sentence or any examination of the weight which should be attached to the evidence. There may be grounds for believing that the prosecution witnesses were interested ; and if on consideration the High Court should think there is an element of doubt the Public Prosecutor should not oppose the defendant's being given the benefit of it, e.g., by raising the technical plea that such matters do not come into issue on a revision petition.

(2)

Statement.

To the best of my recollection the following is what happened in Court. Mr. Sidney Smith for the accused argued for about three-quarters of an hour. He argued four main points, viz. —

(1) That the facts noted down by the Magistrate did not amount to a complaint under section 4 (*h*), Criminal Procedure Code.

15th November 1921]

(2) That the Magistrate acted under section 190 (*c*), Criminal Procedure Code, and had disobeyed the imperative provisions of section 191, Criminal Procedure Code.

(3) That the accused was not given a reasonable opportunity to defend himself.

(4) That the procedure prescribed for summons cases in Chapter XX of the Criminal Procedure Code was not followed by the Magistrate.

When Mr. Smith had finished I was called on. I began " No doubt the Magistrate acted unwisely in trying the case ". When the learned Judge asked me " What do you say about the law points raised by Mr. Smith ", to which I replied that I felt unable to meet them.

Thereupon the Judge asked me if I pressed for a retrial. I replied that as the case was a petty one I would not press for one.

His Lordship then wrote and delivered the judgment.

J. C. ADAM,
Public Prosecutor.

28th September 1921.

(3)

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Friday, the Sixteenth day of September One thousand nine hundred and twenty-one.

PRESENT :

The Hon'ble Mr. Justice KRISHNAN.

Criminal Revision Case No. 345 of 1921 (Criminal Revision Petition No. 275 of 1921).

Yakub Hussain	..	*Petitioner* (accused in C.C. No. 7928 of 1921 on the file of the Court of the Chief Presidency Magistrate, Egmore, Madras).
Kuppan	.. ..	*Complainant* in C.C. No. 7928 of 1921 on the file of the Court of the Chief Presidency Magistrate, Egmore, Madras.

Petition under sections 435 and 439 of the Code of Criminal Procedure, 1898, praying the High Court to revise the Judgment of the Court of the Chief Presidency Magistrate, Egmore, Madras, in Calendar Case No. 7928 of 1921.

This case coming on for hearing, upon perusing the petition and the Judgment of the Lower Court and the material papers in the case and upon hearing the arguments of Mr. Sidney Smith, Counsel for the petitioner and of the Public Prosecutor on behalf of the Crown and the complainant not appearing in person or by pleader the Court made the following

Order.—There can be no doubt that the learned Chief Presidency Magistrate acted rather hastily in this matter. In the first place he seems to have taken cognizance of the case on the information given by Kuppan's brother under section 190C-1 (*c*) of the Code of Criminal Procedure. No doubt there is what is worded a complaint on record but that was the record of replies given by Kuppan to questions by the Magistrate. There is nothing on it to show that Kuppan intended that the Magistrate should take any action at all. There was

therefore really no complaint in the case and the Magistrate could be held to have cognizance only under section 190 (*c*) of the Code of Criminal Procedure. It was then his duty under section 191 of the Code of Criminal Procedure to have informed the accused that he was entitled to have the case tried by another Magistrate. This was not done and that by itself has vitiated the trial. (See *Emperor* v. *Chedi*, I.L.R., 28 All., 212.)

But apart from that objection it is clear that the accused was not given a fair trial nor a reasonable opportunity to defend himself. In the trial of a summons case the accused should be told the substance of the complaint against him and he should be called on to plead; that was apparently not done. No proper opportunity was given to the accused to cite his witnesses either.

The conviction therefore must be set aside.

As the case is a petty one and as the Public Prosecutor does not ask for a retrial, I do not think it necessary in the interests of justice to direct a retrial in this case. The accused is acquitted.

17*th September* 1921. MIR AMIR-UD-DIN,
Acting Deputy Registrar, Appellate Side.

II

VISIT OF HIS ROYAL HIGHNESS THE PRINCE OF WALES.

The Hon'ble the PRESIDENT:—"I have great pleasure in informing the House that I have received an intimation from His Excellency the Governor that His Royal Highness the Prince of Wales will visit the Council on the 14th January 1922." (Cheers.)

The Hon'ble Sir LIONEL DAVIDSON:—"Sir, on the 6th August last this Council unanimously passed a resolution offering a most hearty and cordial welcome to His Royal Highness the Prince of Wales on his approaching visit to India and assuring him of a loyal and enthusiastic greeting from all classes of its citizens when he arrived to be the honoured guest of the people of the Madras Presidency. That resolution referred to the visit to India. You have just intimated to us, Sir, that His Royal Highness has graciously consented to pay a special visit to this Council Chamber. I am sure that it will be the feeling of all members of this Council that we should formally express our thanks to His Royal Highness for the honour he has done us in thus consenting to pay a visit to this Chamber. For that reason, Sir, I have tabled a notice of a motion in these terms and now beg leave to move it:—

"That this Council respectfully tenders thanks to His Royal Highness the Prince of Wales for his gracious consent to visit the Council Chamber on the 14th January 1922."

Diwan Bahadur P. KESAVA PILLAI:—"I beg to second it, Sir."

The motion was put and carried unanimously and with acclamation.

III

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

The Hon'ble the President informed the House that the undermentioned Acts had received the assent of His Excellency the Governor on the days noted against them.

The Madras District Municipalities Amendment Act, 1921	23rd October 1921.
The Madras City Municipal Amendment Act, 1921	29th October 1921.

IV

CONTRIBUTION TO THE CENTRAL GOVERNMENT.

The Hon'ble the President informed the House that His Excellency the Governor had communicated to the President of the Joint Parliamentary Committee by telegram the vote of the House on the motion made by Mr. T. A. Ramalinga Chettiyar at the meeting of the Council, dated 15th October 1921, in regard to the contributions payable to the Central Government from the revenues of this province.

V

AMENDMENTS TO STANDING ORDERS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

The Hon'ble the President also announced the assent of His Excellency the Governor to the amendment to Standing Order 57 passed at the meeting of the Council held on the 1st September 1921.

VI

COMMUNICATIONS TO THE COUNCIL.

The Secretary laid on the table copies of the correspondence between the Government and the High Court on the subject of the appointment of District Munsifs.

VII

AMENDMENTS TO THE STANDING ORDERS.

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*) presented the report of the Select Committee appointed at the meeting of the Council, dated 1st September 1921, to consider certain draft amendments to Standing Orders 33 and 76.

In doing so he said:—"Mr. President, Sir, I desire to present to the House the report of the Select Committee in regard to certain draft amendments to the Standing Orders moved by the honourable member Mr. A. S. Krishna Rao. I do not think it is necessary for me to detain the House over this matter for any length of time. The committee considered the suggestions made by the honourable member. Firstly, with regard to the closure the amendments sought to be moved by the honourable member would really negative the general idea regarding the closure procedure entertained elsewhere and especially in the House of Commons. Honourable members of this House who have in their hands the report of the Select Committee will notice that so far as the English practice on this matter goes, 'a closure may be moved whilst a member is addressing the House and in the latter case intercepts any motion which it was his intention to move'. That is the theory regarding the closure elsewhere. So far as the Standing Orders are concerned, if the honourable members will turn to the Standing Orders they will notice that unless a motion for closure appears to the President to be an abuse of the rights of the Council or an infringement of the rights of

debate the question shall be put. This is more or less on the same lines as the English practice. I submit that no case has been made out for an alteration. That is with reference to Standing Order 33. Then to come to Standing Order 76. As to that the position is very simple. If the feeling of the House is not expressed by at least 20 persons making their meaning unequivocal I submit that no cause has arisen for further action. It is on these two points that the Select Committee came to the conclusion that the amendments sought to be moved by the honourable member Mr. A. S. Krishna Rao are such that they need not be adopted. I recommend the report of the Select Committee to the House."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"May I know, if the draft amendments were brought forward later on it would be open to any honourable member to question the recommendations of the Committee in their report which has now been presented and whether the question can be debated later on? In such a case there will be absolutely no necessity at all to consider the Select Committee's report. It will save the debate on this question now."

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*):—"I am afraid I do not quite follow the honourable member who spoke last. There are certain limitations as the House is aware as to bringing up a subject within a certain period after it has been resolved upon in one way or the other by this House. If any further amendments to the Standing Orders are brought forward or any attempt is made to codify the Standing Orders as a whole they would form a subject of future debate. Subject to that at the present moment, the Standing Orders would remain unaffected. That is all I can say in answer to what has fallen from my honourable friend."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"If the Standing Orders are to remain unaffected I would like to know what the object of this report is."

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*):—"The idea is that the orders should be unaffected. That is the report of this committee."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I have nothing else to say."

The Hon'ble the PRESIDENT:—"The next item on the agenda is an amendment proposed to Standing Order 53 by the Hon'ble the Finance Member. The amendment runs as follows:—

For the second proviso to the Standing Order *substitute* the following:—

'Provided also that the period of notice for a motion for the omission or reduction of a grant shall be six clear days before the first day fixed by His Excellency the Governor for the submission of demands for grants to the Council.'

"I have now to ask whether the Honourable the Finance Member has the leave of the Council."

No member having objected, the Hon'ble the President announced that the Hon'ble the Finance Member had the leave of the Council to bring forward his amendment.

The Hon'ble the President further announced that the members should give their nominations for Membership of the Select Committee as usual before 3 p. m. that day.

VIII

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1921-22.

Demand XXVI—41. *Civil Works.*

The Hon'ble Sir LIONEL DAVIDSON:—"Sir I have the honour to move a demand for a supplementary grant of Rs. 22,000 under Grant No. XXVI, for the purchase of a steam road roller for ghat road works in the Agency. There is no question whatever as to the necessity of such a roller and the Government sanctioned the purchase of it so far back as March last in a Government Order, dated the 14th of that month which incidentally approved a certain transfer of allotments proposed by the Agency Commissioner. At that time he was instructed that, if the purchase could not be effected in the current year, that is in the year terminating on the 31st March last, he must meet the expense in 1921-22 by re-appropriation. It was not found possible to complete the purchase during the remaining fortnight of the past financial year and the Agency Commissioner has now come up with proposals for re-appropriation. The proposals which he puts forward involve a transfer from Grant XI to Grant XXVI and under the new constitution that requires the sanction of the Legislative Council. What in fact has happened is that the Agency Commissioner has surrendered a sum of Rs. 22,000 from his budget allotment for the purchase of tents coming under Grant XI. That surrender has been swallowed up in the general balance of the Presidency and the amount has now to be re-allotted with the permission of the Council. I should add that on the 27th October, the Commissioner was authorised to make the payment in issue because the purchase had been arranged some time since and the firm by which the roller was supplied had intimated that if payment was not made at once interest would be charged. That is why I come forward with this proposal to grant an additional sum of Rs. 22,000."

The demand was put to the House and granted *nem con.*

Demand XXXV—Loans.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I
11-30 a.m. beg to move—

'*that the Government be granted additional sum of 6 lakhs under Class I—Loans—Advances to cultivators—Grant of loans under the Land Improvement and Agriculturists Loans Acts, to the ryots in the famine affected districts of Bellary, Kurnool and Anantapur.*'

"The House is already aware that famine has been declared for sometime past in the Bellary and Anantapur districts and quite recently in the Kurnool district as well. Famine conditions began to threaten the Ceded districts somewhere about the end of last year on account of the absolute failure of the north-east monsoon. I started immediately for an inspection of the Ceded districts, at any rate, of those parts of the districts where immediate relief measures were found to be necessary. Immediately after my return, Government issued a notification declaring four taluks in the Bellary district and one taluk in Anantapur, famine affected. We have since been watching rather carefully the condition of affairs in those three districts and we were hoping that the south-west monsoon, which these three districts had in abundance in the previous year, would be repeated to them, but the aspect of affairs worsened at any rate, from about the end of September. Unfortunately it was found that the three districts did not receive sufficient quantity of rain during the south-west monsoon. Towards the end of September, instead of things brightening up, as we fondly had expected, they grew worse, and it became necessary again for me to visit the three districts with a

view to satisfy myself as to what further steps were necessary to combat the prevailing distress. As a result of my inspection I found that a few more relief camps had to be opened and a few more test-works established in some parts of the districts. I also found that if there was any great need in those three districts at the present moment, it was the need to finance the small ryots with money and thus enable them to provide themselves with the necessities of agricultural operations. In the beginning of October, however the three districts had the good fortune of a copious rainfall. Most of the petty cultivators—I mean to say cultivators who possessed lands for which they pay from Rs. 5 to Rs. 10—were hoping to go back and re-start agricultural operations, but on account of the duration of the distress which prevailed in those parts, and of the general economic condition of these three districts, they have almost come to the end of their financial resources. The only alternative, therefore, is that either they have to rely on the bounty of the money-lenders, which the Government, as far as possible, wish to save them from, or they must deprive themselves of the blessings of nature by the recent rains which they have had. At the time I visited these districts I was quite satisfied that thousands and thousands of applications were pouring in from various ryots in these three districts asking for Government loans. As soon as I returned, through the kindness of my honourable colleague the Finance Member, I was able to secure a re-appropriation of 2 lakhs of rupees and telegraphed orders to those three districts to disburse the 2 lakhs immediately and to submit to me detailed information as regards their further demands. As a result, I have in my hands applications for over 6 lakhs, but I have restricted the demand to exactly 6 lakhs. Feeling as I did that the meeting of the Legislative Council would be called not earlier than 15th November and that any delay in the sanction of the loans would deprive the ryots of the immediate advantages they possess for the cultivation of their lands, I requested His Excellency the Governor, in exercise of the power conferred on him under section 72 (D) of the Government of India Act, to sanction this in anticipation of the approval of the Council. I am glad to say that the request which I made to His Excellency was accepted and orders were issued immediately placing these 6 lakhs at the disposal of the three Collectors concerned. It is proposed to reappropriate this money out of the allotment of 25 lakhs which has been entered in the current year's budget on account of famine. We have so far sanctioned allotments to the extent of over 12 lakhs on account of famine expenditure in those three districts. There is still a balance of about 12 lakhs left which would be available for expenditure on famine during the remaining months of this year. If there was enough money available elsewhere, I should have preferred to leave the famine allotment seriously alone without being utilized for this purpose. But, as I found there was no other money available, I have agreed to the transfer of the 6 lakhs from the famine grant for the purpose of paying loans to these people, as I considered that the two items of expenditure are so closely connected with each other that the grant of the loan might probably tend to a considerable diminution in the number who are seeking relief at the present moment in our famine-relief camps and test-works.

The Council will be very glad to hear that just this morning I have received a very hopeful report from the Bellary district. Bellary district, I may say, has been most hard-hit in the recent famine. It was in this district that it became my misfortune to declare famine in eight out of the nine taluks constituting that district, while in the case of Anantapur, I declared famine in one taluk and distress in another, and in the case of the Kurnool district also I had to declare famine only in one taluk and distress in another. The report which I received this morning

from the Collector of Bellary is so hopeful that I think that the worst may be regarded as having passed away and that there is before the people of Bellary an era of happiness and prosperity.

"They have had recently copious rain which began when I visited the district. The Collector tells us that 'the mungari crops are fast reviving, that the jonna crops have generally revived except in parts where they had already dried up, that these rains have produced a miraculous effect on the purely black-soil tracts and have altered the gloomy past into a hopeful future, that the tanks have received ample supply in all the taluks sufficient for drink and irrigation purposes and that pasture is available everywhere. Fodder also will become available in parts after the mungari harvest, and the economic condition has therefore shown a tendency to better itself.' But, Sir, I realize, at the same time, that although there is some depletion in the numbers attending the relief camps and test-works at the present moment, attracted as they have been by the rains, and have just at the time busied themselves in the ploughing and sowing operations, it is but natural that these people will again return to the camps as they have probably nothing left to eke out their livelihood until their crops are harvested. Keeping that aspect of the matter in view, we intend to continue these famine-relief camps and test-works so long as it may be necessary to do so, and according to the official information I think we shall have to continue them until about February or so.

"I am very glad to announce that the famine operations in these three districts have been conducted on most satisfactory lines and I have proofs of the greatest co-operation between the officials on the one hand and the non-officials on the other. Wherever I had gone and wherever I have had the privilege of addressing conferences, I was assured vehemently that the officials of these three districts took the greatest interest and showed the greatest sympathy. As a proof of that I may mention that although famine conditions have been prevalent in these districts for the past ten months, although famine has been present in eight out of nine taluks in Bellary, although test-works have been established in various places and kitchens abound in numbers, not merely in places where there are relief camps and test-works but in several other places also, let it be said to the credit of the district officials that there has not been a single death from starvation. That speaks volumes, I say, in favour of the spirit of sympathy which the district officials have shown. I shall not omit to say that it also speaks volumes in favour of the spirit of hearty assistance and co-operation which the non-officials have been able to extend to the officials on the spot. I have ventured to make this brief statement to the House as I felt that the non-official gentlemen were taking great interest in the famine operations. They had shown by their conduct that they will continue to take interest so long as these miseries last there. Although the conditions were very alarming until about the end of September they have improved for the better now, and with the grant of the loan which I have now proposed I hope that their misery will be absolutely averted and that they will be tempted to go back to their respective lands, till them and reap the benefits of their labours and again live happy."

Diwan Bahadur P. KESAVA PILLAI:—"Sir, I beg to cordially second the motion made by the Honourable Mr. Habib-ul-lah Sahib Bahadur, and I think I may echo the sentiments of thankfulness and cordiality expressed to the non-official members, the members of various famine committees who have been co-operating with the officials in the relief work. I only wish, Sir, this 6 lakhs had been sanctioned some two or three months ago. No doubt, as the Honourable

Member puts it, there were a number of applications at the time and money was not forthcoming to advance in time and to afford relief to the poorer ryots in those districts. Sir, the ryots are not so eager in some parts of the district to get the loans, otherwise all the six lakhs would have been swallowed up in a month or two. Government have given three and a half lakhs to Bellary and only one lakh to Anantapur, and a lakh or so to Kurnool. All these sums will be required by the ryots especially for purchasing seed-grain, fodder and in good many places, cattle also. And I hope that more money will be forthcoming for advancing to the ryot population. As for the relief works started in these districts, I think I ought to endorse the commendation of the district officers in commencing relief operations in time. The state of affairs was very gloomy when the Honourable Member first visited our place. He did not bring rains then. It was only at the second visit that rains came along with him. Sometimes I wished the Honourable Member might stay in our district in order to make sure that the rains fell and that the fields were fertilised and yielded enough for the sustenance of the people. We have no complaint against the arrangements made or in regard to the promptitude of the action taken by the officials wherever distress existed. Our only complaint is that there has not been enough money to advance to the ryots and also that these test-works have been continued in parts of the district rather too long and this meant trials for the ryots, and suffering for their dependants. They got insufficient wages, and in some places, for which the Honourable Member is not responsible, the district officer is not responsible, but some people on the spot, were rather hard. No doubt there is a deep sense of thankfulness and gratitude among the people for the way in which Government administered relief to the people in distress. I only wish that Government should undertake to make these relief works not unattractive—for Government wants to make these as unattractive as possible by making the work harder and the wages insufficient—but better calculated to afford such relief to the people as would enable them to maintain their health. The food given is not sufficient and the work is monotonous; and so the Government should devise ways and means for using the money so as to afford suitable relief to the people."

The Hon'ble the PRESIDENT:—"Order, order. I fear the Honourable Member does not realise that we are not now dealing with the general administration of famine relief, but with the specific question whether the Government should or should not be given an additional sum of six lakhs under 'Class I. Loans—Advances to cultivators—Grant of loans under the Land Improvement and Agriculturists Loans Acts'."

Diwan Bahadur P. KESAVA PILLAI (*continuing*):—"The Honourable Member has traversed such a wide ground and I thought I might also say a few words."

The Hon'ble the PRESIDENT:—"I am perhaps to blame for having allowed the Honourable Member to travel over such wide ground. If every honourable member is now going to speak generally about the famine administration in these three districts, I am sure it will take a lot of time."

Diwan Bahadur P. KESAVA PILLAI (*continuing*):—"I, as a non-official, merely wanted to follow the official example. But I may at once express the profound gratitude we all feel for the way in which the famine administration has been carried on in our district and also our thankfulness to the Hon'ble the Board Member, Mr. Macmichael and the officers concerned. They are putting their heart and soul into the work. There is no doubt about it. And I request all the non-official members to vote for this item."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I should like to ask the Hon'ble the Revenue Member whether it is proposed to entertain any special establishment for the purpose of granting loans. As the House is aware, these loans take too long a time to reach the ryots. I should like to know whether he proposes to entertain any establishment to see that the loans are disbursed in time. That seems to be quite essential for the grant and he has not furnished any information on the matter."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I am glad to be able to assure the honourable member that I have already authorized the Collector to entertain temporary establishments wherever they are considered necessary."

The demand was put to the House and granted *nem con.*

IX

THE MADRAS CITY TENANTS' PROTECTION BILL.

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"With the permission of the House I would like to have this adjourned to to-morrow morning. I have consulted with many of my friends as regards the necessary amendments to be carried. We have agreed on most of the points One section gave us a considerable amount of trouble, i.e., section 9. I have in the light of the last discussions re-drafted the section. I have been able to do it only this morning, and I have got a few typed copies. But I would like the House to have printed copies of my re-draft so that it may be convenient to them all. There are one or two amendments proposed by my friends about which I should like to have a talk. It will save time if we take this up to-morrow morning. If the House will permit me I move that this Bill be taken up to-morrow."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I beg to second it."

The Hon'ble the PRESIDENT:—"I put it to the House that this item on the agenda be taken up to-morrow morning after interpellations."

The motion was agreed to.

X

THE MADRAS LOCAL OPTION BILL.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Since I gave notice of this motion, I have received information to the effect that the Government of India has ruled that this Bill requires the sanction of the Governor-General before its introduction. I do not therefore propose to move for leave at this meeting."

The Hon'ble the PRESIDENT:—"The motion, not having been made, will be deemed to have been withdrawn."

XI

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Establishment of two kinds of secondary schools—technical or commercial schools and secondary schools proper.

Mr. S. ARPUDASWAMI UDAIYAR:—"Mr. President: I beg leave to move the resolution that stands in my name:—

'146. *That this Council recommends to the Government that the following provision be made for secondary education*:—

(1) *That two kinds of schools be opened for secondary education*—(*a*) *technical or commercial schools*, (*b*) *secondary schools properly so called.*

(2) *That each kind be divided into first and second grade schools*; (*a*) *first-grade technical schools should provide the country with trained labour, tradesmen, shop-keepers, weavers*; *the course for this grade should last three years and include not only apprenticeship in arts, trades, industries, but also such instruction in the Vernacular and English, arithmetic, mensuration, history and geography and drawing and modelling as will make the pupils worthy and useful citizens*; *a syllabus should be drawn up and approved for this course*; (*b*) *second-grade technical schools should provide the country with highly skilled and artistic labour*; *foremen for workshops of all kinds, especially of workshops for the production of the highest forms of industry and trade articles*; *the course for this grade should last three or four years and the syllabus should also include such instruction in Languages, History and Geography, Mathematics, and Science as will make the pupils worthy citizens and men of sound knowledge and information*; (*c*) *first-grade secondary schools should provide elementary school teachers, clerks for the lower offices in the service*; *a syllabus should be drawn up and approved for this course*; (*d*) *second-grade secondary schools should prepare candidates for the higher studies in the University, or in the highest grades of the professional colleges*; *no syllabus*; *headmasters and managers should be required to determine the course of studies, but an examination should be undergone at the end of the course as a test of fitness to proceed to the University or professional colleges.*'

"At present, Sir, we have only one kind of secondary schools, affording instruction in subjects purely literary or theoretical in character. With a view to develop the natural resources of this country, and to provide more openings for Indian youths, the Calcutta University Commission recommend that education should be given a practical turn, which means, in other words, that vocational schools should be started and vocational courses introduced, and, as many of the existing secondary schools may not be in a position to introduce these vocational courses, because they have not the facilities or staff or equipment necessary for the purpose, and as these courses, as I shall show, are distinct and separate from ordinary secondary courses proper, I think a distinction will have to be made between secondary schools proper and vocational schools, secondary courses proper and vocational courses.

"Here, at the outset, we are confronted with a problem whether these courses should be kept distinct and separate or combined and grouped together. In Germany, these courses are kept rigidly separate. In France, whatever might have been the tendency before the War, the present educational policy aims at keeping them separate. In Belgium, the separation is actual. Roughly speaking, Sir, in these countries a scheme of general education precedes and is preliminary to specialization either in technical schools or for University courses or the learned professions. Students join schools of apprenticeship after they have undergone a course which corresponds to our secondary courses or proceed to the higher technical schools after they have completed a course roughly corresponding to our Intermediate course. And, sometimes, it happens, as in France, that from the university they proceed to the schools of Law, Medicine and Engineering and polytechnical schools which prepare for the army or navy for all of which the B.A. or B.Sc. degree forms the entrance examination.

"In America, Sir, this distinction is not very strictly observed. And this will not come as a surprise to one who has watched educational development in that country where prominence is given to

12 noon.

utilitarian subjects and where the principal aim of education seems to be to afford every ready and prompt access to all available sources of information. In England these courses are kept separate except in this sense that, as some critics have remarked, Mr. Fisher's Education Bill is apt to result in providing capital with skilled labour; but the spirit of free enquiry and bold research in a Briton cannot be kept down, nor the cultural value of education ignored. To give but one instance, Lord Crewe's Committee appointed in 1919, at the instance of the Prime Minister, to enquire into the position to be assigned to the classics in education, has published a very stimulating report one or two points of which may be mentioned here. It is urged that, even in primary schools, boys and girls should be admitted to a vision of the bright chapter of human progress comprised in the literature and history of Greece and Rome. A representative Natural Science Committee asserts that there is the danger of over-estimating or over-stating the importance of the sciences and under-estimating the value of the classics. Interesting too is the testimony of the accredited representatives of the Labour Party to the effect that they were seriously concerned with the fact that in industrial centres too great prominence was given to utilitarian subjects and children lacked the opportunities of classical education by which many of them might very well benefit. If, Sir, the Labour Party in England are rightly deploring the lack of opportunities for liberal studies, I think we will do well to consider whether in this land of ancient civilization, with its striking achievements in Literature, Arts and Philosophy, these courses must not be kept separate. We have our leisured classes, we have our landed aristocracy and we have many classes of Indian youths to whom Government services and the learned professions form the goal of their ambition. For these, I think, secondary schools proper will continue to be preparatory for Government services and the learned professions. Vocational schools will certainly be started, and, wherever feasible and practicable, vocational courses will be introduced into schools and colleges where students are found to take to them in large numbers and where they can be conveniently grouped into separate sections, and allowed to follow these courses either within the same school compound or in a neighbouring vocational school without any violence done to the smooth working of the time table.

"Vocational courses are not to be despised, Sir, because they equip our young men with the skill necessary for the material advancement of life. But the distinction must be kept in mind that the aim of vocational training is not the same as the aim of secondary school training, strictly so called. Vocational training aims at equipping the pupil with information, imparting knowledge, the training of the eye and the hand and a training in matters of pure intellect, while secondary school education aims at mental training, the training of the imagination and the awakening in the pupil of a variety of interests and sympathies. Let not the novelty and glamour of these vocational courses blind us to the fact that secondary courses, properly so called, are also necessary or demand radical changes in them. Except in the case of the one arrangement I have spoken of where it is possible for certain vocational courses to be introduced into schools and colleges, I think the two courses ought to be kept distinct. I will make my meaning clear, Sir. We have commercial subjects: I think it is possible for commercial subjects to be taught in secondary schools, in the Intermediate courses and also in the B.A. Students following these commercial courses may very well devote the afternoon hours in the secondary school department for this purpose. In the Intermediate they may form a distinct group and certain lectures on the commercial and industrial aspects of history may be common to both the groups just as in B.A. it

is possible for lectures in Political Economy to be held in common. As for the other subjects, Commercial Law, etc., they may very well follow them in their own sections. That is what I mean, Sir, by saying that two kinds of schools should be opened for secondary education. My chief object is to avoid any radical change, for, here as in other departments of human activity, a slow process of evolution, a gradual introduction of these additional courses will do real incalculable good.

"Some confusion may result from the use of the terminology I have adopted. I admit that instead of the terms first and second-grade schools some may prefer the terms second and first-grade schools and, not unnaturally, because the terms first and second as in first and second grade colleges have been consecrated by long usage and are perhaps, on that account, not to be departed from. This, however, is a matter of detail.

"Then, Sir, I speak of 'such instruction to be imparted' to students both in the first and second-grade vocational schools as would make them worthy citizens and men of sound knowledge and information. In this connexion, I wish to make two observations: The first is that general education must precede or go hand in hand with practical training or technical proficiency. This is the note struck by the report to which I have already drawn attention, the report where even the labouring classes deplore the lack of opportunities for liberal studies. I may also mention in passing, Sir, the stature to which the great educational movement known as the Adult Education has grown. The Workers' Educational Association aims at broadening the individual's mind so that he becomes not only a labourer, a business man, but also a citizen. This Association carries on tremendous educational propaganda throughout England by lectures, conferences, summer schools, study-circles and tutorial classes. Then we have the Central Labour League, the Plebs League and the Ruskin College, Oxford, the last entirely controlled and largely financed by trade unions and other working class associations. Three of the present Labour members of Parliament and several general secretaries of National Trade unions are ex-pupils of Ruskin College. Judging therefore, Sir, from this insistence by the Labour Party on the importance of general education and liberal courses, I think I am not far wrong in concluding that, if pupils of vocational schools in this presidency are to become worthy citizens, then a scheme of general education must precede or go hand in hand with vocational training.

"My second observation, Sir, is with regard to the trade articles I speak of in my resolution. Vocational schools will serve a useful purpose and meet a real demand when the trade articles, which they are in a position to make or manufacture, find a ready market in this country, and when pupils, who have passed from these vocational schools and are deemed fully qualified also, find situations in this country. A list might be very well made out of articles or even machinery required by Government and private companies. And both the Government and private companies, such as Railways, will not only contribute to the material prosperity of the people in this land but also to the stability of the vocational schools by giving large orders for them, and, granted that climatic conditions are favourable, the articles and machinery made in these vocational schools must certainly be cheaper and more durable, because better adapted to climatic requirements, than the articles or machinery imported from Europe.

"Then passing on to the Secondary school course proper, I say that there should be no syllabus, that headmasters and managers should be required to determine the course of studies. What I mean, Sir, is that Secondary courses ar

treated as if they were vocational courses, and questions are set at examinations which require a knowledge only of the subject-matter of certain prescribed text-books and of the pupil's ability or skill in combining it. Elaborate syllabuses are drawn up which aim at a dead level of uniformity and do not permit of greater freedom and scope for variety. The direct method, which answers very well in vocational training, enabling pupils to pick up rapidly sufficient knowledge of English and other languages for conversational or correspondence purposes, is regarded as being the best as being all sufficient for purposes of the Secondary school course. I think, Sir, that headmasters and managers should be required to decide what the character and determining features of the courses should be; they should, as it were, design the course of studies. Whether grammar and the rules of sentence or paragraph structure should be taught, and how best they could be taught, what subjects will naturally awaken the interests and sympathies of the pupil, what the methods are for teaching Mathematics and Science which are best adapted for encouraging habits of precision, accuracy and exact thinking, what methods in the teaching of history and literary selections are best fitted for awakening the interest of the pupils in the progress of human thought or institutions — all these, I think, should be left to be determined by head masters and managers. This will result, in the first place, in a variety of methods, and in different types of schools, some building up a reputation for the teaching of English, History and Geography, others for teaching Mathematics or Science, others for the study of Oriental languages, vernacular or other classical languages, some for instance retaining the English as the medium of instruction throughout, others retaining the vernacular and making English only a secondary subject. Secondly, I think there will be greater scope then for the play of the personality of the teacher. And students will naturally proceed from the School course to the University and choose their subjects and enter upon their study *con amore*.

"Therefore, Sir, all that I mean by asking that there should be no syllabus is that we should be satisfied with a kind of general programme of studies, indicating or giving hints where necessary, and never entering into elaborate details, into the many subdivisions of a heading or sub-heading. Again, over-specialisation should, as far as possible, be avoided. I think it is possible for very many pupils to take their Honours degree without any knowledge of History, Geography or Physiology, etc., and not only over-specialisation but also an over-refined arithmetical test for gauging mental capacity, and individual tastes should, as far as possible, be avoided. I think, this feeling or conviction is at the back of the recommendations made by many witnesses who were examined by the Calcutta University Commission when they say that the students should be made to undergo an additional year's course in the secondary school or that there should be a preliminary or separate entrance examination to the University. The immaturity they complain of is, I think, the lack of mental training.

12-15 p.m.

"With these remarks, Sir, I press upon this House the acceptance of some three or four principles embodied in my resolution. Firstly, the two courses namely the Secondary school course strictly so called and the vocational course should be kept separate and distinct as far as possible. Secondly, a scheme of general education should precede or go hand in hand with vocational training. Thirdly, the Government and private companies such as Railways, etc., should contribute to the stability and permanence of vocational courses by giving large orders for the articles or machinery which vocational schools are in a position to supply. Fourthly, in Secondary school courses there should be greater freedom allowed to headmasters

and managers to introduce variety of methods or determine the features of the courses which are calculated to impart mental training, and awaken a variety of interests and sympathies, so that the pupils leaving the courses might proceed to the University or the learned professions with a mind well developed. I have also made a distinction between secondary school courses and vocational courses, for the former aims at mental training and watches the special aptitude of pupils for higher studies and for taking degrees in the University while the vocational course and the vocational schools are intended to equip young men to prepare themselves for a calling or a trade or industry .

With these few remarks, Sir, I press upon the House the acceptance of these principles which amounts, I think, virtually to the acceptance of the resolution."

Mr. C. V. Venkataramana Ayyangar seconded the resolution.

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—" Mr. President, the resolution before the House in its somewhat lengthy form may be divided into two general heads, one that relates to vocational education and the other that relates, if I may say so, to technical and industrial education. So far as vocational education and the second portion of the resolution, namely, ordinary education are concerned, my honourable friend Mr. Patro will reply. So far as technical education is concerned, I should like to reply to my honourable friend, the mover of the resolution.

" The honourable mover has, with a fund of knowledge acquired in the course, I take it, of his professional career the capacity and advantage to put it in that admirable form in which he has put it. But I am afraid, Sir, the complexity of the problem involved and the somewhat confused state in which public opinion is on this matter of technical and industrial education compel me to try to divide this portion of education into different main heads, such as manual and vocational education under one head and technical and industrial education under another. So far as manual and vocational education are concerned, I should think they are properly the sphere of the educational department. I understand and my honourable friend, Mr. Patro, will presently point out that a committee is just now sitting and is going into the question of this vocational education and it remains to be seen what the recommendations of the committee would be. So far as manual training is concerned, I presume, it is more or less the training of the eye and the hand, as the honourable mover put it. So far as vocational education is concerned, I take it that it is education which could be given in ordinary schools with a view as my honourable friend stated, to equip young men to find avocation in after-life if they should leave schools without further education either in colleges or in technical and industrial schools. It, therefore, resolves itself to this position, namely, that the industrial department should be interested in finding means to impart industrial and technical education. Whether these technical schools could be coupled with ordinary schools is a matter of some difficulty. What we want so far as the industries are concerned, whether they are organized industries or cottage industries, is in the first place an army of labourers with enough general education and sufficient skill to work in the various industries. Then we want, as the Industrial Commission reported, an army of officers with a sufficient directing intelligence in order to extract the largest amount of work from the labourers. But for that purpose the essential requirement seems to be and the history of the countries to which reference has been made by my honourable friend justifies that these labourers are to receive free and compulsory elementary education before they could be given any technical or industrial education. Sir, we are handicapped a great deal in this country

on account of the illiteracy and ignorance of the people in the development of industries and unless the district boards, the taluk boards and the municipalities are prepared to furnish to the industrialists better material than they are at present able to furnish, it will not be possible for any technical or industrial education being imparted with any degree of success. The first requisite, therefore, seems to be that elementary education should precede industrial and technical education.

" Now, Sir, so far as these two portions are concerned I may at once tell the honourable mover of this resolution that the Government are as anxious to systematize and impart technical and industrial education and for that purpose they have not at present any trodden path by which they could proceed. It has accordingly been agreed by the Government that they should appoint a committee to go into the whole question of industrial and technical education as distinct from not merely general education, but also as distinct from vocational education and manual training.

" I may assure the Council that a committee will shortly be appointed to go into the whole question of industrial and technical education and to devise means by which such education could be imparted ; whether such education should form part of the existing schools or whether there should be separate schools for these, and how far industrial and technical education could be imparted in existing factories and schools and how far higher education will have to be taught in the different schools separately established for that purpose ; all these questions can only be considered by a committee. I hope the honourable mover will be satisfied with that assurance. From a perusal of the resolution, it will be noticed, that the problem involves very many complexities, the question of the period of instruction, the question of curricula the question of methods and so forth ; all these cannot be accepted or settled in a resolution like the one before the House They require further investigation and as such the only course which I think, under the present circumstances, we can adopt is to appoint a committee to go into the whole question."

The Hon'ble Rao Bahadur A. P. PATRO :—" Sir, as regards the second part of the resolution, it is included in the scope of reference to the committee — the educational reorganization committee, of which the honourable mover is a member. This resolution requires no further explanation. The honourable mover being on the committee, can press the matter of the resolution on the attention of the committee and if he succeeds can obtain all that he wants in this resolution."

The resolution was by leave of the Council withdrawn.

Aid to local bodies towards making elementary education compulsory.

12-30 p.m. Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Mr. President, Sir, I move :—

147 ' *That this Council recommends to the Government to afford special financial assistance to the local bodies which resolve to make elementary education compulsory besides making the statutory contribution provided by section 37 of the Madras Elementary Education Act, 1920.*'

" It will be within the recollection of this Council that during the last ten years vigorous attempts have been made throughout the country for the expansion of elementary education, and it is agreed that the best method by which we can make education universal is by making elementary education free and compulsory as early as possible. The whole question has been before the public for a sufficiently long time, and it does not need any elaborate argument from me. But at the

same time it is necessary to take stock of the existing conditions and circumstances, to see what possibility there is at present for achieving the object in view. The Elementary Education Act was passed last year, and what are known as District Educational Councils have been brought into existence. If these District Educational Councils have been brought into existence for the purpose of merely preparing statistical returns and abstracts, or for the purpose of grants-in-aid, or even for the purpose of the recognition of elementary schools, I think no useful purpose would be served by the formation of these bodies. At the time when the question of the formation of District Educational Councils was under consideration, there were—and even now there are—grave doubts expressed as to the utility of separate bodies for the purpose of dealing with some of the functions properly belonging to local bodies. It was found after considerable discussion that it would be better to bring into existence bodies to control one branch of the various functions that originally devolved upon the local bodies with the object that in the near future we might have compulsory elementary education.

"The provisions of the Elementary Education Act place considerable difficulties in the way of making education free and compulsory, however anxious a local body may be to bring it into operation. It will be found that sections 44 and 45 of the Act provide various limitations and conditions to be carried out before education can be made compulsory. It is stated in section 45 that even after a local body resolves by the vote of the two-thirds of the members present that education shall be compulsory it rests with the Governor in Council to accept or reject the resolution. The Governor in Council has also to see that certain conditions are carried out. The first condition is that the local authority concerned must levy the taxes leviable under section 34. Secondly there must be provision for trained teachers and for elementary schools in that area sufficient for all the children of school-going age. If education is to be made compulsory for girls there must be adequate provision for giving the benefit of education to all girls of school-going age. Section 47 lays down that no fees shall be charged at any school in the area. The local authority will have also to pay compensation to all managers of private schools for any loss of income. With these limitations before us we may well pause before taking such steps.

"It must be conceded that the local authorities, and especially the municipalities, have been slowly, but steadily discharging their responsibility in the matter of the development of elementary education. At the end of the year 1920, the latest year for which figures are available, municipalities had spent 15·8 per cent of their normal income from taxation upon education, and it has been recognized that this is a fair percentage of income from taxation for a local body to spend on education. The local boards spent 12·3 per cent in 1917–18, 13·2 per cent in 1918–19 and 15·01 per cent in 1919–20 which shows that they utilize a reasonable portion of their income from taxation for education. The number of schools under their control has also increased. In 1917–18 it was 6,884. In 1918–19 it increased by 505 to 7,389. In 1919–20 it was 8,253, i.e., 864 more than the previous year. It will be clear, therefore, that the local boards have been doing their very best with the resources at their disposal. If the demands upon their income and the various services they are called upon to render are considered, it will be clear that the 15 per cent they have been utilizing for elementary education is a fairly reasonable proportion.

"The local bodies upon whom rests the responsibility of passing the resolution to make elementary education compulsory have, according to the means at their disposal, been utilizing a reasonable proportion of their taxable income for

the purpose and have been trying to increase the number of schools and the number of trained teachers, and have also made education available to a larger number of pupils. Before they take the next step they must have an education cess. I quite agree that the municipalities have expressed themselves in favour of an education cess. But my difficulty is that unless the Government lays down a policy to liberally work out the provisions of section 37 of the Act, and help those local bodies which resolve to levy an education cess it will not be possible to have any substantial expansion of elementary education. This section provides that the minimum of the statutory obligations of the Government is to provide as much as the local board gets by the levy of the education cess. What the rate of the cess is to be is referred to in section 34. I would ask, Sir, if it is fair to suggest that a municipality or local board which has to increase taxation according to the provisions of the District Municipalities Act or the Local Boards Act but which consented to levy an education cess with the object of making education free and compulsory, does not deserve to be helped to the full extent possible, even to the extent of the net cost. I know that the Hon'ble the Minister for Education may say: 'each case will be considered on its merits. Let us see what the local board or municipality is going to do. Let us examine the conditions and then come to the conclusion whether that municipality or local board can be helped.' But I may assure him that he will help the local boards and municipalities to a considerable extent if he lets them know what the policy of the Government is. There are several municipalities and local boards that have recently taxed themselves under the new provisions of the District Municipalities Act and the Local Boards Act. They are anxious to help all persons concerned to have the benefit of education. It is not possible for some of them to be induced to take the full advantages of the Elementary Education Act. I am quite certain that the Government have the same object in view. I am certain that the Hon'ble the Minister for Education is as anxious as any one else can possibly be to introduce compulsory education. If this object is to be carried out, he can do so only by enunciating a policy that, wherever a local board has utilized its resources to a reasonable extent, the Government will be prepared to provide the net cost required for the purpose of carrying out the aim. Unless some such assurance is given the idea of carrying out the policy of universal compulsory education cannot be carried out. If the District Educational Council is only to collect statistical returns and prepare special references to offices of Government it is not going to serve any useful purpose. The Government have taken upon themselves the responsibility of providing a contribution not less than that collected by the local bodies. But I think they must come forward and state it as their policy that wherever the minimum requirements have been satisfied by a local board, they will come to its relief to the fullest possible extent and make elementary education compulsory. It is for this purpose that I have brought forward this resolution."

Mr. A. RANGANATHA MUDALIYAR:—"I second the resolution."

The Hon'ble Rao Bahadur A. P. PATRO:—"Sir, with regard to the first part of the argument of the mover of this resolution, I am in entire sympathy. It is the desire of everyone here and every member of the Government, that free and compulsory education should be introduced in all municipalities and local boards as soon as possible. It is with a view to extend elementary education that Elementary Education Act was passed. Therefore it is unnecessary for me to enter into a discussion of the first part of the speech of the honourable mover. In the second part the mover wants to ascertain the policy of the Government in

the case of those local bodies who raise a cess under the Education Act. With reference to that general statement made by the honourable mover it is impossible to give a definite reply. I wish the Hon'ble the Finance Member were here in order to show the honourable mover what the financial condition of the province is at present. I can only say that there is ample scope in the Elementary Education Act itself for rendering special aid. Section 37 says wherever a municipality or a local board has raised a local cess and that local cess is not found adequate then a special aid may be given to such a local body. Section 37 reads thus:—

'When an elementary education fund is constituted under section 32, the Governor in Council shall contribute thereto a sum not less than the proceeds of the taxation levied under section 34 on behalf of that fund.'

"Therefore power is reserved to Government to examine each case that is referred for the consideration of the Government whether the education cess is not adequate for the introduction of free and compulsory education.

"There are also provisions in the Elementary Education Act that it is open to a local body not to introduce free and compulsory education entirely and wholesale. It may be extended to a particular part of a municipality or a particular ward of a municipality and gradually, as finances improve, it may be extended generally to the whole municipality and the local board. It may be introduced in a particular area and it may be gradually extended to other areas. Therefore the general proposition which the honourable mover suggested was that in cases where education cess was levied and that cess was found to be inadequate the Government might give assistance specially in such cases, but I would submit to the House that the Government is willing to afford facilities for the development of free and compulsory education in local board and municipal areas. So, when such gradual steps are taken for the introduction of free and compulsory education and even after that, the local body finds it difficult from its ordinary resources to maintain in that area, that is, from the cess that it has levied, then it is a case for the Government to examine and consider the matter specially. It is only recently that the Education Act has come into operation in April last. And as the honourable mover is aware not a single municipality in his district nor a single local board there has resolved to levy the education cess, or to introduce free and compulsory education. Therefore, if we take instances that have come before the Government where intimation has been given of the intention of any municipality that it is going to introduce free and compulsory education, the matter is being carefully examined. The inspector of local and municipal institutions is also in charge of examining such cases and the financial condition of the municipalities and his reports are being published in the press, as is now within the knowledge of every member of this House. Therefore, whenever we find that there are facilities for the introduction of free and compulsory education, the Government is examining the scheme and advising such local bodies to introduce it at once. Whenever we find that the financial condition of certain areas is not promising, we would render all possible assistance. For instance, we know that mostly in the Ceded districts it is a difficult matter to introduce free and compulsory education at once, and we have been assisting the Ceded districts in the matter of secondary education. So, when we find that the local bodies find themselves unable to maintain the free and compulsory education system out of their normal resources and the education cess, then the Government consider them as special cases and specially examine such cases. But

12-45 p.m.

Government cannot commit themselves to any policy beyond what is stated in section 37 of the Elementary Education Act. If, therefore, my honourable friend suggests that if in his view any local body finds itself difficult to maintain free and compulsory education, then we must necessarily help the local body with special aid, I am unable to accept the position. The scope of the general wording of section 37 is itself clear. The same question as this was raised at the time of the discussion of the Bill. Then the Hon'ble Sir Lionel Davidson in reply to such an objection made a similar statement and said that there was much scope in the section itself. As I said already, if any special case is brought to the notice of the Government, it will be carefully considered. There is nothing at present to prevent the Government from giving more contributions to particular local bodies if the circumstances warrant such a course and if there are funds sufficient for the purpose. The Act came into force only recently and we have received intimation only from a limited number of municipalities and local boards, and these local institutions and their finances are being examined by the inspector of local bodies. I submit, therefore, if any special cases come in or if there is any special instance where the funds available would not adequately meet with the necessities, then such cases will be carefully examined by the Government and, as far as funds would permit, special aid would be given. Beyond that, as I said, the policy of the Government in this matter would not extend beyond what is stated in section 37."

Mr. S. ARPUDASWAMI UDAIYAR:—"Mr. President, Sir, the honourable mover and the Hon'ble the Minister have emphasised the financial aspect of the question and the Hon'ble the Minister has replied to those sections which were read out by the mover. I think there is another difficulty far more serious than the difficulty arising from financial considerations, and that is the difficulty of persuading the people, especially those in the villages, the working classes, to send their children to primary schools. A good deal of coaxing should precede, I think, our being prepared to spend large sums of money or applying for larger grants than are at present allowed for the encouragement of primary education. I believe that the powers which the Government reserve to themselves are the direct result of the policy to watch and see whether there is a real demand and how far this demand is being actually met. So, if there is a real demand and if the necessity is felt for having more schools by the municipalities and local boards, Government, I think, will have no objection whatever to place funds at the disposal of these bodies for encouraging primary education."

Mr. R. LITTLEHAILES:—"Mr. President, I may be misinterpreting this resolution and the words of the honourable members who have spoken up to the present, but it appears to me that the resolution states one thing and the speeches have been directed to a large extent to a rather different matter than what is contained in the resolution. The resolution desires financial assistance to the local bodies which resolve to make elementary education compulsory besides the statutory contribution provided by section 37 of the Act. Section 37 of the Act deals with the contribution that Government gives to local bodies which are themselves willing to levy an educational cess. According to that section of the Act, the contribution of Government is not limited in any way whatsoever. Government are quite entitled under the Act to pay one thousand rupees for every rupee which the local body contributes. The resolution, however, that is now before this Council, as I interpret it, is that Government should make contributions outside the provisions of the Elementary Education Act, which of necessity

would involve a contribution to a local body which is not prepared to levy the educational cess. That is the resolution, as I see it. But the speeches up to the present, if I understand them rightly, have been made on the assumption that the Act provided only an equal contribution from Government to that which is levied or raised by the local body. As a matter of fact, if what I understand the mover of the resolution wants (from his speech but not from the tabled resolution) is correct, the whole thing is granted in the Act. It is contained in the Act that if a body does levy an educational cess, it is open to the Government to pay one thousand times as much as it levies, indeed any amount which is necessary for the introduction of compulsory education. But as I interpret the resolution, Sir, it is that when a body is not willing to levy the educational cess, even then the Government should come to the assistance of that body. That is a case, Sir, on which I doubt whether the Government will be prepared to help. In my view, I should certainly be quite unwilling to recommend the payment of money to a local body which is not itself prepared to levy the cess."

Rao Bahadur C. V. S. NARASIMHARAJU :—" Mr. President, in the course of the debate the Director of Public Instruction said that the debate is beyond the scope of the resolution. I may humbly point out to him the main distinction between the provisions contained in section 37 of the Act and the recommendation contained in this resolution. Section 37 says that wherever a local body levies education cess, the Government should contribute at least as much is levied as education cess. Here in this case, the resolution attempts to induce the Government to declare a policy that in all cases where compulsory education is resolved upon, they should come in with a substantial and some more assistance to that body. In the course of his argument, he said that it might be a case of a local body resolving upon compulsory education without levying education cess. I think that the Director of Public Instruction has not correctly read the Act. It is a condition precedent that any local body should first determine upon the levy of the cess and then go in for compulsory education. So in all cases where compulsory education is resolved upon, the condition precedent is satisfied, namely, that the education cess is also levied. And until that is done, I do not think that the Act enables any local body to resolve upon the introduction of compulsory education.

" Sir, in this connexion, I want to point out that there are special difficulties in the matter of introducing compulsory education. Take for instance the case of paying compensation to aided schools for the loss which they sustain on account of education being made free. Of course, education being made free is another condition precedent to the introduction of compulsory education. I was told in one or two cases the compensation payable becomes very large according to the draft rules now published. Of course, it may be said that it is only temporary and will remain only for four or five years. But is it not a good case to come before the Government and say, 'What is your policy? How are you going to assist municipalities that are willing to introduce compulsory education? The municipal funds are not enough to pay compensation. Will not the Government treat it as a special case for the temporary period of five years to pay a portion of the compensation besides the amount which the Government may pay on account of the education cess?' No doubt, they may increase the contribution towards the education cess. I hope this Government or any future Government will see their way to do such things. But the pertinent question now at issue is that in

all cases of compensation it is necessary that this Government should declare its policy as to how they are going to assist the municipalities or local boards that determine upon compulsory education. Unless this is done, I do not think any local body can fairly calculate what its own liabilities are and how it can finance them. With some expectation of getting some help, I do not think any wise local body will determine upon the introduction of compulsory education unless the Government commits itself to a steady policy regarding the payment of contributions in such cases as may be deserving."

Mr. T. SIVASANKARAM PILLAI :—" Sir, there is much in the resolution and the arguments in support of it put forward by my honourable friend Mr. A. S. Krishna Rao with which I am inclined to agree ; I am speaking with reference to the experience I have had with regard to the endeavours that are being made in the ceded districts especially in Kurnool for the extension of primary education. Time was when Government undertook to bear the cost of many a school, but now ever since these new conditions came into existence and the Financial Relations Committee have put in some suggestions with regard to the apportionment of expenditure, we have not got that help which we expected, so much so that we are now driven to the necessity of closing some of the schools. The Hon'ble the Minister for Education said that so far up till now no local body seemed to have consented to levy an education cess."

The Hon'ble Rao Bahadur A. P. PATRO (*interrupting*) :—" I did not say that, Sir. I said that only some of the municipalities and local boards had resolved to levy the education cess."

Mr. T. SIVASANKARAM PILLAI (*continuing*) :—" Thanks for the correction, Sir. The Penukonda Taluk Board has resolved to levy a cess of three pies in every rupee under the Elementary Education Act, and it has approached the Government for sanction under the Act itself. This was adopted on the suggestion of the Inspector of Municipalities when he found that there was a minus balance in the budget and the levy of the education cess was due entirely to our efforts in the direction of expanding primary education. This tax which we have levied through our endeavours could not wipe away the minus balance, but still there is very little that could be done in the way of starting a system of compulsory education. That is the point which I want to urge upon this Council. Then even the resources that we could get from the Elementary Education Act are not enough to wipe off the minus balance which is mainly incurred on account of our expenditure under education. We will have very little left in order to start the system of compulsory education. So from this point of view, I say that there is a good deal of need for help from the Government, I mean further help, and in this view of things, I support the resolution of Mr. Krishna Rao."

Mr. P. SIVA RAO :—" Sir, after the very satisfactory reply that the Hon'ble
1 p.m. the Minister for Education has given, I see no object whatever in pressing this resolution to a division. As one who took part in passing the Elementary Education Act, I remember very well that some of us proposed that the Government should shoulder the responsibility to at least two-thirds of the extent of the funds required. Then it was pointed out by the then Member in charge, Sir Lionel Davidson, that the rule that is laid down in section 37 of the Elementary Education Act only fixes a minimum. They may resolve in any case to increase the minimum statutory contribution under section 37.

"Now, Sir, the Hon'ble the Minister for Education has been telling us, 'if there is any backward area, let us know that the educational cess they have been raising or intend to raise will not suffice for the purpose; each case will be considered on its merits.' Say, for instance, for any backward district, like the Anantapur district, for which my friend Mr. Sivasankaram Pillai was pleading so hard, the Hon'ble the Minister was pleased to observe that such considerations, if there are any, would justify special treatment when the proposals come up before the Government. I am aware, Sir, that the Inspector of Local Boards and Municipalities makes it a point to examine the financial condition of the local bodies with a view to extend free and compulsory education in those tracts. He goes deeply into the matter before he comes to a conclusion. He calculates what the school-going population is, how much instruction is provided in the schools and what the money is that could be raised or how much the local body can possibly raise, and when all these matters come before the Government they will certainly be glad to grant an increase of the statutory minimum that has been prescribed.

"I have one word more, Sir. The honourable mover did not intend—for that was the construction put by the Director of Public Instruction—that the Government help should be given to those who do not take the trouble and responsibility of raising any educational cess at all. But whatever may be meant by this resolution, some of us feel that with the slender resources at their disposal some tracts in the Presidency at any rate cannot hope to make elementary education compulsory in their areas. We have the assurance of the Hon'ble the Minister for Education that he will examine every case and if it is a fit case to deserve special preferential treatment at the hands of the Government he will extend that help, and so long as he says that there is no use in pressing the resolution."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I may at the very outset state that the Director of Public Instruction need not be under any misapprehension that I wish to ask for any special assistance in the case of local bodies which do not intend to levy an educational cess. Because the resolution makes it quite clear that it is only those local bodies that resolve to make education compulsory that are to be given the financial assistance that I ask for. Section 45 of the Act is quite clear that unless they resolve to levy an educational cess, they cannot make education compulsory, and therefore there need be no difficulty so far as that part of the resolution is concerned."

"The only point for consideration is as to why the Hon'ble the Minister for Education should have any hesitation in accepting this resolution. If the Council will bear with me for a few minutes I will satisfy it that what he said practically supports the resolution. The honourable member for Bellary no doubt stated that the assurance was enough and that each case would be examined on its merits, and that if special reasons were found to exist the Hon'ble the Minister would have no difficulty in giving such assistance. Nobody doubts that. Will it satisfy the Hon'ble the Minister for Education if, in this resolution which asks for special financial assistance to local bodies which resolve to make elementary education compulsory, I say 'to local bodies which deserve financial assistance' or words to the same effect? In replying on behalf of the Government he told us that they were also prepared to render financial assistance to those local bodies which deserve help and that he would welcome such local bodies coming for financial assistance. He referred to the Ceded districts as deserving such treatment and I am not surprised that my honourable friend from Bellary is satisfied with the assurance

of the Minister. I want that local bodies which want to make elementary education compulsory should be given the assistance. I know some municipalities have been spending more than 15 per cent of the income and so on. We must have an idea as to what their incomes are and what demands there are on the limited incomes at their disposal and how they are maintaining the various institutions which are already on their hands. The resolution gives the Government and the Hon'ble the Minister for Education sufficient scope for an examination of all the factors and then give assistance only to those local bodies that deserve help. The Minister wants to restrict the help only to local bodies in backward areas and I want it for all local bodies wishing to make primary education compulsory. That is the difference between his statement and my resolution. But I don't see any difference whatever between the principle I suggested and what was stated by the Hon'ble the Minister. It may be that he does not want the Government now to commit itself to a statement of policy. I really appreciate that position. If we are agreed about the object that at the earliest possible opportunity financial assistance should be given to local bodies for making elementary education compulsory, then there can be no difficulty in the acceptance of this resolution. If he is not in a position to commit the Government to a general statement of policy so as to affect all local bodies, I do not wish to press the matter further. As he will examine each case on its merits, I will take the assurance in a liberal spirit. I hope he will give effect to it with the same liberal and enthusiastic spirit. I do not wish to exasperate his position and divide the Council, because the Hon'ble the Minister has some difficulty in accepting the resolution as it is."

The resolution was by leave withdrawn.

Closing of the potato farm at Nanjanad, the Nilgiris.

Mr. A. T PALMER :—"Mr. President, I move the resolution that stands against my name—

'148. *That this Council recommends that the potato farm at Nanjanad in the Nilgiris be at once discontinued.*'

"Sir, I have not been able to trace when potato has been introduced into this country, but we have been familiar with this root for many years. This potato farm at Nanjanad is of recent origin. It was started with three purposes; firstly, to provide the cultivator with sound seed potato, secondly to try the method of rotation, or cultivation by rotation, and thirdly to combat certain diseases peculiar to the potato like the bangle disease. So far as the latest report on this point is concerned experiments on micology have been a failure. With regard to the other points of providing healthy seed potatoes and trying the rotation of crops and so on, I suppose they belong to the fundamentals of all cultivation. It is also said that this farm is of great value in giving work to the Badagas of the Nilgris. It may be so. But apart from the usefulness or otherwise of this farm, I believe that potato does not demand the patronage of the Government for certain reasons. In the first place, Sir, the potato is only a starchy food, and the people of this land have enough of starchy food. As regards the supply of roots, I think the country abounds with yams, sweet potatoes and a host of other roots that are equally nourishing as the potato. I admit, Sir, that I would give the palm to the potato among the tubers, and yet the potato cannot be acclamatized to this country. It grows only in certain conditions and in certain climates. It is, I think, restricted to certain temperatures. The statement

that was placed on the table by the Government on a question asked by the Hon'ble Member Mr. Ramalingam Chettiyar gives the expenditure and receipts of the farm for three years :—

	Expenditure.	Receipts.
	RS.	RS.
1918	12,659	4,896
1919	13,166	6,656
1920	16,136	2,085

This statement proves two or three facts. There is a tendency for the expenditure to rise and for the receipts to decrease. This shows that the farm is not as much needed at present as it was once. The value of potatoes sold was Rs. 4,435 in 1918, Rs. 6,303 in 1919 and Rs 18,022 in 1920. It may be that people have learnt the fact of selecting sound and healthy seeds and are doing it without taking the help of the Government farm. At a time, Sir, when retrenchment is so very necessary and when money is needed in so many other directions, I request the Government to stop the potato farm at Nanjanad. I hope the Minister for Development will be able to see eye to eye with me on this matter. With these few words, I move this resolution."

Mr. G. Vandanam seconded the resolution.

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—" Mr. President, I am extremely sorry that my honourable friend, the mover, has taken such a gloomy view of affairs. As regards the question of expenditure and income, I may at once say that this is an experimental farm, and experimental farms are never run for profit, but to demonstrate certain results which it is hoped will help the agriculturists and cultivators to utilize for their own cultivation. If the principle enunciated by my honourable friend is adopted, I am afraid we will have to close down every agricultural farm in the Presidency. I do not think that my honourable friend will go that length and carry the enunciation of his proposition to its logical conclusion. 1-15 p.m.

" Sir, the chief object of this farm—which, by the way I may tell my honourable friend, came under the control of the Agricultural Department only in the year 1920—the chief object of this farm is to demonstrate to the Badaga cultivator the advantages of the rotational system and the advantage of using sound seed potatoes. It has long been notorious that the seed used by the Badaga cultivator was infected with disease and the poor outturn of the crop which he always used to attribute to causes other than that was due to the diseased seed which he was using. The department has since demonstrated and pointed out the real cause of the poor outturn and has supplied the necessary seed with the result that the potato cultivator to-day is certainly reaping a richer harvest than he used to do before. The honourable mover thought that potato was only a starch food of which we have got several other kinds; and that there was no need for encouraging the cultivation of potato. But the pity of it is that on the hills where this potato can be grown, it is not easy to grow other kinds of crops which could fetch as much as this potato crop would fetch to the ryot. If you do not introduce this seed and if you do not improve the cultivation of the potato on the hills, the difficulty will be that the potato cultivator would have to resort to the primitive system of cultivation in which some kind of food crop was grown and whose yield would not be enough even for a third (or fourth of the population of that district.

" The honourable mover said, Sir, that climatic conditions are not suitable for this crop in our country. That is true of districts other than those where these hills are situated. On the other hand, in the regions of the hills I think potato yields a very good crop. At any rate, no other crop can give as good a result as potato and no other crop can fetch to the cultivator as much money as the potato can fetch.

" As regards the farm itself, I visited it this year in company with my friend Mr. Vellingiri Kavandar and also with my friend Mr. Ramalingam Chettiyar, and though I admit that there is ample room for improvement in the management of the farm, especially by the appointment of demonstrators to go out and tell the Badaga and the Kanarese cultivator what all can be turned out of his land by the use of good seed and by the use of these rotational methods, I must say that my enquiries have confirmed the view that the farm has been doing really good work. We made enquiries on the way and I attach much value to the opinion of a gentleman who had a farm close by—Mr. Clemenson, I think, is his name—and he was telling me that if this farm is not useful for any purpose except that of merely supplying good seed to the Badagas and the Kanarese, the farm deserved to exist, because for that purpose alone the money that we are spending is worth spending.

" In the interest of the Badaga cultivator, in the interest of the production of the potato and in the interest of all those that take to potato as part of their food, I should earnestly request my honourable friend to withdraw his resolution."

Mr. T. A. RAMALINGA CHETTIYAR :—" Mr. President, I think that, if only the literal meaning of the resolution is to be taken, I should support the resolution, but not the idea that underlies the resolution. In the Nilgiris potato forms the most important crop so far as the Indian cultivator is concerned and that crop does require the attention of the Government both with reference to the improvement of the varieties that are grown and also with reference to the pests and the diseases that are affecting the crops. So, Sir, so far as the Nilgiris is concerned, the farm is necessary for the purpose of experimenting, but the place at which the farm is at present located is chosen without reference to its utility. It is in a far away corner, quite inaccessible, and very little advantage is taken of the garden as it is. As the Hon'ble the Minister said just now, I visited the farm in company with him and with my friend Mr. Vellingiri Kavandar and I thought that the locality of the farm ought to be changed without any further delay. It ought to be located somewhere further down, and unless that is done, full use cannot be made of this farm. I may also say that at present the experiments that are being conducted are in an infant stage and it cannot be said that they have had sufficient time to work out and to propagate the best species suited to the hills. It will no doubt take probably a few years more to make the results of the experiments both in evolving better varieties and in the manurial experiments fully known to the public. As I said, to make these experiments really useful to the public, the farm ought to be shifted somewhere down near Kaity or Ootacamund without further delay. When we were there the other day, we were told that suitable places were available and that it would not be very difficult to get a good site if only the Government would try to find one. I only hope that the Hon'ble the Minister will not take the usual attitude with regard to the advice given by specialists, viz., that when once they have done something, it ought to be supported and kept up. I hope that he will look at this matter from the people's point of view also and have the locality of the farm shifted as early as possible.

"There is one other matter which I should like to refer to, and that is as regards the financial expenditure on this farm. Well, Sir, the farm is in charge of a curator who is a well-paid officer and presumably *the* person to look after the farm. On the farm itself there are people actually working. There is an overseer who is in charge of conducting the experiments and who is in immediate charge of the farm. There is also a storekeeper who is in charge of the accounts and other things connected with the farm. Alongside these two sets of people, the curator, and the overseer and storekeeper, there is a third officer called the superintendent who is also supposed to look after the farm. This officer seems to be quite unnecessary. The curator's work consists in being in charge of two or three gardens, the garden at Ootacamund, in Coonoor, this particular farm and another estate at Burliar. The gardens at Ootacamund and Coonoor are not likely to give him much work because he has got assistants there. The estate, which is very much bigger than this farm, has not, I think, got a superintendent on such a high salary. So it seems to me, Sir, that this officer, the superintendent, is quite unnecessary. This side of the question, I think, will require some more attention from the Minister and I hope that in this also he will not adopt the usual attitude and say that whatever is possible has been done by Government and they cannot do more. So, with these few remarks, I oppose the resolution."

Mr. V. C. VELLINGIRI KAVANDAR:—"Sir, I oppose this resolution. Potato is a very important crop in the hills as we are having sugarcane and other crops in the plains, and it is a very important crop also on account of the many people using it. It requires a large amount of investment and a great amount of attention. The Badagas are very often put to a great loss on account of the failure of crops, and so I do not see why they also should not be benefited by a research experiment like this with a crop which is so important on the hills. Further, the question of maintenance is also bound to come up. On account of the new formation of this farm, the initial cost must necessarily be high. The income from the farm shows how uncertain is the crop on account of the prevalence of pest. Under these circumstances, it requires regular research into the condition of the crop which is a valuable one. No doubt, I agree with Mr. Ramalingam Chettiyar in regard to the inaccessibility of the place and also in regard to the excessive expenditure in supervising and all that. But I am for developing the farm and finding out what can be done for the improvement of potato and for helping the Badagas for getting good seed. Advice also may be given to them in the matter of avoiding the pest. On these grounds I oppose the motion." 1-30 p.m.

Mr. A. T. PALMER:—"Mr. President, I am afraid that some honourable members have not caught my point (laughter). I did not mean to say that potatoes should be driven out of this land. I said that the country could do without this potato farm. I said that the Badagas could get on without this Government help. That is my contention. The Hon'ble the Minister for Development said that I was anxious to put a stop to all agricultural experiments in this country, but I was only saying that potato is not a general necessity and that it could not be experimented with in different places. It is limited to a very small area in this Presidency and as such the Government cannot afford to spend money on such farms. This was my main point. Potato is never going to be the food of the ordinary class. Potato sells at one rupee, 12 annas and 10 annas a viss in the mufassal. As such, it can never become a popular root for common diet and that is why I said that the Government which is not a charitable institution should not spend its money for the sake of the Badagas. I wish that the Hon'ble th

Minister for Development did not ask me to withdraw this resolution and so I press the same."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU:—"The two points raised by my honourable friend Mr. Ramalingam Chettiyar deserve, I admit, consideration. In fact, one of them, as regards the locality, that is, changing the farm from its present place to another, is under the consideration of Government at present. The difficulty is, Sir, that we have to dispose of a farm which cannot fetch as much as we have invested on it and at the same time the cost involved in the purchase of a new farm will be very high. However, if it is decided upon by Government, I hope I can count upon the support of my honourable friend Mr. Ramalingam Chettiyar for the grant by this House of the money that will be required.

"As regards the question of the superintendent, Sir, it is too soon for the Government to say whether his services will be required at this farm or not. As I submitted, the farm came under the supervision of the Agricultural Department only in April 1920 and one year is not sufficient to say whether the services of the superintendent will be necessary or not. However, as my honourable friend suggested that we can reduce some expenditure, it is a question which will receive the attention of the Government. I cannot promise more than that. At the same time, I cannot also accept his advice, viz., that we should not accept the advice of our departmental officers. They are our experts and I think that while we are bound to bow to the decision of this House, we are bound also to respect the advice of our departmental officers.

"Then, Sir, as regards the honourable mover's suggestion for the abolition of this farm, I am afraid that he is basing his suggestion on the mere ground that potato cannot form the staple food of this country. Perhaps I may be permitted to remind the Honourable Member that during the war and after the war a large quantity of this potato was exported to Bombay and Ceylon and much money was made out of it. The Honourable Member perhaps is also aware that it is, in a sense, a very good industrial crop. German spirits, we are told, are largely made out of potato, and though we are obliged in our country to limit the raising of this crop to one or two districts, I would request the House to consider whether it is advisable to give up this natural resource of utilizing in this manner the land which is perhaps unfit for any other production and thereby enriching our wealth and availing ourselves of the possibilities of industrial development. I therefore request the House to reject the resolution moved by my honourable friend."

The resolution was put and lost.

Building for the Muhammadan Secondary School, Georgetown, and its status.

Khan Bahadur MUHAMMAD USMAN SAHIB:—"Mr President, Sir, I beg to move—

'149. *That this Council recommends to the Government to take immediate steps to construct a suitable building for the Government Muhammadan Secondary School, Georgetown, and to raise it to the status of a high school.*'

"At present we have got an incomplete secondary school located in an ill-ventilated building in Armenian street. Pupils seek admission to the school in large numbers but they are refused admission on the ground of want of accommodation. Secondly, Sir, three or four years ago the Government announced that they would raise the school to the status of a high school. But

[Mr. Muhammad Usman Sahib] [15th November 1921

somehow or other that idea was given up, the reason being that they were not able to provide that school with a proper building. Last year efforts were made for the construction of a building. I was told that the Inspector of Schools recommended to the Government the purchase of a site in Georgetown; but before the Government came to any conclusion that site was purchased by some other people. Therefore that land was lost. If Government wish to construct a building, they should make up their mind at once for investing some money. Otherwise nothing could be done. In Georgetown it is very costly to construct a building. Unless Government comes forward and, makes up their mind to spend money over the construction of the building, it will go on as at present. At present the school is located in a very ill-ventilated building and the accommodation is such that only very few pupils are admitted. I hope the Hon'ble the Minister will take a sympathetic attitude in this matter and see that the high school becomes an accomplished fact at an early date."

The resolution was duly seconded.

The Hon'ble Rao Bahadur A. P. PATRO:—"Sir, I have every sympathy with the resolution. We have been making endeavours to find a suitable site for the location of the Georgetown Muhammadan Secondary School. First a site was selected in Mohafuskhan Gardens, that being the centre of the Muhammadan population in that area. When we were negotiating, its price was said to be Rs 30,000. But after a few weeks the price went up to Rs. 95,000. Therefore it was considered undesirable to acquire a site at such a high cost. Again another site was attempted to be acquired which belonged to the Corporation. The Corporation after a prolonged negotiation said that they proposed to keep that site for public purposes and could not alienate it for the purpose of constructing a school building. A third attempt was made to get a portion of the Barracks square but the Government ultimately desired that the square should be left open for purposes of the public. The honourable mover of this resolution is living quite close to the school and the Government will be much obliged if he is able to assist the Inspector of Schools by showing him a suitable site for the construction of the school. Thus we are willing to acquire a site and to provide a building for the school for the Muhammadan population in Georgetown.

"As regards the raising of the school to the status of a high school, we are also in full sympathy with that. Forms will be introduced year after year as soon as accommodation will be available. The school will be developed provided we have sufficient accommodation. With this assurance, I hope the honourable mover will not press his resolution."

Khan Bahadur MUHAMMAD USMAN SAHIB:—"In view of the very sympathetic reply given by the Hon'ble the Minister, I beg leave to withdraw the resolution."

The resolution was by leave withdrawn.

Reduction of court-fee payable on plaints in suits under section 40 of the Madras Estates Land Act.

Mr. B. MUNISWAMI NAYUDU:—"Mr. President, Sir, the resolution standing in my name runs as follows:—

'150. *That this Council recommends to the Government that the Governor-General of India in Council may be requested to reduce the court-fee payable on plaints in suits under section 40 of the Madras Estates Land Act and on appeals therefrom to 8 annas in exercise of the powers vested in him under section 35 of the Court Fees Act, VII of 1870.*'

15th November 1921] [Mr. B. Muniswami Nayudu]

"Honourable members are aware that section 40 of the Madras Estates Land Act applies to suits between landlords and tenants in zamindari tracts. There are various sections laid down in the Act by which the rent that is payable by the tenant is to be ascertained. There are sections under which the landlord can file suit or proceed against the tenant for rent. The tenant generally raises objections that he need not pay rent at a particular rate and so on. He sometimes says that he need not pay higher rate for wet crops raised on dry lands. Invariably the landlord's case is that it is the usual practice for the tenant to pay rent at different rates for different crops. Disputes of this kind are of every day occurrence between the landlords and the tenants, the landlord claiming rent as by custom and the tenant raising some objection or other. I have got personal experience of this nature in the district of Chittoor, half of which is zamindari area. There are a number of suits pending there in which the rate of rent is in dispute. Sometimes section 77 is invoked for recovering rents. Sometimes the procedure laid down in section 112 is adopted. Land is attached and sold. All these proceedings are not very satisfactorily worked. It is open to the landlord to appeal, and it will be a very long time before the rate is definitely fixed.

"To avoid such disputes it is open for the tenant to file a suit under section 40, requesting the court to fix a definite rent upon the land which has to be paid by the ryot to the landlord. The court will consider the rents usually paid by the tenant and the average income of the landlord and then fix a reasonable rate. Once under the said section the rates are fixed there will be no further scope thereafter for the tenant to raise any defence to suits by the landlord for recovery of rent. It was with a view to avoid such disputes that the legislature enacted section 40 in spite of objections by the landlords. And it is but fair that every opportunity should be given to the ryot to avail himself of the provisions of section 40. It is certainly to the advantage of the landlord also that the rent should be so fixed. For once the rent is so fixed he would be avoided a lot of litigation. In a suit under section 40, a court-fee stamp of Rs. 10 has to be paid and whether it is one tenant that files the suit or a number of tenants that sue, provided they belong to the same village, the evidence will be the same for all the suits and the decisions should be of the same nature and all the suits could be tried in a batch. Therefore the increase in the number of suits would not certainly increase the work of the court. On the other hand, it will enable a satisfactory decision being given not merely as against one tenant but as against a large number of tenants in the same village. And this will prevent multiplicity of suits. A memorial has been received from the District Association, Tinnevelly, requesting that the stamp fee payable on plaints under section 40 of the Estates Land Act should be reduced to As. 8. That memorial was referred to in one of the interpellations answered at the last session. And I bring this resolution with the object that the Government may help the tenant or a number of tenants to file suits under section 40 by giving them the benefit of a lower rate of stamp fee. We find that in the average 700 suits are filed in the year though in the last year in Tinnevelly alone there were about 1,300 suits. I therefore commend this resolution to this House and the loss of the revenue to the Government will be more than compensated by the fixity of tenure such suits secure and also by decrease in litigation between landlords and tenants.

1-45 p.m.

"For these reasons I commend this resolution to the House for acceptance."

Mr. T. SIVASANKARAM PILLAI:—"I second the resolution."

At this stage—1-50 p.m.—the Council adjourned for lunch and reassembled at 2-30 p.m.

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Mr. President, I regret I am unable to accept the recommendation because the Government at present are unable to consider any resolution whatsoever to diminish the revenue to however small an extent it may be. It is well known to the House that we will be very hard put indeed to balance our budget and we are expecting a huge deficit during the current year. On the merits, the speech of the honourable mover has shown conclusively that there is no case to diminish the court-fees. He has pointed out and quite rightly that what section 40 of the Estates Land Act provides for is a change in the nature of the rent payable to the landlord, and when once it is settled, it will be practically a permanent adjustment as between the parties. Now, there are other sections of the Estates Land Act with reference to which either the fees have been wholly remitted or have been diminished. Those are cases in which a tenant is fighting for his existing rights. For instance, when there is a suit for the exchange of a patta and a muchilka the fees are remitted. When the tenant feels aggrieved by a distress for rent or by a warrant for sale he is entitled to file a suit without any fees. This question of remission of fees has been under the consideration of the Government of India and proposals were sent out to the Local Governments who now under the Devolution Act have power to reduce the court-fees, in which suggestions were made as to the items on which there may be such remission. And so far as Madras is concerned, suits which can be filed under certain sections of the Estates Land Act were put in in that schedule, and on consideration we have omitted suits under section 40. Suits under section 40 involve a very considerable amount of trouble and take much of the time of the courts which have got to decide these suits. They are not ordinary suits but they were suits really for declaration. Again, when the Collector comes to the conclusion that the rent should be fixed in money, there is an appeal to the District Court and you can take a second appeal to the High Court. We find that questions regarding commutation are difficult to determine and involve an investigation of very complex facts. In these circumstances, I am unable to perceive any justification whatsoever for diminishing the court-fee of Rs. 10 which either the landlord or the tenant will have to pay if he brings a suit before the Collector for the commutation of rent. I want the House to remember that this suit can be instituted not merely by the tenant but also by the landlord. Then it was said that people are hampered because each individual tenant has to file a suit, or the landlord has to file a suit against each individual tenant. When the Estates Land Act was passed, specific provision was made for what I would call consolidation of suits, and that is specifically provided for in section 193 of the Estates Land Act, and the framers of the Act carefully omitted a suit under section 40 as outside the scope of consolidation because in fixing the rents of individual holdings you will have to take into consideration various factors some of which may be common to all the tenants, but some of which are likely to be peculiar to particular tenants. And it is the creation of individual relation in regard to each of these holdings as between the landlord and the tenant that is aimed at. If, on the other hand, a considerable body of tenants feel aggrieved either by the prevailing rent or in the mode of its discharge, that is, by payment of waram or otherwise, there are provisions for the purpose of settling what is called a fair and equitable rent which procedure is subject to the control of the Government. And if the Government

finds that a primâ facie case has been made out for such a settlement the order will be given therefor. That would settle any disputed question with regard to rates of rent. In these circumstances, I am unable to accept the recommendation of this resolution."

Mr. T. C. SRINIVASA AYYANGAR:—"Sir, the object of the mover in bringing forward this resolution is excellent. That is, as I understand it, to reduce the amount of litigation and also to bring to a minimum the disputes that may occur between the landlord and ryots. If any illustration of the pernicious effect of litigation can be had in a particularly patent manner, you could find it in the Ramnad district where two deputy collectors in addition to the existing divisional officers were for several years hearing and disposing of these cases. Even now the litigations have not come to an end. Many are the reasons for this state of things. Some people go to the length of saying that the Act itself has generated a large quantity of litigation on account of the difficulty of construing the various provisions of the law. The conflicting decisions of the courts have added to the litigation, not to mention the inherent difficulties existing in and the perverse circumstances attending particular relationships between the landlord and the tenant. But the difficulty that arises in such cases is largely when rent is discharged in kind and not so much when rent is discharged in a fixed amount of money according to the extent of the holding at so much per acre of ground. My friend, Mr. Muniswami Nayudu, thinks that by reducing the court-fee an impetus will be given to the people to resort to courts so that they may have the opportunity of commuting the waram into money rents. I am afraid that will not be the case. The commutation will have to be on a ten years' average, what is known in the zamindari tract as the *sarasari*, the mamul *sarasari*. The quantity of work will be immense and as each individual ryot can come to court and every one's case will have to be decided on the evidence given in this case the landlord may be subjected to considerable harassment in meeting cases of each individual ryot as the ryots may not act collectively but may choose to come to court one after the other. There are provisions in the Estates Land Act, where a negligent landlord fails to keep the irrigation sources in proper order, under which ryots who own two-thirds or half of the lands in a particular village can by application to the Collector compel the landlord to keep the irrigation sources in proper order. There is no similar provision in regard to the matter under consideration. The only proper method of reducing the difficulties which lead to such enormous litigation is by amending the Act so that suitable provision may be made for invoking the aid of the Government to lend settlement officers for the purpose of commuting waram into money rent in large tracts. Experiments were indeed undertaken during the time when the Court of Wards were in possession of various estates. For example, in the Ramnad estate, some decades back, when the Government was in temporary possession of the zamindari, one very enterprising tahsildar who was in charge of the estate commuted the waram in the dry lands to money rent which has become now the prevailing standard rent system in the case of dry lands. Sir, the matter is one which cannot be settled by litigation. If one individual ryot in a village which has a thousand holdings comes to court and others, one after the other, the position of the landlord would be very miserable. Therefore, Sir, while the object of the mover is very excellent the method that is suggested is not likely to solve the difficulty. It may reduce the revenue of the Government but may not reduce the quantity of the litigation. We will have to find out a remedy for the state of things by amending the Act and introducing suitable provisions in

the Act and not merely by reducing the ten-rupee court-fee to half a rupee. While the object of the mover is good, the remedy suggested is not suitable to the facts. Therefore, I am sorry I cannot support the resolution."

Sri Meka V. APPARAO Bahadur:—"Mr. President, I rise to object to the motion not because I being a representative of zamindars dislike to give my support to this measure as it is against their interest, but because this is against the interests of the tenants as well. This resolution, if I understand its meaning aright, proposes to bring cheap litigation at the door of the tenant. Litigation, Sir, is a troublesome affair and bringing cheap litigation to the door of the tenant is like bringing any tempting potion to their very door. In the Estates Land Act there are enough provisions for the tenant to obtain his reduction of rent in court and by bringing, by this resolution, cheap litigation within easy reach, not only the zamindar but also the tenant will fail to be benefited."

Mr. S. T. SHANMUKHAM PILLAI:—"I put a question to the Hon'ble the Law Member asking him to state if any action has been taken on a memorial submitted to Government by the District Association, Tinnevelly, for a reduction of the present high rate of court-fee charged on suits filed under the Estates Land Act, section 40. The reply was that Government did not propose to take any action at present. I think that, so far as the conversion of waram into money rent is concerned, it is desirable in the interests of both the landlord and the tenant. It is of great advantage to both parties. Applications are being made both by the landlords and zamindars. The court-fee that is demanded at present, namely, Rs. 10, works a great hardship in the case of poor tenants as well as of small landholders. The rent suits are very numerous and if the court-fee is reduced it will afford a great relief to both parties and it will also lead to fixity of tenure. Under the existing rules great hardship is felt. I therefore support this resolution which aims at relieving this hardship. The matter deserves sympathetic consideration at the hands of Government."

2-45 p.m.

Rao Bahadur T. BALAJI RAO NAYUDU:—"Sir, I beg to oppose this resolution. The reasons given by the Hon'ble the Law Member are quite adequate to convince any one that the court-fee should not in any manner be reduced. My experience is both under the old Rent Act and the new Estates Land Act. Under the old Act, litigation between landlords and tenants was very much less than what it is now under the new, i.e., the Estates Land Act. The introduction of this Act gave a lot of scope to litigation between landlords and tenants, which means a lot of waste of money and also trouble and disagreement between the landlords and the tenants. Under this particular section 40, which refers to commutation of rents, the stamp duty is Rs. 10 and if it is reduced to As. 8, the number of suits that would be filed under that section would be almost numberless. The reduction of stamp duty thus creates a lot of difficulty not only to the zamindars but also to the ryots. So, I think it should not be the policy of the Government, apart from the question of losing the revenue, to encourage litigation. Under these circumstances I oppose the resolution."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I am afraid, Sir, I have to oppose this resolution, though I find it difficult to follow the reasoning of the Hon'ble the Law Member. I think I must take exception to the first statement made by him that whenever any proposals are made for reduction of any revenue the Government are not willing to accept the recommendations. I do not think that we can view things from that standpoint. There may be some items of

revenue which are found to be objectionable or which are found to be oppressive by the people and there may be some other items which cause undue hardship and suffering to the people. In those cases, I think that the Council and also the Government must be prepared, notwithstanding any possible loss of revenue, to accept such recommendation and such conclusions. It will then be open to them to find out other sources of revenue or to effect retrenchment of expenditure in other possible directions. While I take exception to the general statement that the Government will not view with favour any proposal for the reduction of revenue, I think that, so far as this proposal is concerned, it is difficult to support it. We all appreciate the object underlying the resolution, namely, that it is desirable to reduce the cost of litigation. Sir, the public are fully aware as also the Council of the evil consequences of litigation and it is therefore unnecessary for me to detail them to the House at any length. Here we have to consider whether the remedy suggested carries out that object. Can it be contended for a moment that simply because the cost of litigation is reduced by reducing the court-fee from Rs. 10 to annas 8, it will reduce the volume of litigation? Though it is our duty to take all possible steps to minimise litigation, the present motion is, I am afraid, calculated to increase the litigation rather than decrease it. Whether it benefits the landlords or whether it benefits the tenants, makes no difference whatever. Whether in the long run it affects one class of people by the consolidation of suits or another class of people, it makes no difference whatever. What we are all concerned about is that if there is a proposal to increase litigation in this country, I believe this House must vote against any such proposal in view of the ruinous consequences of litigation. For these reasons, I beg to oppose this resolution."

Mr. S. SOMASUNDARAM PILLAI:—"Mr. President, I doubt very much whether by accepting this resolution, the tenant or the zamindar will be benefited. No doubt it will go to a certain extent to reduce the income of the Government; but it will not make the tenant or the zamindar richer so long as there is another sharer in existence, I mean the vakil. The tenant or the zamindar will get absolutely no benefit so long as there is no law restricting the fees payable to the vakils. The vakils would ask the tenant: 'Sir, you pay very little towards court-fees now, not more than annas 8; you had better pay the balance to me'. Even if it should benefit the tenant and the zamindar, I think it will work a great hardship to the Government. Why should the Government suffer by doing more work and getting less income? Already we proposed so much of expenditure. All are bold to suggest several items of expenditure, but nobody is willing to suggest the sources of income. I oppose this resolution because it will decrease the income of Government while at the same time not making the tenant or the zamindar any the richer."

Mr. B. MUNISWAMI NAYUDU:—"All that I have heard is that while many are willing to accept the principles underlying the resolution, they think that it will not carry out the object which I have in view, namely, the reduction of litigation. I already pointed out that when rent is not paid an application is made for getting the property attached and sold. Year after year when arrears fall due suits are filed and in order to avoid them all kinds of frivolous objections are taken, such as the rate of rent is not correct, etc. That is the way in which rent suits are increasing every day and applications are pouring in. My contention is that if only this section 40 is properly put into force and suits are filed under that section,

the effect of it will be that the relationship between the landlord and the tenant as regards the rent will get settled and the possibility of suits thereafter either for recovery of rent under section 77 or by application for sale under section 112 would be avoided or at least will be much less than what it is now. While the possibility of increased number of suits being instituted can be minimised by a bold step being taken by encouraging as far as possible suits for uniformity of rent and for certainty of rent being instituted, I submit that a case has been made out that in the interests of the tenants as well as the landlords the court-fee should be reduced.

"Sir, it was stated that when section 40 itself was enacted in the Estates Land Act, there was a good deal of objection on the part of the zamindars and they stated that there should be no change at all. It was practically to safeguard them that a proviso was added that whenever suits for commutation of rent were filed, it was always open to the landlord to object and say that the waram he receives must be in kind and having regard to the individual landlord, it was left open whether the waram should be converted into cash rent or whether it was to be retained in kind. There was also another safeguard provided, namely, that if the court decides that commutation should be made, there would be an appeal to the Board of Revenue and their order would be final; so that the interests of the landlord were safeguarded. The only point is whether by giving the tenant opportunities to have the rent fixed once for all, it is not better to diminish future litigation under section 77.

"It is also stated that the landlord will have to pay as much as the tenant and there is no reason why the landlord should not pay a higher court-fee. I suggest that so far as the evidence is concerned, if it is any particular village, whether these suits are filed by one particular tenant or ten tenants, the evidence will be the same and the suits will have to be tried in a batch; though in name the number of suits may be large, yet the decision must be one and the same affecting all the tenants in one village and thus there will be reduced litigation.

"It is also stated that there is provision for survey and settlement of a village and that fixity of tenure might be thus got. So far as that is concerned, there are certain provisions that unless a certain definite percentage of ryots or persons who own certain percentage of lands move, the Government will not take any steps in the matter. Again there are provisions that the villagers should deposit a certain amount which should cover the expenses of survey and settlement. These are things that cannot be done by one or two tenants but should be taken by the whole village. While the Act provides for survey and settlement, it also provides for suits being instituted under section 40. If the object of the legislature is to be given effect to and fixity of tenure is to be got, I submit that the reduction of the court-fees will be one of best methods by which this object can be attained."

The resolution was put to the vote and lost.

On the motion of Mr. B. Muniswami Nayudu a poll was taken with the following result:—

Ayes.

1. Mr. O. Tanikachala Chettiyar.
2. Mr. B. Muniswami Nayudu.
3. Mr. A. T. Muttukumaraswami Chettiyar.
4. Mr. C. Natesa Mudaliyar.
5. Mr. V. Paokiriswami Pillai.
6. Mr. S. T. Shunmukham Pillai.
7. Mr N. A. V. Somasundaram Pillai.
8. Mr. T. C. Tangavelu Pillai.
9. Rao Bahadur C. Venkataranga Reddi.
10. Mr. P. Venkatasubba Rao.

Ayes—cont.

11. Mr. W. Vijayaraghava Mudaliyar.
12. Diwan Bahadur D. Seshagiri Rao.
13. Mr. T. Sivasankaram Pillai.
14. Mr. T. Arumainatham Pillai.
15. Khan Bahadur Muhammad Usman Sahib.
16. Mr. M. C. Raja.
17. Mr. L. C. Guruswami.
18. Mr. M. C. Madurai Pillai.

Noes.

1. The Hon'ble Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Mr. Muhammad Habib-ul-lah Sahib.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. ,, Rao Bahadur A. P. Patro.
8. Mr. R. Littlehailes.
9. Mr. E. Periyanayagam.
10. Mr. P. Subbarayan.
11. Mr. C. W. E. Cotton.
12. Mr. K. Adinarayana Reddi.
13. Rao Bahadur V. Appaswami Vandayar.
14. Rao Bahadur T. Balaji Rao Nayudu.
15. Mr. K. Gopalakrishnayya.
16. Mr. J. Kuppuswami.
17. Mr. P. C. Muttu Chettiyar.
18. Mr. S. Somasundaram Pillai.
19. Diwan Bahadur M. Ramachandra Rao Pantulu.
20. Rao Bahadur A. S. Krishna Rao Pantulu.
21. Diwan Bahadur T. Desika Achariyar.
22. Rai Bahadur T. M. Narasimhacharlu.
23. Mr K. V. Ramachari.
24. Sriman Sasibhushan Rath.
25. Mr. R. Srinivasa Ayyangar.
26. Mr. T. C. Srinivasa Ayyangar.
27. Mr. M. D. Devadas.
28. Sri Meka V. Appa Rao Bahadur.
29. Mr. K. Prabhakaran Tampan.
30. Mr. F. I. Richardson.
31. Rev. W. Meston.
32. Mr. A. D M. Bavotti Sahib.
33. Mr. Hamid Sultan Marakkayar Sahib.
34. Khan Bahadur Mahammad Sadullah Badsha Sahib.
35. Mr. A. M. MacDougall.
36. Rao Sahib P. Venkatarangayya.

Ayes 18; *Noes* 36.

Insertion of a conscience clause in the Grant-in-Aid Code.

Mr. C. V. VENKATARAMANA AYYANGAR:—"The proposition, Sir, which I want to place before the Council for its consideration is this— 3 p.m.

'151. *That this Council recommends to the Government that a new rule be inserted in the Grant-in-Aid Code that no grants will be paid to any institution that compels any student to attend any religious class without the consent of his parents or guardian.*'

"I know that great responsibility is attached to this proposition being brought before the Council. The matter, however, is an old one. Before going further I may say that generally speaking the conscience clause consists of two clauses. I take the following from the Education Code as applicable to European schools:—

'(1) In schools it shall not be required as a condition of any pupil being admitted into or continuing in the school that he shall attend . . . any religious observance or any instruction in religious subjects to which his parent or guardian objects.

'(2) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be either in the beginning or at the end or at the beginning and end of such meeting.'

"So far as the history of this matter is concerned I think it will be better for us to take England itself, where practically the whole population is Christian. Even there, where it is a question of sectarian differences, the question was fought out for a long time. As a majority of Englishmen are supposed to belong to the Established Church they were not willing to allow the conscience clause to be introduced. The fight was first begun in 1853. But then it was not successful. Departmental orders were issued in 1862 and more prominently in 1864. But the

then Government found it difficult to enforce these orders. The Education Act of 1870, however, contained a clause practically giving the wording of the section I have read. This granted to the people of England the right of this conscience clause. I quote from two speeches delivered on this point. Mr. Foster thus enunciated the principle underlying the conscience clause: 'We wish to give every parent the most complete power to withdraw his child from any religious education of which he might disapprove. At the same time it seeks to provide that the child should not lose the secular education'. Mr. Gladstone who cannot be accused of being irreligious observed in the course of the same debate:—'In the matter of religious instruction, although the time for that instruction must necessarily be circumscribed, there should be entire freedom on the part of the parent corresponding with the freedom of the teacher to teach.' These were the speeches of the leading statesmen of the day when the Act was passed with the conscience clause. That Act is still in force, not only in England but in Wales, Scotland and even in Ireland where a majority of people are Roman Catholics and where a large number of Protestants have gone and opened a large number of schools. This conscience clause has been adopted in Ireland in spite of possible objections from the Protestant missionaries.

"In India the question had not taken an acute form until 1882, when the Famous Education Commission was appointed. A very large number of people interested in various movements were members of this Commission. The Commission was favourable to the introduction of conscience clause. The Government of India accepted this recommendation, and sent up its recommendation in favour of the adoption of the conscience clause in India. Curiously enough the then Secretary of State for India vetoed the suggestion on the ground that religious neutrality should be observed by the Government of India. He thought, and the European Members—with the exception, I believe, of two—agreed with him, that the British Government had pledged itself to religious neutrality, and hence it should not enquire into the question as to whether any religion was taught in a particular school or not. Therefore the introduction of a conscience clause was vetoed as according to those people it would necessitate an enquiry into the question as to whether any religion was taught in the school or not; and as the Government was pledged to strict religious neutrality the Secretary of State vetoed the recommendation.

"The struggle for the conscience clause is based on several grounds. We claim equality with Europeans in India, and the very clause I quoted at the beginning of my speech is taken from the Education Code as it applies to European schools. In India, although the Europeans belong to practically one religion, although a large majority of them are Christians, there is this provision of a conscience clause. But this applies not only to Europeans but also to others such as pupils belonging to respectable Indian families who are allowed to study in these European schools. I believe that these Indian pupils allowed to study in European schools have the liberty of conscience clause.

"When we are pressing for equality in other directions there is no reason why we should not press for equality in this matter also. I believe, but I am subject to correction, that the conscience clause is in force in Travancore where there is a larger percentage of Christian population than in the Madras Presidency. In Malay States also the conscience clause is working. Therefore, so far as the precedents are concerned, I think we can strongly say that there is no ground for withholding conscience clause from us.

"There is a great scare, there is a great fear, that if this conscience clause is introduced some of the missionary schools will be closed. I am afraid, Sir, that is doing a great injustice to the missionaries themselves. I have been searching for the opinions of the missionaries. I have got some here. There is, you know, a journal edited by the Young Men's Christian Association. In that journal, for 1921, I find two opinions expressed, one by a European missionary, and the other by an Indian Christian. In page 162, of the 'Young Men of India' the Rev. Mr. Fraser says supporting the conscience clause—'Religion must be caught—not taught'. There is no use teaching religion to the boys who are not willing to become converts. An Indian Christian, Mr. Das, in page 179 makes a plea for religious liberty. He says that the missionaries are sometimes making a mistake in thinking that mission schools will breed only Christians. He says that the worst enemies of Christianity are being taught in the mission schools. Therefore Mr. Das says that teaching the Bible compulsorily is against Christianity. I now come to another journal, the 'Servant of India'. In this journal the question of a conscience clause was fought from both points of view. I have got the opinion of a number of missionaries, but I will give only a few of them. Rev. Dr. Macmichael in page 19 of the issue of 10th February 1921 says 'As Legislative Councils will be reformed, as the Legislative Councils are supposed to have a large element of the Indian population represented in that Council we must be prepared to take the decision of the Council. And it will not be reasonable or fair for anybody to threaten that if this conscience clause is introduced we will close our shops and go away bag and baggage'. In the issue of 14th April 1921, page 125, Rev. Mr. Zacharias says 'as a true Christian I welcome it (that is the conscience clause) and I plead for it.'

"He says that he has a knowledge of British Malaya where the schools have this conscience clause, and no missionary has thought it necessary
3-15 p.m. to close his school. And curiously enough, this gentleman raises all possible objections to the conscience clause, and meets them satisfactorily.

"Then I will give only one other quotation. It is in the issue of 21st April 1921, page 137. The Rev. Kingsley Williams is of the same opinion. But why should I quote the ordinary missionaries only? The Lord Bishop of Madras in the 'Madras Diocesan Magazine' of 1915 says that 'he does not know how some religious bodies reconcile the position they take up in England with that which they take up in India. In England they plead for conscience clause and think that it is essential for the educational development of that country and yet when they come to India, all that is changed'. And the Rev. Lord Bishop continues, 'If the question of conscience clause is pressed by Indian politicians the Government of India will have to give way to the demand.' So that he thinks that there is not much in that fear or possible threat that if the conscience clause is introduced in the Educational Code, it will necessarily lead to the closing of some of the schools. The Rev. Bernard Lucas in a book entitled 'Our task in India' has the following passage: 'It is a standing reproach to Christianity that while in European schools in India parents have the right to send or withhold their children from religious teaching they do not approve, Hindu and Muhammadan parents are deprived of any such just and reasonable provision. Time has surely come when we should recognize that to compel people to receive religious instruction is the surest way to prejudice the mind against its reception.'

"Therefore a large number of missionaries themselves have stated that it is very undesirable to press this question of religious education being compulsory in mission schools. So far as we are concerned, there is absolutely nothing to show that the Christian missionaries would be against this. Very recently a commission was appointed in England to study this very question in India and a representative committee of missionaries visited India. They have published a report called 'Village Education in India'. The commission itself was formed in 1919 and the report was published in 1920. It is a report made by the missionaries themselves, who represent the various churches that send money to India for the purpose of obtaining converts by means of schools, etc. They travelled through the whole country and made that report, and in pages 173, 174 and 175 of that book they deal with this question in all its aspects. They contemplate the possibility of the ministers taking charge of the department, the ministers going into the whole question and the Councils passing a conscience clause or a similar thing. They also say, that if that is done, there is absolutely no reason why any objection should be raised to such a thing. In the further course of their report where they make recommendations to improve village education, they think that nothing unexpected, nothing fatal will happen to these schools or to the ideals of these schools if the conscience clause is introduced.

"So far, Sir, I have given the opinions of the various missionaries themselves to show that it is not fair on our part to suppose that the main object of the missionaries is only to preach Christianity when they start schools. They have started a large number of hospitals and I do not think it is laid down anywhere—and I have had occasion to have some of my relations in some of these mission hospitals as patients—that the patients should take up any religious instruction or attend prayers. They have prayers which the patients have got the liberty of attending or not as they choose. I suppose it has never occurred to anybody that not insisting on religious instruction among the patients is a fatal thing for the institution or management of hospitals and therefore as an analogy I think it is too much to suppose that the introduction of a conscience clause would be fatal to the existence of these schools.

"To come now to the practically current politics, we have the thin end of the wedge in the Elementary Education Act. In the Elementary Education Act, of course it went only to a small extent but the wisdom of the conscience clause is admitted. It says that if in any particular place any school insists upon all the boys attending religious instruction, a number of parents have got the right to demand in writing that a new school should be opened. But there may be a doubt as to whether that provision can be introduced so far as the higher schools are concerned. The fact is that in many places there are not sufficiently large number of schools which can be said to be non-missionary to take in all the available boys and if necessary all the girls also. Therefore the fact that there is another school where religious instruction is not compulsory will not be a good ground for allowing grant to a missionary school in which such education is compulsory. So far as the Christian institutions themselves are concerned, we have got one good example and that is in Roman Catholic schools. I believe that there is a very large number of Roman Catholic schools in the Presidency and yet there is absolutely no compulsion that any boy should attend the religious instruction I believe—I speak subject to correction– that there is in fact no religious instruction at all on school days. There is, I think, religious instruction given only on Sundays. But any how, I am positive that so far as Roman Catholic schools are concerned there is no compulsory religious instruction given in those schools. I am

certainly open to correction if that is a wrong view, but I believe that is correct, so far as my knowledge goes and from the enquiries I made, that in a large number of Roman Catholic schools there is no compulsory religious instruction and that there is no rule that all the boys should attend Bible classes or religious instruction compulsorily. I already quoted a large number of Protestant missionaries and gave their opinions, and here is a fact that the Roman Catholics who have got a large number of schools in this Presidency do not insist on compulsory religious instruction for all the boys attending the schools.

"Only one thing I want to say and that is this. It may be argued that Bible instruction is better than no instruction. My view, Sir, is that Bible instruction for non-Christians is probably worse than no instruction. If a man attends school by compulsion—of course it is another thing if the parents want him to learn voluntarily or if for other purposes a boy attends Bible classes--and if a boy is compelled to attend a Mission school for the Bible class, it is, I believe, worse than no religious instruction at all. So far as the Hindus are concerned, we can summarise it by saying that Government schools do not teach any religion and, therefore they make us indifferent to our religion. But unfortunately with regard to Christianity, we know that some of the missionaries are excellent, but we also know that when some of the Christian teachers teach the Bible, it does not create any respect in the pupils for Christianity or for the Lord Christ, but it only creates a contempt, nay in some cases a hatred towards Hindu Gods, without at the same time creating any respect for Christianity. I suppose, many of us know whether this is a fact or not. I was saying that from a religious point of view, it is not at all desirable that any boy or girl should be compelled to undergo religious instruction in any particular school, but I think from a moral standpoint also we may take it that this compulsory Bible instruction to boys whose parents in their heart of hearts do not want their children to attend such school, is more than that. To use the words of Dr. Duncan, 'it creates insincerity in the boys'. Dr. Duncan was a great philosopher, and these are his words which he said in 1888: 'This compulsory teaching of Bible to Hindu non-Christian boys is likely to create a lot of insincerity in the boys themselves'.

"Therefore, Sir, looked at from any point of view, I think, it is very desirable that though late already we should take up this question of the conscience clause. I do not think that it can be done at once. We have been fighting over it but the sooner we meet the question the better. Of course, most of you may have known of the points dealt with by me. I have gathered these points to be placed before the Council and I think they are sufficient for carrying this proposition. With these few words, Sir, I place the matter in the hands of the Council.

"Only one word more, Sir, I know, apart from the Council, we are dealing with a Minister who has expressed his sympathy so far as this question is concerned. Very recently he had an interview with missionaries and—I do not say that he went so far as I want him or that this resolution would make the Government go—he clearly stated, I am paraphrasing his words, that he has got the greatest sympathy towards the question of the conscience clause, and if I understood him correctly he said that it was time that this question of conscience clause was introduced in some form or other. So that, we have got a Minister who has studied the question of education for some decades and who has also expressed this opinion. No doubt, he holds a responsible position and I hope he will take the necessary steps in this matter. In spite of that opinion given or rather in view of that opinion on this matter, I thought that this resolution should be brought up

before this Council, though I believe I sent up this resolution before his speech. With these few words, I commend the resolution to the Council."

3-30 p.m.

Mr. R. SRINIVASA AYYANGAR :—"Mr. President, I beg to second this resolution in a few words. The honourable mover has given us a fair idea of the history of this question and has also told us that this matter has been engaging the attention of the country for very many years past. So far as this resolution is concerned, its direct object seems to hit more or less the large number of institutions which are managed by and are under the direct control of various missionary bodies. I am fully aware of the fact that missionary bodies have contributed very largely to the educational advancement of this province, and I feel grateful to them. Though personally I have not come under the direct influence of the missionary bodies, I know something of their workings and their activities in various departments of life. But all the same viewing this question from the widest stand point and having in view various other considerations, it seems to me that the time has come, especially now under the new dispensation, to go into the question more fully and it is necessary that the whole position is reviewed, the matter recast and the thing looked at from a wider, more practical, and I may say a more humanitarian, point of view. Judged by these tests, it seems to me that it is high time that we insist upon this compulsion being done away with. It may perhaps be contended by the missionary bodies who are running those institutions that the institutions are maintained by their own funds and therefore that those who are anxious to get into the portals of those institutions have no right to insist upon the missionary bodies to come down to their level as to the kind of instruction, and as to whether or not it is to be left to the option of the boy to receive a particular kind of instruction. While there seem to be some force in the attitude that may reasonably be taken or assumed by them, there is yet another aspect which we find it difficult to ignore. So long as they do not look to State for grant-in-aid it is perfectly open to the missionary bodies to regard their institutions as private houses or private fortresses and prevent any person from getting entry therein. But so far as they insist upon getting their share of grant from the State, to that extent I venture to think that it is open to the person who is anxious to get instruction there to say : 'it is part of my money and therefore, let me have freedom of action ; let me not be compelled to receive your instruction ; but if on the other hand you insist upon my receiving instruction given by you, all right, by all means, only do not apply for State funds, because State funds are contributed by the people and over the people you have no right to place a ban through the religious persuasion of a particular kind of people.' It is not a private concern. In one sense it may be viewed as a private concern. But in a larger sense the people must be allowed to have a potent and strong voice. So long as they do not trench upon the public revenue they may be permitted to have their own way, but so far as and so long as they are anxious to make a demand upon the State with respect to certain contributions, I should venture to submit that it is perfectly open and legitimate to this Council to place some restriction upon their activities or insist upon this compulsion being done away with. And after all, what does the resolution say ? It says,—it is very modest in its conception and in its application as well—that no grants will be paid to any institution that *compels* any student to attend any religious class without the consent of his parents or guardian. I cannot understand why any person in the world should be anxious or should compel any other person in the world to undergo instruction in a religion different from his own or force down his gullet a particular kind of instruction.

Without meaning any offence to the missionary bodies I may be permitted to put them a simple question. Suppose the position is reversed, and the large number of boarders and other Christians there are compelled to receive instruction either in Hindu scriptures or in Islam. They would be the first persons to throw us all in the Bay opposite and say, 'we don't want your instruction.' I do not think the missionary bodies have a right to take advantage of their position, advantages based upon wealth and other adventitious circumstances and then to insist upon students seeking admission into their schools to receive a particular kind of instruction in a particular kind of religion. From that point of view, whatever might have been our past convictions in the matter, it seems to me that the time has come—the time is propitious now that we are under a new dispensation consisting of representatives of the people—that the time has arrived for making it incumbent upon us to have and to claim a certain amount of freedom in the matter of instruction, and therefore, I would appeal to the House to carry this resolution."

Mr. O. TANIKACHALA CHETTIYAR :—"Mr. President, Sir, I rise to oppose this resolution. The honourable mover referred to the state of things prevalent in England and also in the Federated Malay States. He has quoted also the Bishop of Madras who is not himself a teacher running any college or institution for the benefit of our country. But he has made no reference to that portion of the resolution which says that unless certain schools and colleges submit to the conscience clause the grant shall be withheld. That is where the sting lies. I expected him to say something as to why the grant should be withdrawn and what would be the effect of the withdrawal of the grant. He has kept silent over it. But the honourable member who has seconded the proposition has gone into the question and said, 'Sir, we are now under a new dispensation and therefore we have a right to go into this question.' No doubt you have the right to go into this question. But what will be the effect of introducing the conscience clause and the withdrawal of the grant from missionary institutions. As to what the effect will be, I will only refer to page 61 of the answer paper which has been furnished to us this morning, and it contains a conclusive answer why it should not be done. For, if effect is given to that, it means the death knell of the education of the non-Brahmans of this Presidency. For at page 61 in answer to a question which I put as to the number of admissions of non-Brahmans and Brahmans in various educational institutions in this Presidency you find the statistics of Brahmans and non-Brahmans in the various olleges. The first is the Queen Mary's College ; it is a college dealing with girls with which we need not concern ourselves now. The next is the Christian College and the figures for the Junior Intermediate and Junior B.A., are given for 1920-21 and 1921-22. For 1920-21 Brahmans admitted were 77 and non-Brahmans 92, for 1921-22 Brahmans 60, non-Brahmans 104 in the Junior Intermediate ; and in B.A., in 1920-21 Brahmans 80, non-Brahmans 151, in 1921-22 Brahmans 82, non-Brahmans 150 ; so that nearly twice as many non-Brahmans as Brahmans have been receiving education in the Christian College. Whereas if you withdraw the grant and if that institution is obliged to close its doors, the non-Brahmans may have to go abegging unless they get into any national college conducted as they are under the present-day conditions. For, if you turn to the Madura College which I believe is a national college, you will find against 47 Brahmans 3 non-Brahmans in the Junior Intermediate in 1920-21 (*shame*). Sir, again in the year 1921-22, against 69 Brahmans there are only 17 non-Brahmans. That is a national college conducted at the present day under Brahman management, under a Brahman

headmaster and Brahman teachers. That will be the fate of the non-Brahman if the Christian College is closed. Then again, Sir, in the National College, Trichinopoly, 56 Brahmans and 5 non-Brahmans got admission in 1920-21 and in the year 1921-22, 55 Brahmans and 3 non-Brahmans. Sir, the tale that these figures tell is a gloomy tale of what the future of the non-Brahman will be if this resolution is carried.

"The victim of this resolution is the missionary institutions, missionary institutions which have done so much to make the country what it is, to ask for the responsible Government that it has obtained, and but for the missionaries who have carried cheap education to us we could not be what we are. The Government colleges and Government schools were open for the children of the aristocracy; they were open only to the children of the wealthy classes. Poor people who are unable to pay for their school fees got their education sometimes free and sometimes are aided by scholarships which are freely given in the Christian College. Sir, the Christian College can claim the credit of having produced some of the best men of the country. There are two Ministers in this hall who are the products of the Christian College (*cheers*), and in the opposition benches I can refer to my honourable friends, Mr. Krishnan Nayar, Mr. L. A. Govindaraghava Ayyar and Mr. A. S. Krishna Rao as being the products of the Christian College and there are others here who have received education at the Christian College and it will be rank ingratitude for those who have received their education there and who are sitting here at the present day if they were to pass this resolution. For the institution is run very cheaply; the professors who come there come on salaries of Rs. 300 or Rs. 400, the highest the Principal receives being only Rs. 650, while those who come to the educational service in this country begin with salaries ranging from Rs. 400 and rise up to Rs. 2,500 in the case of the Director of Public Instruction and with others it ends at least at Rs. 1,200 and Rs. 1,750. Therefore those missionaries make such a great sacrifice in coming to this country and receiving small salaries. Their justification for continuing educational work in this country is that they are teaching the Bible and placing the lessons which it contains before the people of this country and for doing this kind of work they get contributions from various bodies called contributory bodies and run the institutions cheaply. And if you tell them that they shall not receive the grants, they have not the means to make both ends meet in spite of the fact that they are running the institutions so cheaply paying such low salaries to the teachers, and if you say to them 'we shall not pay', you are compelling them to go out of the country, and by compelling them you will be ruining the non-Brahmans who cannot get their education in the so-called national colleges, and education in the Government colleges cannot be had very largely because accommodation is not sufficient to receive all the boys. Under these circumstances, it would be a most fatal and suicidal policy if this House were to pass this resolution and I say we will be doing violence to our conscience by passing this conscience clause resolution. It would be an act of ingratitude. As for the opinions of various Christians which have been quoted I doubt whether any of those gentlemen have been connected with any educational institution as such. I know that there are some carping critics of the Christian College who say that the Christian College does not do proselytising work and that that institution ought to be closed down and that there is no justification for its existence or continuance. I say you will only be playing into the hands of those who are not really the friends of this country if you say that the Christian College should be closed down. That should be borne in mind, and therefore the House should reject this proposition."

3-45 p.m.

Diwan Bahadur T. DESIKA ACHARIYAR:—"Mr. President, I did not want to interpose in this debate but for the fact that I am responsible for running the National College at Trichinopoly (laughter). It is an old and vexed question, this question of the conscience clause, and I may at once say that I am not in sympathy with any movement which will take away the encouragement that is given to missionary agencies in the promotion of education in this country. But in defence of the National College at Trichinopoly, which has become relevant having regard to the remarks of my honourable friend Mr. Tanikachalam Chettiyar, I may say that the National College at Trichinopoly is open to all classes and that, as far as possible, students from the non-Brahman class have been encouraged to get admission into the National College, Trichinopoly. The figures quoted by Mr. Thanikachalam Chettiyar himself will go to show that the National College of Trichinopoly has a large percentage of admissions against applications compared with other colleges, of non-Brahman students, notwithstanding the severe competition with the St. Joseph's College and the S.P.G. College which are also having their activities there."

Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I would not like to take part in the debate but for the fact that my honourable friend Mr. Tanikachalam Chettiyar introduced into it the Madura College. I am on the board of management of the Madura College, and I desire to take this opportunity of repudiating any suggestion or insinuation in the speech of my honourable friend, that may have reference to the Madura College, to the effect that any non-Brahman was refused admission to that College. Not only we welcome non-Brahman students, but we welcome non-Brahman gentlemen as sympathisers, as contributors and as friends who will help that College to make it a great success. We are on the best of terms with the local Missionary college and with all the other institutions there. When the second-grade college at Madura was sought to be raised to a first grade college, we asked the authorities of the neighbouring college of the American Mission, what they had to say. They were most cordial in their expression that the Madura College should be given all the facilities to rapidly become a first-grade college. I may also mention for the information of my honourable friends, Mr. Tanikachalam Chettiyar and others, that in the Madura American College the proportion of Brahmans to the members of any other community taken singly out of the non-Brahman communities will be more. That does not show that any other community is refused admission, or that Brahmans are greatly encouraged at the expense of any other community to join this institution; it is the existing state of things in very many institutions, missionary or national. I thought this Brahman non-Brahman question would not be introduced here, and none of us here wanted to give any occasion for the introduction of that controversy. I have been hoping that the day is very nearly up, and that we will not hear of it, but lo! there ought not to be any such absence, and this has been introduced into a matter in which it ought not to have been introduced. I should like to say, Sir, that the object of the mover and of the seconder of this resolution, as far as I can make out, is not to affect any missionary institutions; it is not to curtail the grant which the State may make to them. No Indian can say that he is grateful if he will not pay the due meed of recognition to these missionaries who are the pioneers of education in this part of the country. I was myself a student of a Protestant missionary college in my earlier school days, and later I was a student of the St. Joseph's College, Trichinopoly, and I owe a great deal to these missionary institutions, and I shall be sorry if, in the proper dispensation of the grants of the Government, any disfavour was shown to any of the missionary institutions. All

those who deserve help ought to receive help in proportion to their activities and I believe the resolution about the conscience clause is merely not to make any one compulsorily to attend the religious instruction given in the institution—mission or national—if the instruction be against his conscience. If that has been borne in mind, much of the heat which has been introduced into this discussion by my friend, Mr. Tanikachalam Chettiyar, could have been avoided. In the Madura College, he said, there is Brahman management. There were also non-Brahman members. The late Mr. Fisher was one of the great helpers of the College, and I believe he and the late Zamindar of Palayapatti were among those who moved in the matter of taking over the management of the Ziila school from the Government and bringing the Madura College into existence. I submit again, Sir, that the reference in this connexion to the Madura College as being an exclusive communal institution run by Brahmans is very unfortunate. As it is likely to lead to some misconception of either the management, or the teachers, of those concerned with the College, I state this that Mr. Tanikachalam Chettiyar was not at all justified in importing any insinuation of that kind."

Mr. K. P. Gopala Menon:—"Mr. President, it is unfortunate that apart from the usual communal controversies, we have come to these religious controversies. Personally I condemn both, and I very strongly oppose this resolution not on any of those grounds. The resolution that my friend, Mr. Venkataramana Ayyangar, has now brought forward is euphemistically one which says that all those schools manned by missionary agencies and where Scriptures are taught ought not to be given the grant. . . ."

Mr. C. V. Venkatramana Ayyangar (*interrupting*):—"Where Scriptures are *compulsorily* taught."

Mr. K P. Gopala Menon (*continuing*):—"Where Scriptures are compulsorily taught ought not to be given the grant. Of course all through my student career, in school as well as in college, I have only read in mission schools, and what I have found is this: The mission schools start with a prayer solely for Christians and afterwards for half an hour, or one hour, Bible is taught; and no Hindu—no Brahman, or non-Brahman—nobody has ever been told that his getting the B.A. degree would depend upon his proficiency in the Bible. The Bible is read and certain principles, ethical and moral, are taught, and I should certainly think that this practice, apart from being condemned, ought very laudably to be encouraged. For one thing it only gives an impetus to the students to make a comparative study of their own religion. Of course I may tell you, without any self-praise, that my brother who, as you might have known, stood first in the Civil Service Examination this year was all through his school career in the C.M.S. College where he passed very high and then in the Madras Christian College, and later on in Christ Church, Oxford. All the same I think he is a very staunch Hindu. He has not changed a bit so far as his religious views are concerned, and the ethical principles which he was taught in the school and college have, I believe, largely contributed in moulding his character, conduct, etc. I say that I have not yet come across any case where, apart from moral principles being imparted in Mission schools, Hindu young men were forcibly converted to Christianity. Mr. Tanikachalam Chettiyar has said—as every one of us knows—the immense benefit that South India, nay, the whole of India, has derived on account of these unselfish missionary workers. Of course, Rev. Dr. Miller, Dr. Skinner and others have devoted their whole life for the uplift of the young men of this country, to make them not only rise high in their academic career,

but also to turn them out as men of the world. I would therefore say that this resolution is absolutely uncalled for, and I would certainly oppose any resolution of this kind."

Mr. C. Natesa Mudaliyar:—"Mr. President, I strongly oppose this resolution. The resolution aims at mission schools all over the Presidency, at mission schools which are the most useful institutions and which are mostly responsible for the spread of education among the masses. They are managed by missionaries to whom we owe the present culture and the social amelioration of the depressed classes. They did to our society what we, Indians, failed to do. As Mr. Ramarayaningar remarked a few years ago in the Imperial Legislative Council, an Adi-Dravida becoming a Christian under the name of Joseph or Jacob had the privilege of coming into contact with a high caste Hindu, but on the other hand, an Adi-Dravida Hindu with the sacred Hindu name of Haridas was not allowed to come within ten yards of his house. Sir, if the most cosmopolitan and the most useful institution like the Madras Christian College is not to have Government aid, what about sectarian institutions like the Pachaiyappa's High School and the Hindu High School, Triplicane, and such others? I wish the Government encouraged some useful religious teaching in all institutions, whatever the religion may be; for, all religions are but various paths towards a common goal. Now we are tending towards the ideal of the Fatherhood of God and the Brotherhood of man and the building up of the Indian nation."

Mr. M. D. Devadas:—"Sir, I rise to oppose this resolution. Last year, Sir, you may remember this matter was discussed at very great length when the Elementary Education Bill was considered by the then Legislative Council, and it is not necessary for me to repeat all that was then said against the view that is now propounded by the honourable member who is sitting next to me (Mr. Venkataramana Ayyangar). Sir, the main reason for his bringing this proposition before the House is that the missionary institutions are receiving grant and therefore they should not insist upon students attending religious instruction. It must be remembered, Sir, that the missionary institutions are run very cheaply. Government institutions run on the same lines cost ten times, if not more, as is the case with the missionary institutions. Sir, without meaning to draw any invidious comparison, what is the cost of the Presidency College, and what is the cost of the Christian College, to the Government? I think the Hon'ble the Director of Public Instruction opposite would be able to give us the figures. That is the case with almost all the missionary institutions. If this motion is accepted, the consequence would be that a good number of missionary institutions would be closed. Some members think it is a matter of conscience with them that people should not be allowed to attend religious instruction. But, Sir, conscience is also on the other side. A number of supporters of the missionary bodies feel as a matter of conscience that they could not spend money unless they are sure that some religious instruction is imparted. Therefore, there is conscience on both sides. It may be that both are right, or both are wrong, but we are not concerned with that. We are concerned with a question which involves the happiness of a number of people. There are between 300 and 500 missionary institutions—I am speaking of the elementary schools—and the pupils number about 30,000. Now, Sir, if the grant is withdrawn, the question would be whether the missionary bodies could manage these institutions without the grant. Sir, I have the honour to be connected with two missionary institutions which receive very large support from people in England, the S.P.G. and the C.M.S. I know, as a matter of fact, Sir,

that the year before last, the S.P.G. was obliged to close down some of the schools for want of funds, and I say that we were asked to sell some property in Madras in order to find funds, and the same was the case with the C.M.S. Now, Sir, that being so, is it right in the interest of the people, the common people, the depressed classes and so on to ask the missionary institutions to forego the grant simply because some people think that the pupils should not be allowed to attend religious instruction? I say, Sir, that in the interest of the poorer people, it would not be proper. We shall not be doing the poor people justice if we say that these missionary institutions should be closed.

"Sir, it is a matter well known that elementary education has been largely imparted by the missionary bodies. It is only now that the Government has come to open schools in different parts of the country. I speak with special reference to Madura and Tinnevelly districts with which I am quite familiar. We will find, Sir, that in the Tinnevelly district hundreds of missionary schools were opened in places where there are no schools run by the local bodies or by the Government. Supposing, Sir, this resolution is accepted and the grant is withheld and the missionary bodies here are willing to allow students to stay away during the hours of religious instruction, the home boards may not be willing to allow that option. Then the question will be whether they can find funds locally. If not, the schools should be closed down, and what will be the result? The poor people who receive instruction at the hands of these missionaries would go without instruction. Are the Government prepared to spend hundreds of thousands of rupees to open schools in all these places? Does the Hon'ble the Minister for Education promise support? If he is prepared to open schools in all these places at the expense of the Government, then I say let this resolution be accepted. Let the mission schools be closed. But till we are in a position to find funds, is it proper to ask those people who are prepared to devote their time, energy and money for the education of the poor and who consider the imparting of the instruction as their life duty, to close down their schools? It will be a disastrous policy to adopt such a course. Again the Education Act of 1870 was brought into the discussion. My learned friends probably forgot that the Act applies to board schools and schools run at the expense of the Government. If this Council were to say that in educational institutions run by the Government the Scripture should not be taught or any particular religion should not be taught, it is quite open for the Government to say that that should not be done. But to ask private bodies, who provide nine-tenths of the funds and seek only a small dole from the Government, to give up religious instruction which is conceived to be vital to education, simply because some people think that that should not be imparted, is very improper. Without taking, Sir, more of the time of the House I may say this: it will not be a threat in the case of the missionary bodies if they close down the schools if the grant is not made. They will be constrained to close down the schools not out of a spirit of revenge but on account of want of funds. The Government, I think, are really doing good to the people by giving small doles to these institutions by way of grants. A number of other questions were also brought forward during the course of the discussion. It is not necessary that I should go into them. About the year 1852 or 1853 the Government gave what is known as the charter for the missionary institutions. They said they would not interfere with their religious instruction. Acting upon that pledge, these missionary bodies have spent large sums of money, lakhs of rupees if not crores, upon these institutions. Now simply because as my friends put it we are under a new dispensation, is it proper that we should at one stroke abolish all that has been

4 p.m.

going on for the last sixty years? This will not be in the interests of the country. I think it is not necessary to multiply instances. I may say this: that when once a question has been set at rest, it should not be brought year after year in the hope that the Council will at some time be able to pass it. When once a matter is an accomplished fact we should not take it up year after year, in the hope that a majority can at one time be found to pass it. This subject has been considered once already and you, Sir, also took part in the discussion and will bear me out, though you are not in a position to speak now on the subject, and some of my honourable friends will bear me out, that the question was then discussed fully. Therefore it is not proper that this question should be brought forward again. With these words, I strongly oppose the resolution."

Mr. S. T. SHANMUKHAM PILLAI:—"I stoutly oppose the resolution. I am one of those educated in the Christian missionary institutions. Bible is being compulsorily taught there. If not for anything else, it ought to be studied for the sake of the simplicity and beauty of the pure Saxon language thereof. We are much benefited by its study. I think more than 99 per cent of those educated in the Christian schools and colleges have come out with their own faith quite unaffected. There is no danger of evangelization in the education given in Christian schools. If this resolution is passed it will give a death blow to the education of the country. Thousands of people, Brahmans as well as non-Brahmans, successfully come out of Christian colleges with their religious faith unscathed. For these reasons, I oppose the resolution."

Mr. G. VANDANAM:—"Mr. President, this resolution primarily aims at missionary institutions. Whether the resolution aims at missionary institutions or education in general, is a serious problem. To my mind the missionary institutions may be slightly affected, but the general educational policy of the Presidency would be greatly affected. So we are embarking on a destructive policy. I thought the honourable mover would explain the meaning in detail of the expression 'conscience clause' before he used it. He quoted the opinions of some of the missionary gentlemen. All those opinions refer to the methods of propagation of Christianity and do not furnish arguments whether a Legislative Council should or should not adopt a conscience clause. They say which the proper way of spreading Christianity is. If people think that all the missionary schools will be closed down on account of this resolution, they would be disappointed. All the missionary institutions would not be closed. If you read Mr. Srinivasa Sastri's pamphlet on conscience clause he tells us that if the missionaries are famous for anything they are famous for persistence in their efforts and if the missionaries believe that giving religious education is good for the country, I say, Sir, even if it costs them their own lives they will not give it up. So, if we think that the missionaries would give it up simply because we introduce a conscience clause, we will surely be disappointed.

"The Education Act of 1854 contemplates that private bodies should establish schools with liberal aid from the State and parents can send their children to any school where religion is or is not taught. The Act contemplated that a time would come and is fast coming when the people of this country would take a very large share in educational matters and surely they have been taking a very large share. Now, if our people are going to contribute a large share for the education of our youths, surely this resolution would go against private effort to educate our youths and not against the missionary institutions inasmuch as our people believe that education is not a sound one unless religious instruction is given to our youth. It

has been said that conscience clause has been introduced in England and so it must be introduced in India. Is that reasonable or is it really sensible? I will illustrate the truth of this matter from the story of an animal which tried to lighten its burden when it was loaded with a bag of wool by plunging into a current of water because it found a kindred animal lightening its burden of a bag of salt by doing so. Simply because it was being done in England we cannot do it here. Further, the conscience clause is necessary in England. There the Government is not pledged to religious neutrality. On the other hand, the Government uses its patronage, privilege and support to one section of the Christian Church—the Established Church. Therefore, the English people have the right to ask the Government not to allow their children to be taught in a particular doctrine. Here, in this country, the Government is pledged to strict neutrality. They do not want to interfere in the kind of religious education that is being imparted Here the Act says clearly, 'the inspectors are not to go and find out what sort of religion is, or is not taught in the schools.' That is the pledge the Government has given. Therefore, so long as the Government pledges itself to neutrality and so long as the Government says that it is not going to interfere in the kind of religious education, I am sure, it is not right on our part to draw the Government into controversial lines and make it take part with one section or the other. Therefore, it is against the established policy of the Government. It is against the pledge given by Government in the year 1854.

"Another thing has been said, that religion has been compulsorily taught in Christian schools. If we closely examine this, we can see that religion is not compulsorily taught. It is naturally taught. There is no compulsion. It is natural for any missionary institution to give the sort of education which they believe is best for the building up of the character of the student. Therefore to call it compulsion is a misnomer. There is no such thing as compulsion in missionary institutions. On the other hand the parents are free to send their children to any school they like. If they think that it would be bad to send their children to a particular institution they need not send them there. There are other institutions where their children can be educated. Therefore it is left to the option of the parent to send his children to any school he likes. If he sends his child to a missionary institution he does so with full knowledge that Christianity is taught there. Does he not do violence to his own conscience by turning against the institution and say grants should not be given to that school because it teaches Christianity there? Let us realize that the parent has a sense of responsibility towards his child and the institution which trains his child. Instead of making him feel that, why should we aim at an institution which has been doing so much good service to the country? Therefore, to say that religion is compulsorily taught in missionary institutions is a want of the knowledge of the working of the institutions. It is only naturally taught. It must be so, because the missionaries believe that the best way in which they could serve India is to give religious education. There is no compulsion or anything of that sort. If these schools are closed through our work we shall only be damaging the chances of building up of education.

"There is yet another thing. The missionaries have been helping us in shaping the educational policy of this country, we need their services more especially now when the reconstruction committee is sitting to recast the whole system of secondary education in this Presidency. As Mr. Srinivasa Sastri said: 'the missionaries are pioneers and guides' and if we go against them, we will be losing a real help that we need in re-shaping the educational policy of our Presidency. Therefore, I have very great pleasure in opposing the resolution."

The Rev. W. MESTON:—"Mr. President, it may seem, at first sight, somewhat anomalous that one who has advocated and inculcated regard for conscience for many years in this land should oppose this resolution. But it is only at first sight, for I trust that before I have finished it will be clear to the House that I am wholly at one with the honourable mover in his desire to safeguard conscience and that I differ from him only as to the way in which this safeguard is to be effected.

4-15 p.m.

"For the real question that the resolution raises is this: How shall conscientious scruple best be preserved from violation in connexion with a system of education? In England that question has been answered in the only possible way compatible with the educational conditions of that country. There the State holds itself responsible for the provision and control of the elementary education of the country; it is assuming the same responsibility for secondary education; it insists upon compulsory attendance and it puts higher and higher the age up to which that compulsion shall extend. All this the State does; private agencies exist at their own peril; their co-operation is not invited. In these circumstances conscience must be safeguarded by statutory provision and that provision is similar to the proposal of the honourable mover. It provides for exemption from attendance at religious instruction and for the withdrawal of grant from any management which insists upon it. But in India the conditions are entirely different. The State cannot provide for even the elementary education of all; it welcomes every form of genuine private agency into partnership with it in the great work of advancing education in this land. How shall it retain these agencies in this necessary partnership and also see that cherished scruple is respected? My answer is, by adherence to the educational policy of the state in India adhered to for the past 68 years. According to this policy the State pledges itself to provide—either by itself or by local bodies—institutions devoid of all denominational character and open to all. Secondly, the State pledges itself to subsidise sound educational agencies, be they denominational in character or not. And, thirdly, the State pledges itself to exercise over the whole system adequate control.

"In seeking to come to a decision as to whether this policy provides satisfactory safeguards for cherished convictions let us look at a few out of the many relevant facts. The first is the admitted fact that the supply of educational facilities has difficulty in keeping pace with the demand. The need is for more schools—not for less. The second is that, as regards missionary societies, the carrying into effect of such a proposal as that of the honourable member will result in a considerable contraction of educational activity. A third may be found in the higher education for women not one part of which anyone wishes to see relaxed and which is so largely under mission management; and a fourth is the work done for the depressed classes by missions in their elementary schools, a work which no one wishes to see curtailed. But when I mention these facts, let it be clearly understood that I am not confusing issues. What missions have done in the past may have been of real service to the country; but it is admittedly for the legislature to say on what terms in future these bodies ought to be subsidised, even if that should mean a reversal of hitherto accepted policy. And what missions have done in the past may have been in many respects beneficial; yet, if all of it has been tainted by inroads into the sanctuary of conscience, the benefit must be regarded as purchased at too high a price. But while it is others who must estimate the worth of missions, not I, there is one thing that I trust I may be

permitted to say. It seems apposite and is suggested by the present assembly; it is this: When I see the alumni of the college with which I have the honour to be connected—and it is a type of many—when I see the alumni of that college sitting on the Ministerial Bench, on the opposition Bench and in every one of the four blocks of this Honourable House, I cannot but think that the instruction that has been imparted in it, far from dulling moral sensibility, has made no inconsiderable contribution to the healthy citizenship, the upright public life and the administrative stability of this Presidency.

"Let me pass from general to particular facts, and let me select as a crucial instance that of high schools for boys. The facts are simple. First, there are just over 200 high schools for boys and the number is quite inadequate. Second, of these only 59 are managed by missions. Third, of these 59, 45 are in towns where there are also non-mission schools. Fourth, out of the 137 towns in this Presidency where high schools for boys are located there are only 13 where the mission school is the only one available. Now, some of the schools are there because they have done what the residents wanted—brought a high school to their doors; some are in places where there are already incomplete secondary schools under non-mission management; some are in the midst of a Christian community; some of them are within a few miles of a school which is publicly managed. And all of them are so placed that no boy has to go out of his district to find a school that suits him and few have to go much beyond their own taluk. Let it not be forgotten either that while the number of mission high schools stands where it did four years ago every year sees an increase in the number of municipal and board schools. Thus even in this crucial case we see that in slightly more than 90 per cent of the stations where high schools for boys exist there is no possibility of conscience being violated, unless public effort is insufficient, and in the remaining less than 10 per cent the possibility is so small that there must be some way in which it can be eliminated. Let me seek to show what that way is.

"It lies in the exercise of the third principle of the State policy abovementioned, the control of the system by the State. For a long time, as was inevitable, this control expressed itself in the form of encouragement so as to increase the number of schools, and of inspection so as to increase the *efficiency* of schools. But as time went on, it became clear that control required to be exercised in other directions, for example, so as to avoid overlapping and so as to preserve conscience inviolate. Both objects are attained in connexion with elementary education by the institution of district educational councils through which the State devolves certain powers, among others those of making proposals for increasing educational facilities and of defining a single school area. Now in the Bill establishing these councils, in the original draft, it was laid down that the Council should deal in whichever of two ways it pleased as regards the matter of religious instruction. It could ask a manager in a single school area whether he would grant exemption from religious instruction to the children whose parents objected to it; or without asking the manager it could call on a local body to establish another school. Now when the Bill was before the Select Committee, the Missionary Educational Council—a body representing over 30 societies carrying on educational work in this Presidency—suggested an amendment. It said that it was strongly of opinion that the manager of a mission school should first be asked, and only in the event of his declining should the local boards be approached. To this end it sent a deputation to the Honourable Member in charge of the Bill and the suggestion is now embodied in the Act. Now, when you think of it what the Missionary Educational Council practically said was this: 'Where statutory control is exercised and a real

case arises of children having to choose between education plus religious teaching to which exception is taken and no education at all, you may be sure that missions will not compel children to the alternative of no education.'"

The Hon'ble the PRESIDENT:—"The honourable member has just finished his time; I hope he will wind up his speech in a few more minutes."

The Rev. W. MESTON (*continuing*):—"Now let a similar control be exercised in respect of secondary schools. Let Government by itself or by a board survey the field of secondary education as the district educational councils survey the field of elementary education, let the board decide what a single area is for secondary schools, and let it follow the procedure already mentioned. If that is done the possibility of the violation of conscience will be reduced to zero. Now let this method of control—*mutatis mutandis*—be explicitly adopted throughout the whole field of education. Then by this means, by means of definite adherence to the statesmanlike policy laid down in 1864, applied in all its fulness to the situation of the day, it will be possible for the country to have at its service those schools which we, missionaries, count it a privilege to maintain especially in these days when India is entering on its heritage and at the same time for conscientious scruple to be carefully respected. It will be seen, then, that in opposing this resolution I am far from opposing regard for conscience. Rather by recalling the House to the fundamental educational policy of this land, departure from which if adopted will one day be bitterly regretted, I am urging it to maintain a policy which is the only one that can secure for the country the benefits of religious neutrality on the part of Government, of hearty co-operation on the part of private effort, of religious facilities on the part of aided managers and of the most adequate safeguard for cherished conscientious conviction."

Rao Bahadur T. NAMBERUMAL CHETTI:—"Sir, I rise to oppose the motion not because that it affects the non-Brahmans, for all of us are non-Brahmans in the light of the statement of that great law-giver, Manu, who said:

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योऽनधीत्य द्विजोवेदमन्यत्र कुरुते श्रमम् ।
स जीवन्नेव शूद्रत्वं आशुगच्छति सान्वयः ॥

'Yon adhitya thvijo vedam Anyathra curuthé sramam,
Sa jeevanneva sudrathvam Asu gachathi Sanvayah.'

"That is, he who does not employ himself in a study of the Vedas is no longer a Brahman. In the Educational Despatch of 1854, the Government have committed themselves to give grants to the missionary institutions without stipulating that they shall or shall not impart lectures in religion. I say therefore having given them that assurance and they having built up such large institutions at considerable expense it is not fair that Government should withdraw such grants from them now. Again, the contribution, which these missionary bodies receive from England and other places are made on the assurance that religious instruction is imparted in these institutions. They on the other hand will be belying their promises to the contributors if they do not impart instruction in the Bible. Another point that I wish to urge before the House is that so far, Indian students who go and receive their education in these colleges have not suffered much or at

all by this instruction. As far as I see, Indian students have even won prizes in the Bible classes. Therefore the fear of the mover that this would be harmful is not well founded. Therefore I oppose the motion."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR: —"Mr. President, my name was referred to by Mr. Tanikachalam Chettiyar as a student of the Christian College. I was one and I am proud to have been one and I hope that nothing that I shall do or have done will do anything to besmirch the fair name of that institution. If now I rise to support the resolution, it is in the same spirit in which those divines referred to by the honourable mover opposed compulsory teaching in Christian schools. I do not think I can be charged with any ingratitude to my *alma mater* any more than those eminent Christian divines can be charged with having forsaken Christianity. To those to whom reference was made by Mr. C. V. Venkataramana Ayyangar as supporting the view that on the highest ethical principles compulsory religious teaching in any institution is improper I may perhaps add the names of the Right Rev. Mr. Porter who was the Archbishop of Bombay and of the Rev. Mr. Peel who was Secretary to the Church Missionary Society.

"Sir, it is somewhat unfortunate that in the consideration of this resolution some heat has been exhibited. And it is even more unfortunate that the discussion has descended to the level of dragging in the Brahman and the non-Brahman question. If I may, Sir, I wish to congratulate my honourable friend the Rev. Mr. Meston for the very high level that he has preserved in his speech on this question. I wish that some of the other honourable members have preserved the same level of debate whether they opposed or supported the resolution. Now, Sir, we have been told that the support of this resolution means a deathblow to institutions which give instruction to non-Brahman students. My honourable friend, Mr. Tanikachalam Chetti, has drawn attention to the reply given this morning to question No. 1022. Sir, it is somewhat unfortunate that we have not got in these the details relating to the Pachaiyappa's College. Why it is that they are not given I am not able to understand. Perhaps the information is not yet available. But let us look into the other figures. You find that it is not in the National College of Trichinopoly, or in the Madura College alone that the number of Brahman students is larger than the non-Brahmans. My honourable friends, Mr. Desika Achariyar and Mr. Srinivasa Ayyangar, have explained how it is that the number of Brahman students is higher than the number of non-Brahman students in the institutions with which they are connected and how the disproportion in the number was in no way due to any attempt on the part of the management to exclude non-Brahman students. But may I ask what inference my honourable friend is prepared to draw from the figures that are disclosed with reference to the St. Joseph's College, Trichinopoly, and the S.P.G. College? Both of them are missionary institutions and you find that whereas Brahman students are 160 in number, 124 and 138 and so on the number that has been admitted of non-Brahman students is only about half or even less. Again with respect to the S.P.G. College, Trichinopoly, you find that the number of Brahman students is 113 and 142 and the number of non-Brahman students is 21 and 25 and so on. So that, Sir, it is not correct to say that it is only these missionary institutions that specially take care of non-Brahman students and that institutions which are not missionary in their character neglect them. If the number is less, it is largely due to other considerations and not that special facilities are afforded in particular institutions for Brahmans or non-Brahmans.

"Now, Sir, in this controversy that has been raised I fear that the cardinal point that has to be kept in mind has been altogether overlooked. That is this. Is it right on the part of any institution to insist upon a person being taught a religion in which he and his parents do not believe? Is it right for the Government to give to such an institution the general taxpayers' money which taxpayer is not necessarily a Christian but might belong to another religion? Is it right that the general taxpayers' money should be utilized for the purpose of helping these institutions however good their general work might be to insist upon compulsory attendance at Bible-classes? Now, Sir, we have been told that there are a number of institutions where attendance at the Bible classes has had no deleterious effect upon the students. In fact, Sir, that itself is a kind of argument which I would not suggest in favour of opposing this resolution. Again, Sir, it was also stated that so far as the missionary institutions were concerned they had helped proselytising or there was considerable risk of proselytising. That also I think, Sir, is an unfortunate argument. It was pointed out also that there were eminent men belonging to those missionary institutions who had helped the progress of affairs in Southern India. To a very large extent it is true. But are we right in attributing that fact to the teaching in the Bible classes? I do not think my honourable friend Mr. Gopala Menon was correct in saying that Bible teaching is not compulsory. It is not correct that students are not compelled to attend the Bible classes in at any rate the missionary institutions with which I am acquainted. They are compelled to attend the classes and attendance is marked and their absence is counted against them so far as class purposes are concerned. But are we right when we say that so far as these persons are concerned who have been turned out by missionary institutions that whatever worth you find in them is due to the Bible teaching? I have had some experience of the Bible teaching and I have had the best kind of teaching that could be given of the Bible. I may say, Sir, as a general principle that it is not the Bible teaching that has contributed to the upbringing of these persons, to the consolidation of their character and to their taking that view of life which enabled them to be true to themselves and to their country. But it is due to other causes in which some institutions are more pre-eminent than others. Taking for instance the Christian College, it is the kind of atmosphere that is being created there and fostered and in which the students have their being that is largely responsible for whatever character you find in them. It is the amount of intimacy that there is between the professors and the pupils, the great watchfulness that the professors have over the students' career and their welfare. Now these are considerations which we ought not to overlook and I would therefore ask, Sir, that the question be looked at from the abstract point of view. Is it right that you should compel a student to attend classes for the teaching in which neither he nor his parents believe? I have a great deal more to say, Sir, but it is unfortunate that my time is over. With these words, I beg to support the resolution."

Diwan Bahadur R. VENKATARATNAM NAYUDU:—"Mr. President, perhaps I ought to have stood up earlier to give expression to my humble views on the subject, as I feel that it is impossible at this stage to avoid a recapitulation of a good deal that has been said by others. At the same time, Sir, I feel that I owe it as a sacred duty, from an intense sentiment of gratitude, to bring my humble testimony to the excellent work that is being done by the missionary institutions, and among them by that glorious world-renowned institution to which I have the honour to belong as an old student, I mean the Madras Christian College. (Applause.) Sir, this subject has been before the public now for

some years, and therefore most members here have fairly well-considered opinions of their own in regard to it. I have, as an educationist, given some thought to this; and I have arrived at the conclusion, notwithstanding the arguments that have been urged on the opposite side, that the introduction of the change proposed will not be a move in the right direction. To state my views categorically, I believe that the introduction of what is called the conscience clause is firstly, unnecessary and uncalled for; secondly, it is unfair, if not unjustifiable; thirdly, when closely viewed, it would be found detrimental to the best interests of the country.

"I shall now proceed to state, in a few words, my meaning under each of these heads. First, I have stated that it is unnecessary. As has already been pointed out, the present system has worked no harm. On the other hand, the existing system of religious instruction given in the mission institutions has been contributory to an immense deal of benefit. It has already been stated that of the five Indian members on the front Government bench, with the exception of only one member, the other four have received a substantial portion, if not the whole, of their education in missionary institutions. Similarly, Sir, all over the House, there are, I believe, scores of honourable members who will also acknowledge the fact that they owe the best part of their education to Christian institutions. What in their cases has been the result of the religious instruction which has been imparted in those institutions? Now, with the stress of student life long removed from our minds, and with 'the years that bring the philosophic mind' that reflects calmly upon the results of many of our past experiences, will it be gainsaid that we all dwell with feelings of gratitude upon the great benefit that we have derived from the religious instruction in mission institutions? Did it not tend to the formation of those traits of character that 'make us men'? As the Calcutta University Commission remarked: the examples of these great teachers are a source of strength, their aspirations are a richness of ideals, to all those who come under their guidance. Therefore, not only has this system not worked any harm but it has brought a great deal of good to us.

4-45 p.m.

"Another ground, Sir, on which I feel that this clause is unnecessary may, when stated, at the first mention, sound startling and paradoxical. Yet, I feel that a little reflection will indicate that there is a sound fundamental principle underlying the statement I am about to make. In England the conscience clause is necessary; but in India it is unnecessary. Where the community as a whole belongs to one religion, divided into a number of sects and denominations; where they all trace back their faith to the same origin and claim their inspiration from the same sources, then certainly there is something repulsive to the conscience to be told that on the same basis, deriving inspiration from the same source, one person is right and another is wrong. Whereas in India, there is no common ground between the teacher and the taught, and instruction is given solely upon the humanitarian basis of an appeal to reason; and I do not know whether to receive this instruction under those conditions will be tantamount to apostacy and cast a reflection upon one's conscience. It is patent that the teacher and the taught stand on separate grounds as members of different religions; and there is no such thing as a tacit acceptance of the axiomatic principles on which that religious instruction is based. Therefore, I do not think there is any necessity for the introduction of a conscience clause, seing that there is no compromise of conscience involved in the question.

"Then, Sir, I have stated that this clause is not justifiable. The despatch of 1854, which is considered to be the foundation of educational system in India, expressly laid down that grants-in-aid should be given on a basis of 'entire abstinence from interference with the religious instruction' given in the institutions thus aided. I am quoting the very words of the despatch. That pledge then given in the despatch has attracted to our country quite a mint of money and a host of workers, whose immense service to the country every one is gratefully aware of. There stands, as my revered teacher Doctor Cooper once said, on one side of the Esplanade road a noble institution which in its structural expression, is no mean rival to what the Government, with illimitable resources, have reared on the other side of the road. The wealth of workers and resources bestowed on the splendid work done there is symbolised in that noble statue that stands as the guide and the genius of the whole institution. (Applause.) There are similar institutions, perhaps not of the same magnitude, that have struck deep root and been doing solid work all over the land, from Masulipatam to Tinnevelly and from Mannargudi to Mangalore. Are all these institutions now to be told that the hand of the clock shall be set back and they shall receive no aid unless they cease to include religious instruction in their curricula of studies? I believe that is a state of things which it will not be easy to differentiate from a breach of faith. Therefore, Sir, I think that it is utterly unjustifiable. Let us look at the magnitude of the work these schools have been doing. My honourable friend, Rev. Mr. Meston, referred to the boys' schools. I shall refer to the girls' schools. Out of the forty girls' schools that are recognized by the University as qualified to present candidates for the Secondary School-Leaving Certificate or the Matriculation examination, only six or seven are under the management of the Government, and the remaining 34 or 33 are wholly under Christian Mission management. The benefaction which has studded the country with boys' schools and boys' colleges under private resources has not been able to establish a single girls' school under indigenous management. That being the magnitude of the work in the sphere of female education that is being done by these mission institutions, if we now tell them that unless they give up instruction (which may be called compulsory religious instruction only in the sense that it is an integral part of the programme as any other part of their educational scheme) without which they will feel that their programme is truncated and left incomplete, we shall withdraw grants from these institutions, we shall be injuring our educational system at a vital point.

"Thirdly, I have stated, Sir, that closely considered, the introduction of this clause will be prejudicial to the best interests of this country. I shall illustrate what I have to say with a little anecdote. At Pachaiyappa's College some years ago, the library was being reorganized, and whilst the library books were being sorted under different heads, the young man in charge of the work came upon a copy of the Bible. He was not able to decide upon the right place for that volume in the new catalogue; and he went to a professor who happened to be a Christian and asked him under which head he should place the book. By his side there was another professor, a non-Christian. The Christian professor said: 'place it under history, while the non-Christian professor said: 'I should rather place it under fiction.' Sir, the remark, though a joke on that occasion, is the last survival of a prejudice that has long prevailed, namely, that the scriptures of other creeds are all fiction, while the scriptures of our creed alone are pure history. We have to change from that into this larger view, namely, all the scriptures are historical

[Mr. R. Venkataratnam Nayudu] [15th November 1921

and therefore we have to accord equal rank, in a spirit of reverence, to the prophets and sages of all countries and of all religions; and towards that great consummation this kind of instruction, of course, duly supplemented by other agencies, will steadily lead, until the inspiring sentiment is fostered in us all that in the one House of our Universal Father there are many mansions.

"For these reasons, I oppose this resolution."

The Hon'ble the PRESIDENT:—"I propose to adjourn now because there is a function in honour of our Deputy President and I am sure it is the wish of a large number of honourable members to attend that function.

"Before adjourning, it will probably be convenient to honourable members if I inform them that the November meeting of the Council that we have now started will end on Friday evening and that the December meeting will begin on Tuesday the 13th December.

"This particular resolution that we have not yet disposed of will be taken up the first thing to-morrow when resolutions are taken up."

The Council then adjourned at 4-56 p.m. to meet at 11 a.m. on Wednesday, the 16th November 1921.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Wednesday, the 16th day of November 1921, the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E., President, presiding.

I

Questions and Answers.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions, and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Shorthand allowance.

1039 *Q.*—Khan Sahib ABDUR RAHIM KHAN SAHIB Bahadur: Will the Hon'ble the Law Member and the Hon'ble the Member for Finance be pleased to state—

(*a*) whether the allowance of Rs. 25 and Rs. 15 was fixed only for clerks in Collectors' offices and those in the Secretariat who take notes for an Under Secretary or Secretary; and

(*b*) whether in fixing the shorthand allowances, the District Judges were consulted and if so, to state what their opinion was?

A.—(*a*) No. The scale of allowances referred to was fixed for clerks possessing intermediate and advanced qualifications in shorthand in all offices in the Presidency.

(*b*) District Judges were not consulted.

Memorials from Sub-Registrars.

1040 *Q.*—Mr. AHMAD MIRAN SAHIB: Will the Hon'ble the Minister for Education (Registration) and the Hon'ble the Law Member be pleased to state—

(*a*) whether the Government have received any memorials from sub-registrars to the effect that the fee for private attendance may be appropriated by themselves;

(*b*) if so, what action has been taken thereon; and

(*c*) whether it is a fact that the fee for private attendance is appropriated by the Registrars themselves in the case of the Registrars of the High Court?

A.—(*a*) Yes, in the years 1918 and 1919.

(*b*) Government decided against the memorialists.

(*c*) The member is referred to the rules of the original side of the High Court of Judicature, Madras.

Judicial training to I.C.S. officers.

1041 *Q.*—Mr. M. APPALA NARASAYYA NAYUDU: Will the Hon'ble the Member for Finance be pleased to state—

(*a*) the number and names of I.C.S. officers who were given judicial training during the last ten years;

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(*b*) whether all such officers have been appointed judges since such training ; and

(*c*) whether such training has been found beneficial ?

A.—(*a*) All Indian Civil Service officers receive training in criminal judicial work as magistrates. Three officers, namely, Messrs. Davies, Fowler and Panduranga Rao, have been given training in civil judicial work during the last ten years.

(*b*) The three officers mentioned in clause (*a*) are now judges.

(*c*) Yes.

The Government Training School, Calicut.

1042 *Q.*—Mr. A. D. M. Bavotti Sahib : Will the Hon'ble the Minister for Education be pleased to state—

(1) with reference to the interpellation No. 5 put by me at the meeting of the Council held on 1st August 1921 regarding the Calicut Government Training School for Masters and the reply given by the Hon'ble the Minister for Education, whether orders have been issued to the authorities concerned ;

(2) whether it is a fact that the hostel attached to the Government Training School for Masters, Calicut, can accommodate 35 to 40 students and that at present its strength is only 24 ; and

(3) if the answer to the above is in the affirmative, whether the Government will direct that Tiya students should be admitted into the present hostel and that a separate building should not be erected or rented ?

A.—(1) The answer is in the affirmative.

(2) The hostel can contain about 30 students. Its present strength is 20.

(3) As soon as additional provision is made for dining, Tiya students will be admitted. It is not now proposed to erect or rent a separate building.

Grazing area in the Cuddapah district.

1043 *Q.*—Mr. B. P. Devarajulu Nayudu : Will the Hon'ble the Home Member be pleased to state—

(1) the total area available for grazing under the Forest Department in the Cuddapah district during each of the years from 1910 to 1921 ;

(2) the total area closed to grazing in the Cuddapah district for each of the years from 1910 to 1921 ;

(3) the rate of grazing fee and the total amount of fees collected during each of the years in the period above referred to ;

(4) the total number of cattle in the district during each of these years ; and

(5) the number of cases of trespass, and the total amount of fine and impounding fees collected, during each of these years ?

A.—Statistics of the number of cattle are not compiled annually and information is not available regarding the amount of impounding fees levied on cattle trespassing on forest reserves. The Chief Conservator will be requested to furnish the Honourable Member with particulars of the grazing fees levied during the period referred to.

The other information desired is to be found in the published administration reports of the Forest Department.

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Shooting of Caste Hindus by the Police.

1044 *Q.*—Rao Sahib P. C. Ethirajulu Nayudu : Will the Hon'ble the Home Member be pleased to state—

(*a*) whether the Government have held or propose to hold an inquiry into the circumstances which led to the shooting of six caste Hindus by the Police ; and

(*b*) what the facts are with regard to the shooting of one Rajaratna Mudaliyar, an old caste Hindu of sixty years of age ?

A.—(*a*) A special investigation was made by Mr. Sayers.

(*b*) This case also was specially investigated by Mr. Sayers. His conclusion was that a private complaint preferred in regard to it was 'not only false but deliberately false and concocted' and that the actual facts were substantially as follows :—

> There was rioting with stone-throwing between the Adi-Dravidas of Salaicheri and the caste people of Kanthappa Mudali High Road and side streets on the night of 19th September 1921. A party of police arrived on the scene and arrested a man with a sword. This man was handed over to the custody of constables Nos. 1114 and 222. When the rest of the party were endeavouring to effect other arrests these two constables were heavily attacked by caste people who rescued the prisoner. Constable No. 1114 was struck by a large stone and fired at random to save his life and Rajaratna Mudaliyar was hit.

Disafforestation near Konapuram, etc., villages.

1045 *Q.*—Munshi Muhammad Abdur Rahman Sahib Bahadur : Will the Hon'ble the Home Member be pleased to state—

(*a*) whether it is a fact that the ryots of Konapuram (Gooty taluk), Gangavaram (Kalyandrug taluk) and Kottalu villages requested the Revenue authorities to save them from the wild boar by disafforesting the forests (Seripi and Golla) adjacent to their villages ; and

(*b*) what action was taken by the Government in the matter of redressing the grievances of the ryots ?

A.—(*a*) The Government have no information.

(*b*) No representations regarding these grievances have yet reached the Government.

The District Judge, Gōdāvari.

1046 *Q.*—Munshi Muhammad Abdur Rahman Sahib Bahadur : Will the Hon'ble the Home Member be pleased to state—

(*a*) the name and caste of the present District Judge of Gōdāvari ; and

(*b*) how long he has been staying at Rajahmundry ?

A.—(*a*) Rao Bahadur T. S. Tyagaraja Ayyar, Brahman.

(*b*) Since August 1919.

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The Madras Law College.

1047 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB. Will the Hon'ble the Minister for Education be pleased to state—

(*a*) the number of applications received for the two vacant Assistant Professorships in the Law College, Madras;

(*b*) how many of them were from—
(1) Brahmans,
(2) Non-Brahman Hindus,
(3) Muhammadans,
(4) Indian Christians; and

(*c*) why no Muhammadan was appointed to the vacancy caused by the appointment of Mir Zynuddin Sahib Bahadur as a Judge of the Small Cause Court, Madras?

A.—(*a*) Sixty-nine.
(*b*) Forty-eight Brahmans.
Sixteen Non-Brahmans.
Three Muhammadans.
Two Indian Christians.
(*c*) Applicants who are considered best qualified and suited are appointed.

The Madras Estates Land Act.

1048 Q.—Mr. V. PARKIRISWAMI PILLAI: Will the Hon'ble the Member for Revenue and the Hon'ble the Law Member be pleased to state—

(*a*) whether it is under contemplation to amend the Madras Estates Land Act, I of 1908, and, if so, when an amending Bill will be introduced into the Legislative Council;

(*b*) whether it is a fact that in spite of instructions issued by the Government, the Revenue Divisional Officers hold summary courts (Estates Land Act work) outside their headquarters, putting parties to inconvenience and expense; if the Government have no information, whether they will enquire; and

(*c*) whether it is a fact that deputy collectors who are not holders of degrees of Law continue to be posted to divisions where the Estates Land Act is in force?

A.—(*a*) The answer is in the affirmative. The Government are unable to say when an amending Bill will be introduced.
(*b*) The Government have no reason to believe that Revenue Divisional Officers are causing inconvenience or expense to parties by failure to try suits at headquarter stations as far as possible.
(*c*) The Madras Estates Land Act, 1908, is in force in the whole of the Presidency except the Presidency town, the district of Malabar and a portion of the Nilgiri district. In view of the limited number of deputy collectors who have taken a degree in Law, it is not possible to post a deputy collector possessing that qualification to every division where the Act is in force. Out of 41 deputy collectors' divisions where suits and applications under the Act were under disposal during the half-year ending 31st December 1920, six are held by deputy collectors who possess a degree in Law.

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Passenger boats.

1049 Q.—Mr. A. T. PALMER: Will the Hon'ble the Member for Revenue be pleased—

(*a*) to place on the table the rules laid down regarding passenger boats; and

(*b*) to state whether it is a fact that the Indian Christians are put to unnecessary hardships and insults in passenger boats in the deltaic districts?

A.—(*a*) A copy of the navigation rules relating to passenger boats is placed on the table.*
(*b*) The Government have no information; but the local officers are competent under the rules to deal with any such complaints.

Supplementary reservoir at Surada.

1050 Q.—Sri S. RAJAMANI RAJA DEO: Will the Hon'ble the Member for Revenue be pleased to state, with reference to the resolution moved by the Hon'ble Rao Bahadur A. P. Patro Garu recommending the construction of a supplementary reservoir at Surada or strengthening the same and the assurance given by the Hon'ble the Revenue Member, what steps have been taken till now to give effect to the said assurance?

A.—An officer has been placed on special duty to revise the large number of irrigation projects that have already been investigated and bring any promising ones to a head. This officer is devoting his attention to the projects in the Ganjām district to start with and the scheme for supplementing the supply to the Surada reservoir is being examined by him.

The Kanarese pandit of the Government Ceded Districts College.

1051 Q.—Rao Sahib U. RAMA RAO: Will the Hon'ble the Minister for Education be pleased to state—

(*a*) whether there is a Kanarese pandit attached to the Government Ceded districts College, Anantapur; if so, his qualifications in English, Kanarese and Sanskrit and whether he holds any diploma in either Sanskrit or Kanarese or both; and

(*b*) whether the above college has been affiliated to the University for groups IV, V and VI of the B.A. Pass course, and, if so, whether there is provision in the college for teaching Kanarese in all the three groups?

A.—(*a*) A Kanarese pandit is attached to the Ceded districts College, Anantapur. He has studied up to the third form in the Mysore State. He possesses testimonials of proficiency in Sanskrit and Kanarese classics and grammar from M.R.Ry. K. Narasimha Sastri Avargal, Court Vidwan, Mysore State, and Principal, Sanskrit College, Bangalore. He holds no diploma in either Sanskrit or Kanarese.

* Vide Appendix I on page 1434 infra.

(*b*) The college is not affiliated in group IV. It is affiliated in groups I (Mathematics), V (History and Economics) and VI (languages other than English) of the B.A. Pass course with Telugu and Sanskrit as main languages. The Principal of the college reports that there is no immediate demand for instruction in Kanarese in group VI of the B.A. course.

Lands for house-sites in Mambalam.

1052 *Q.*—Rao Sahib U. RAMA RAO: Will the Hon'ble the Minister for Local Self-Government be pleased to state the approximate area and the estimated compensation payable for the lands notified for acquisition as housesites in Mambalam?

A.—The approximate area of the lands is 1,084 acres and the compensation payable for them is estimated at about Rs. 16,50,000.

The Ubbalagundi reserve.

1053 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether the right of cutting grass in the Bellary east and west reserves, the Ubbalagundi reserve, the Ubbalagundi extension No. 3 and the Marutla reserve, without being sold, as expected, by auction, was again privately leased to Mr. Howes for a sum normally in excess over that of the previous year;

(*b*) the number of years for which the reserves referred to above have been so leased to Mr. Howes and the other terms subject to which the lease was granted; and

(*c*) the special considerations, if any, which led the Government to overlook considerations of revenue and grant the lease in favour of Mr. Howes?

A.—(*a*) The reserves in question have been leased to Mr. Howes for a sum which is reported to represent an increase of 25 per cent over the previous rental.

(*b*) For one year. The District Forest Officer will be instructed to give the Honourable Member an opportunity of perusing the lease.

(*c*) Considerations of revenue have not been overlooked.

An agricultural farm in Anantapur.

1054 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Development be pleased to state whether the Government have promised to open an agricultural farm in the Anantapur district and, if so, the steps taken or intended to be taken towards the fulfilment of this promise?

A.—The Government have on more than one occasion expressed their intention of opening a farm in the Anantapur district. Since these statements were made experience has shown that most careful study of the conditions of the tract is essential to decide whether and where any farm should be opened. Since the object of these farms is experimental it is clearly unnecessary to have a farm in one district if the conditions of that district's cultivation can equally well be studied in an existing farm in another district.

The extreme shorthandedness of the Agricultural Department is delaying the necessary preliminary study of the conditions. The Director of Agriculture however hopes to be able shortly to depute an officer for this purpose.

Disafforested lands between Kosigi and Halvi in Bellary district.

1055 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Member for Revenue be pleased to state whether any disafforested lands between Kosigi and Halvi, Adoni taluk, Bellary district, have been placed in the possession of Messrs. Coleman & Co., and, if so, for what period and on what terms?

A.—An extent of 2,924·92 acres of land forming the disafforested Kosigi North and South reserves in the Adoni taluk has been leased out to Messrs. Coleman & Co. for avaram cultivation. No time limit has been fixed for the lease. A copy of the terms of the lease is annexed.*

Money rewards to the Salt and Abkāri officers.

1056 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Education (Excise) be pleased to state the total amount of money rewards paid to officers in the Salt and Abkāri Department during each of the last five years for detection of crimes or for other reasons?

A.—A statement is given below:—

	RS.	A.	P.
1916-17	31,033	9	9
1917-18	27,250	3	0
1918-19	28,989	0	6
1919-20	31,911	13	4
1920-21	33,314	12	0

The Negapatam Municipal Council.

1057 *Q.*—Mr. A. P. I. SAIYID IBRAHIM RAVUTTAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether the attention of the Government has been drawn to *Justice*, dated 16th September 1921, regarding the long delay in filling up the vacancy in the Negapatam Municipal Council created in the 14th ward six months ago; and

(*b*) if the answer is in the affirmative, what steps the Government have taken to set right this defect in the representative system?

A.—(*a*) The Government have since perused the article.

(*b*) The Government do not consider that any action on their part is called for.

The Government Oriental Manuscripts Library.

1058 *Q.*—Sriman SASIBHUSHAN RATH Mahasayo: Will the Hon'ble the Minister for Education be pleased to state—

(1) the number of Oriya manuscripts preserved in the Government Oriental Manuscripts Library, Madras;

* Vide Appendix II on page 1436 infra.

(2) what approximate sum was spent for securing these manuscripts ;
(3) whether any of these manuscripts have been re-copied or printed ; and
(4) whether there is any reader appointed to read and re-copy Oriya manuscripts ?

A.—(1) 116.

(2) Since some of these manuscripts were obtained in the days of the East India Company, the information is not available.

(3) The answer is in the negative.

(4) Oriya readers are engaged temporarily when the Curator experiences the need for them.

The disturbance in Karur.

1059 *Q.*—Mr. M. R. SETURATNAM AYYAR : Will the Hon'ble the Home Member be pleased to state—

(*a*) whether the attention of the Government has been drawn to the disturbance in Karur on the 24th August last, and to lay on the table papers relating to the same ;

(*b*) whether the Government have information in addition to the press communiqué issued from Simla with reference to the same matter ;

(*c*) whether it is a fact that the local officials, especially the Sub-Magistrate, Karur, were fully aware of the likelihood of a disturbance on the night in question, and, if so, what action they took to prevent it ;

(*d*) whether it is a fact that some seats were reserved for the Sub-Magistrate and his party that night for attending the performance, and that he deliberately abstained from attending the performance, anticipating a disturbance ;

(*e*) whether it is a fact that the Sub-Magistrate himself invited the Deputy Superintendent of Police to attend the performance and that the latter went to attend it without suspecting any trouble ;

(*f*) whether it is a fact that the Sub-Magistrate lives within a furlong from the scene of the occurrence, and the Deputy Superintendent of Police sent word to him to come to the scene, and, if so, how many times ;

(*g*) whether it is a fact that the Deputy Superintendent of Police fired five rounds between 9-30 p.m. and 10-15 p.m. to disperse the crowd ;

(*h*) whether it is a fact that the Sub-Magistrate heard the firing and received the call from the Deputy Superintendent of Police ; and, if so, to state whether and when he went to the scene of the occurrence ;

(*i*) what action the Sub-Magistrate took to communicate the state of affairs to higher authorities ;

(*j*) whether the Subdivisional Magistrate, Karur, also was present at the station ;

(*k*) when he was informed of the disturbance and what action, if any, he took upon it ;

(*l*) whether it is a fact that both the Sub-Magistrate and Subdivisional Magistrate kept themselves within doors throughout the night and did not come out till next morning ;

(*m*) whether it is a fact that Mr. Austin, I.C.S., when District Magistrate of Trichinopoly in 1919, reverted the Sub-Magistrate in question to his permanent post of Head Accountant and considered that he was unfit for exercising magisterial powers by reason of misconduct ; and

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(*n*) what action, if any, the Government have taken or propose to take to disapprove the conduct of the various officers on the night of the disturbance ?

A.—The Honourable Member is referred to G.O. No. 806, dated 28th October 1921, placed on the Editors' Table.

Mr. M. R. SETURATNAM AYYAR :—"I have perused the Government Order ; but it contains no information regarding (*m*) and (*n*).

The Hon'ble Sir LIONEL DAVIDSON :—"Clause (*m*), Sir, I presume, is open to the criticism that the Honourable Member himself has knowledge of the facts. But in regard to the general question raised in (*n*) I may say at once that the Government do not propose to publish any further statement than is to be found in the very lengthy Government Order which has been placed on the Editors' Table. The Government Order covers, I think, 11 pages. The question itself is of excessive length, and the Government Order which is in effect the answer, is also of excessive length.

Preventive Officers, Madras Custom-house.

1060 *Q.*—Mr. O. TANIKACHALA CHETTIYAR : Will the Hon'ble the Member for Finance be pleased to state—

(1) whether memorials have been received from members of the preventive service in the Madras Custom-house ;

(2) what action has been taken on these memorials ;

(3) whether it is a fact that the time-scale of pay which is in force in other Government departments has not been introduced for this service in Madras ; and

(4) if not, to state why it has not been introduced ?

A.—(1) Yes.

(2) A copy of the Government Order passed on the memorials is placed on the table.*

(3) Incremental scales of pay have not been introduced for officers in the Customs Preventive service except the Superintendent, and

(4) Subordinate officers of the Salt, Abkari and Customs department who are employed on the prevention and detection of offences are exposed to great temptation and it has been found necessary to retain the grade system of pay in order to reward honest and good work by special promotion. The Customs establishment forms part of the Salt and Abkari department. The attention of the Member is also invited to paragraph 103 of the Salaries Committee's report.

Salaries of the Imperial services.

1061 *Q.*—Rao Bahadur C. VENKATARANGA REDDI : Will the Hon'ble the Member for Finance be pleased to state—

(*a*) how the recent resolution of the Government of India on the subject of the salaries of the Imperial services will affect the finances of this Presidency ; and

(*b*) what the net cost per annum on account of the increase in the salaries will be ?

* Vide Appendix III on page 1487 infra.

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A.—(*a*) & (*b*) The extra cost involved in the grant to members of certain All-India Services of the concessions sanctioned in the Government of India, Finance Department, Resolution No. 1559-E.A., dated the 16th August 1921, will vary from time to time. The extra expenditure on this account likely to be incurred in the current year is estimated to amount to about Rs. 31,000.

Increase in expenditure due to the Reform Scheme.

1062 *Q.*—Rao Bahadur C. VENKATARANGA REDDI: Will the Hon'ble the Member for Finance be pleased to state the net amount of increase in expenditure in the various departments of Government on account of the Reform Scheme?

A.—The bulk of the expenditure that results directly from the introduction of the Reforms falls under the following heads:—

(i) Charges incurred in connexion with the elections.
(ii) The salaries of officers appointed to new offices.
(iii) Extension of the Council Chamber and improvement of its fittings.

Item (i).—The information available up to date in connexion with the elections was laid on the table on 14th February 1921 in answer to question No. 21.

Item (ii).—The new appointments created were specified in the reply to question No. 212 at the meeting of the 18th February 1921. The cost of them will be found in the Civil Budget estimates.

Item (iii).—The cost of the extensions and improvements in the Council Chamber was stated in reply to question No. 133 on the 16th February 1921. A further charge of Rs. 23,000 has since been incurred under this head.

APPENDIX I.

[Vide answer to question No. 1049 asked by Mr. A. T. Palmer at the meeting of the Legislative Council held on the 16th November 1921, page 1429 *supra*.]

NAVIGATION RULES UNDER ACT II OF 1890.

Rules relating to passenger boats.

Rule 15.—In the Gōdāvari and the Kistna canals all vessels licensed to carry passengers shall observe the following regulations:—

(*a*) There shall be a flooring in the general cabin at least 4 inches above the hull planking and such flooring shall be kept clean and dry.

(*b*) For each journey there shall be put up a notice board in a prominent place in the vessel showing the destination of the vessel.

(*c*) A tariff of fares shall be exhibited in a prominent place in the vessel.

(*d*) Vessels shall proceed to their advertised destination with all reasonable speed and without making prolonged halts.

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(*e*) All canal officers, all officers of the Police department of and above the rank of a sub-inspector and all officers of the Revenue department of and above the rank of a revenue inspector may inspect any vessel licensed to carry passengers to see whether the owner or master of the vessel has complied with the above rules and report to the licensing authority any irregularity of which they consider notice should be taken. The licensing officer shall, thereupon, if he thinks fit, take action under rule 44.

Rule 15-*A*—*Number of passengers licensed to carry.*—No vessel licensed to carry passengers shall carry a greater number of passengers than in the proportion of one adult or two children for every $7\frac{1}{2}$ square feet of covered space, which shall be calculated by multiplying the length in feet over all covered space by the mean of the three widths taken at equal distances. The Executive Engineer of the division, or any other canal officer duly authorized by him, may, during festivals, on application by the owner of any vessel or his agent, increase temporarily the limit of the number of passengers to be carried, so long as the safety of the public is not endangered thereby.

16. *Licences for passenger boats.*—Licences for passenger boats shall be either "first class" or "second class." The holder of a "first class" licence may carry passengers of such caste or castes as he pleases. The holder of a "second class" licence shall carry all passengers without distinction of caste.

34. *Free Board.*—No vessel carrying cargo shall be navigated in the canals unless it has a free board of at least 9 inches; and no vessel carrying passengers shall be so navigated unless it has a free board of at least 12 inches. The free board shall be measured from the water's edge to the top of the gunwale when the vessel has no deck and to the upper side of the plank of the deck when the vessel has a deck. All vessels using the Buckingham canal shall be so loaded that they can navigate in a depth of water of 3 feet in the northern portion (i.e., the section of the canal to the north of the Cooum river in Madras) and in a depth of 2 feet in the southern portion of the canal.

35. *Passenger boats may carry cargo on certain conditions.*—A boat licensed to carry passengers may also carry cargo, every 10 cubic feet of cargo being considered as equivalent to one passenger; but the total of the number of passengers so calculated and the passengers actually carried shall not exceed the number of passengers which the boat is licensed to carry. If no passengers are carried, a boat licensed to carry passengers may carry cargo, subject only to the limit of free board of 9 inches provided for in rule 34.

No such vessel shall carry passengers or cargo on the roof or side of the vessel, nor any cargo, such as fish, manure, bones, skins or other articles which in the opinion of the canal officer is offensive or dangerous.

44. *Limit of canal officer's powers.*—A canal officer may, on account of the infringement of any provision of the Act or any of the rules and regulations passed under it, suspend the licence of a vessel for not more than

Fifteen days for a first offence,
Thirty days for a second offence in the same year,
Sixty days for a third offence in the same year, and

One hundred and twenty days for a fourth and every subsequent offence in the same year. Any suspension of a six weeks' licence which is renewed under rule 9 or converted into an annual licence under rule 10 shall be recorded on the licences issued under those rules and will be treated as previous offences under this

rule. In the event of the period of suspension being in excess of the unexpired portion of a licence, no renewal of the licence shall be made nor shall a fresh licence be granted under the rules until such period of suspension has expired. The published period of closure of the canal in which the lock or wharf specified in Form H, granted under rule 45, is situated, shall not count as part of the period of suspension.

55. *Outbreak of epidemic diseases on board of vessels.*—(i) It shall be the duty of the syrang or person navigating any canal vessel to report the occurrence on such vessel of any case of cholera or smallpox at the first lock, declared wharf or toll-station at which the vessel arrives after such occurrence, the report to be made to the lock or wharf superintendents or other officers of the Public Works Department in charge at such places.

(ii) The Public Works Department officers in charge are, under section 7 of the Canals and Public Ferries Act of 1890, empowered and required to stop such vessel at once from proceeding further, to remove all passengers or other persons from the vessel and to isolate it as far as possible until it has been disinfected.

(iii) The canal officers shall report the occurrence to the nearest medical officer and shall, until the arrival of that officer, render every assistance in their power to subdue the outbreak by the distribution of medicines and disinfectants. After the arrival of the medical officer they shall assist him to the best of their ability.

(iv) The vessel shall not be allowed to proceed without a written permit from the medical officer.

56. *Carriage of lepers.*—No person suffering from leprosy shall be carried on board any vessel licensed to carry passengers unless

(i) arrangements have been made to the satisfaction of the canal officer for the separation of the person and his attendants during the whole time that they remain on the vessel from other persons carried in the same vessel; and

(ii) any other special precautions which the canal officer may consider necessary have been taken to prevent infection being communicated to other persons employed on or travelling in the vessel.

APPENDIX II.

[Vide answer to question No. 1055 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 16th November 1921, page 1431 supra.]

Terms of Avaram Tope Cowle.

1. That the land consisting of 2,924·92 acres detailed in the attached schedules shall be free of assessment for four years from the date of this cowle if planted with avaram, at the end of which period full assessment will be collected on the whole area. This assessment will be liable to revision at the periodical resettlement of the district.

2. That at least one-fourth of the area shall be planted every year from the date of this grant, the plantation of the whole extent being completed within four years from the date thereof. Such portion of the area as is not in the opinion of the Collector properly stocked at the expiry of the fourth year shall be given up.

3. That nothing but avaram shall be grown even after the fourth year without the Collector's permission.

4. That the grantee shall prevent the cutting of tree growth and the Revenue department will have the right to lease out the date trees on the lands for toddy drawing.

5. That the grantee is permitted to form hamlets and attach 50 acres to each hamlet.

6. That alienation of the land without the sanction of Government to a person other than a British subject or a subject of a Native State shall invalidate the grant.

7. That the grantee shall abide by the rules which are now in force or which may hereafter be prescribed by the Board of Revenue in regard to avaram cultivation.

8. That failure to cultivate or maintain cultivation to the satisfaction of the Collector or other officer deputed by him, as well as violation of any of the conditions specified above will entail the resumption of the grant without compensation.

APPENDIX III.

[Vide answer to question No. 1060 asked by Mr. O. Tanikachala Chettiyar at the meeting of the Legislative Council held on the 16th November 1921, page 1433 supra.]

G.O. No. 236, Finance (Separate Revenue), dated 27th October 1921.

Order.

The Government are not prepared to recommend any further improvement in the pay of the Preventive officers, Madras Custom-house.

2. They, however, consider that the rule, that ordinarily the lower division men should not be eligible for appointment to the upper division, should not affect adversely the men who had already entered the service with the hope of rising to the top. They are accordingly pleased to relax temporarily the rule in favour of the men who were in the service at the time of the revision and to direct that, if otherwise eligible, they should not be barred from promotion to the upper division.

3. The memorialists are referred to the Collector of Customs, Madras, for orders on their memorials to the Government, dated 6th August 1921.

II

AMENDMENTS TO THE STANDING ORDERS OF THE COUNCIL.

The Hon'ble the PRESIDENT :—"With reference to the Committee on Standing Orders I have to announce to the House that the names of the following gentlemen have been sent up :—

(1) Mr. T. A. Ramalingam Chettiyar,
(2) Khan Bahadur Sadulla Badsha Sahib Bahadur,
(3) Diwan Bahadur M. Ramachandra Rao,
(4) Mr. Arpudaswami Udaiyar,
(5) Mr. C. Ponnuswami Nayudu, and
(6) Mr. Tanikachalam Chettiyar.

As the number of nominations is exactly the number of vacancies, I declare these six gentlemen elected. I have also to say that the Chairman nominated by me under Standing Order 77 is Diwan Bahadur R. Venkataratnam Nayudu."

III

DEMAND FOR SUPPLEMENTARY GRANT FOR 1921-22.

The Hon'ble Sir LIONEL DAVIDSON :—" I rise to move the demand for a supplementary grant which is put down against my name as Order of the day No. III, viz., 'that the Government be granted an additional sum of Rs. 2·20 lakhs under "47. Miscellaneous" for expenses in connexion with the visit of the His Royal Highness the Prince of Wales.' I do not think, Sir, that the Council will desire any detailed information on the subject when I inform them that the details were laid, I understand, before an informal meeting of the Finance Committee, and that as a result of the examination of the detailed estimate the members of that Committee advocated—and induced my honourable colleague, Sir Charles Todhunter, to accept—an increase. Premising for the purpose of comparison that in the case of the visit of His Royal Highness the Duke of Connaught the aggregate expenditure was 1·89 lakhs, I will merely mention that the proposal originally made on behalf of the Government was based on an examination by the Secretariat, by the Reception Committee and by His Excellency the Governor and asked for a grant of two lakhs. There was a subsequent increase of Rs. 20,000, thus producing the total of 2·20 lakhs."

The motion was carried unanimously.

IV

THE MADRAS CITY TENANTS' PROTECTION BILL.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I hope the Bill is to be put clause by clause ; I will move the necessary amendments then."

The Hon'ble the PRESIDENT :—" Do I understand the Hon'ble the Law Member to say that he wishes to have the Bill put again clause by clause ? Do the Standing Orders approve such a course ?"

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I merely suggest it for the convenience of the House. These are the further amendments I am moving."

The Hon'ble the ADVOCATE-GENERAL :—" The amendments may be dealt with in respect of each clause."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" The provision is in Standing Order No. 49, clause 3 :—

'Where the objection prevails, the Bill shall be brought forward again at a future sitting ; and may then be passed with or without further amendments.'

" It does not make any provision as regards the method."

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The Hon'ble the PRESIDENT :—" Standing Order 48 is the standing order under which a Bill is taken clause by clause. That was done at the previous sitting of the Council. It was however then considered expedient, considering the large number of amendments that had been made, to allow the Government to examine the Bill again and to bring forward such further amendments as may be found necessary. That having been done, Standing Order 49 (3) now applies. Does the Honourable Member propose to take the Bill clause by clause again including the clauses which are not proposed to be amended ?"

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" It is not necessary. There is nothing in the standing orders to prevent the Hon'ble the President from putting clause by clause such of the clauses as are sought to be amended."

The Hon'ble the PRESIDENT :—" Those clauses which are now to be amended ?"

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Yes, Sir. I may mention for the information of the House that as a very large number of amendments were proposed and carried at the last sitting, I have very carefully gone through the whole Bill as then amended with the assistance of some of my learned and honourable friends and am proposing further amendments to make an intelligible whole of the Bill. That is why I am anxious that the House should follow me with regard to the amendments so that they may see that no change is sought to be made on the previous decision of the Council except where it is necessary."

The Hon'ble the PRESIDENT :—" Taking together Standing Order 49 (3) and Standing Order 79, I think it is within my discretion to put again, clause by clause, such of the clauses as are to be further amended. I think that that will be convenient to the House."

The Preamble.

The Hon'ble the PRESIDENT :—" The Bill as amended by the Council at its last sitting will now be taken up. I believe copies have already been furnished to honourable members. Was the preamble put on the previous occasion ?"

11-15 a.m

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Not yet, Sir."

The preamble was then put to the Council and allowed to stand part of the Bill.

The Title.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I have slightly altered the language so as to indicate in the longer title the scope of the Bill. I may explain that the original title of the Bill was 'The Madras City Tenants' Protection Bill.' The Bill does not give protection to all the tenants of the City of Madras but only to certain classes of tenants. So I have changed the title into, 'A Bill to give protection to certain classes of tenants in the City of Madras'."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I second it."

The amendment was adopted.

The title as amended was allowed to stand part of the Bill.

Clause 1.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" In the first place, Sir, my amendment is—2. *to omit sub-clause* (3) which says 'It shall come into force at once.'

[The Hon'ble Mr. K. SRINIVASA AYYANGAR] [16th November 1921

Clause 1—cont.

It is unnecessary because sufficient provision is made in the General Clauses Act. That is why I want to eliminate it."

Mr. C. P. RAMASWAMI AYYAR :—" I second it ".

The motion to omit sub-clause (3) was carried.

The Hon'ble Mr. K. SRINIVASA AYYANGAR moved the amendment :—

3. *In sub-clause* (4), (*a*) *between the words 'tenancies' and 'created' insert the words 'of land'*; (*b*) *omit all the words beginning with 'and' to the end of the clause.*

In doing so, he said :—"I will take, Sir, amendments (*a*) and (*b*) to sub-clause (4) together, for they hang together. The idea is to eliminate the words 'and to buildings erected by tenants on others' lands in the hope that they would not be evicted so long as they pay a fair rent for the land'. The House will remember that I thought on the last occasion that this will introduce a certain amount of indefiniteness and create difficulties which it may be difficult for the court to solve, and I had a talk with my honourable friend Mr. Srinivasa Ayyangar, and we have made the necessary changes for carrying into effect the principle of the Bill without adding that indefinite clause. In pursuance of that and in consultation with him, I have made the necessary changes to which he agrees. The sub-clause, then, as proposed to be amended will be—'This Act shall apply only to tenancies of land created before the commencement of this Act' and the rest of the words will be omitted. We have given a definition of 'land' as you find later on which removes all difficulties."

Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The amendment was put to the Council and carried. Clause 1 as amended was allowed to stand part of the Bill.

Clause 2.

The Hon'ble Mr. K. SRINIVASA AYYANGAR then moved the following amendment :—

4. *Add the following as sub-clause* (3) :—

'*Land means land without buildings.*'

In doing so, he said :—" Mr. President I request permission to make a slight alteration in this amendment. Here we have 'Add the following as sub-clause (3)'. I think it ought to be (2) really, because logically the definition of land should come before that of 'landlord'.

There being no objection from any member, the permission was granted.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" The clause sought to be added in this amendment reads 'Land' means land without buildings". I had a talk with some of my friends and think this definition gives rise to different interpretation in the several sections. So I have altered the language of the definition. The amendment which I therefore propose is as follows :—

4. *Add the following as sub-clause* (2) :

" '*Land*' *does not include buildings.*"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I second it ".

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Clause 2—cont.

The permission to make the alteration was granted

The amendment as permitted to be altered was then put to the Council and carried.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Sir, I have got a consequential amendment in sub-clause (2). That is to change the existing sub-clause (2) into (3)."

Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The amendment was carried.

The Hon'ble Mr. K. SRINIVASA AYYANGAR then moved the following amendment :—

5. *Instead of sub-clause* (3) *substitute the following* :—

" (4) '*Tenant*' *means tenant of land liable to pay rent on it, every other person deriving title from him and includes persons who continue in possession after the termination of the tenancy.*"

Mr. C. P. Ramaswami Ayyar seconded the amendment.

The amendment was put to the Council and passed.

Rao Bahadur T. NUMBERUMAL CHETTIYAR :—" Sir, may I ask that along with 'land', 'building', etc., 'market value' may also be defined? Am I in order, in making a motion now, for introducing a definition of 'market value' as this appears later on under clause 9? It is better, I think, that 'market value' is also defined in the Bill. Yesterday, the Hon'ble the Minister for Education gave an instance of land which Government were trying to acquire for a school in Georgetown. At first the value of the land was found to be Rs. 30,000, but before the negotiations were completed, it rose to Rs. 95,000. In view to provide against difficulties arising from such changes, the words 'market value' may also be defined."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :— "It is unnecessary because, when you have to interpret 'market value' in the Bill, it is market value on a particular date and there can be no question of shifting or changing."

The motion was not pressed.

Clause 2 as amended was allowed to stand part of the Bill.

Clause 3.

The following amendments were moved by the Hon'ble Mr. K. SRINIVASA AYYANGAR :—

6. *Omit 'or trees' and 'or planted.'*

7. *Add the following at the end of the clause : 'A tenant who is entitled to compensation for the value of any building shall also be paid the value of trees which may have been planted by him on the land'.*

In doing so, he said :—" The amendment which I propose herein is for the purpose of effectuating the intention of the mover of the amendment to the original clause on the last occasion that the value of the trees should be given to persons who have built buildings and are therefore entitled to compensation. The intention was not for the purpose of giving compensation to all persons who have

[The Hon'ble Mr. K. Srinivasa Ayyangar] [16th November 1921

Clause 3—cont.

planted trees whether they have built buildings or not. Otherwise they will include all kodakals within Madras. The change which I propose would give effect to that intention."

Mr. C. P. Ramaswami Ayyar :—"I second it."

The amendments were put to the Council and carried.

Clause 3 as amended was allowed to stand part of the Bill.

Clause 4.

The Hon'ble Mr. K. Srinivasa Ayyangar then moved the following amendment :—

8. *In sub-clause* (1) *between 'compensation' and 'payable' insert 'if any' and between 'building' and 'thereon' insert 'and trees.'*"

In doing so, he said :—"Clause 4 is only consequential upon compensation being awarded for trees also. In the original amendments proposed by my friend, Mr. Arumainatha Pillai, these consequential changes have not been made, and I now propose to make them."

Mr. C. P. Ramaswami Ayyar :—"I second it."

The amendment was put to the Council and passed.

The Hon'ble Mr. K. Srinivasa Ayyangar :—"I move—

9. *In sub-clause* (3) *between 'finds' and 'any' insert 'that' and between 'money' and 'due' insert 'is'.*

"This is merely a drafting amendment."

Mr. C. P. Ramaswami Ayyar :—"I second it."

The amendment was put and carried.

Clause 4 as amended was allowed to stand part of the Bill.

Clause 5.

The Hon'ble Mr. K. Srinivasa Ayyangar :—"This is purely consequential on the award of compensation for trees, and therefore I move—

11-30 a.m.

10. *In sub-clause* (1) *between the words 'building' and 'on' insert the words 'and trees'.*

Mr. C. P. Ramaswami Ayyar :—"I second it."

The amendment was put and adopted.

Clause 5 as amended was then put and allowed to stand part of the Bill.

Clause 6.

The Hon'ble Mr. K. Srinivasa Ayyangar :—"This is merely a drafting amendment made for the purpose of simplifying the language and to eliminate unnecessary words, and it is—

11. *For the word 'shall' between 'he' and 'within' substitute 'may' and omit the words 'be entitled to.'*

Mr. C. P. Ramaswami Ayyar :—"I second it."

The amendment was put and adopted.

Clause 6 as amended was then put and allowed to stand part of the Bill.

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Clauses 7 *and* 8.

The Hon'ble the President :—"Clauses 7 and 8 have already been passed and they are not proposed to be further amended."

Clause 9.

The Hon'ble Mr. K. Srinivasa Ayyangar :—"Mr. President, before I put this clause I am again obliged to ask the indulgence of the President to alter one or two words in the draft as printed on the agenda paper. This clause has given me and my learned friends who were good enough to assist me a very considerable amount of trouble, and the new draft, as I have given it now, is the last, the 6th or the 7th : it is practically the same as the draft, which is printed here. I have taken in various amendments to the existing clause 9 as passed on the last occasion with such provisions as are necessary to give effect to them. The House will remember that on the last occasion the principle of allowing the tenant to pay the purchase money by instalments was accepted by the House under a form of words which gave me some trouble. Provision was not made for the consequences of default in the payment of one or more instalments ; provision was not made as to the return of those instalments which had been paid ; and provision was not made for the landlord to make any application to proceed with his suit or to stop the application to purchase though the tenant may not have chosen to pay even one single instalment. These were the matters which were considered, and also the language as originally stood required amendment in order to make it clear. In view of all these, I thought the best plan, so as to make the whole clause intelligible to the House, was to redraft section 9 as a whole including the amendments which have now been brought forward to give effect to the provision for payment by instalments. I shall now read the substantive clause 9 which I shall put before the House, and I shall do so sub-clause by sub-clause. I believe honourable members have got in to-day's agenda the draft which I gave yesterday. There are one or two verbal amendments which I have now made. I shall point out, Sir, where they are and you will follow :—

"11-A. *Instead of the present clause* 9 *substitute the following* :—Clause 9 (1). *Any tenant who is entitled to compensation under section* 3 *and against whom a suit in ejectment has been instituted* (that is ordinarily a tenant so long as he is left in peace without being called on to vacate, cannot come to court and say 'I cannot leave the land ; let the landlord sell' he can claim that only when he is affected, i.e., when proceedings are taken to eject him out of the land) *or proceeding under section* 41 *of the Presidency Small Cause Court Act taken* (to that extent you have got it printed ; I have added 'by the landlord' in order to make it clear that it is the landlord who sues or applies ; if, for instance, a trespasser, a person in that title, sues him. it is useless for the tenant to purchase the land from him) *by the landlord, may within fifteen days after the date of this Act coming into force or fifteen days after the service on him of summons, apply to the court for an order that the landlord shall be directed to sell the land for a price to be fixed by the court. The court shall fix the price according to the market value of the land on the date of the order* (my honourable friend who was anxious about the changes in the market value of the land will see I have put in 'on the date of the order') *shall order that within a period to be determined by the court not being less than three months and not more than three years from the date of the order* (these words 'from the date of the order' I have added) *the tenant shall pay into court or otherwise as directed the price so fixed in one or more instalments with or without interest.*"

The Hon'ble the President :—"I think it will be convenient if the Honourable Member takes the whole thing together."

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Clause 9—cont.

The Hon'ble Mr. K. SRINIVASA AYYANGAR *(continuing)* :—"The next two clauses are consequential. On the last occasion only instalments were provided for ; we have to provide for the consequential amendments also.

"*Sub-clause* (2).—*In default of payment by the tenant of any one instalment* (you will note that the language in the print is 'one or more instalments'. I have put 'any one instalment' so that if he fails to pay any one instalment the landlord will not have to wait till the end or till three years are over. This sub-clause provides for the case of default and for relief against forfeiture if circumstances require. For instance, the tenant may go on paying ten out of eleven instalments and on the eleventh he may be prevented from making payment. Therefore it is that power is given to the court) *the application under sub-section* (1) *shall stand dismissed provided that on sufficient cause being shown the court may excuse the delay and pass such orders as it may think fit* (if you leave it like that, it may be possible for the court to extend the three years beyond the three years. To guard against that an addition is made) *but not so as to extend the time for payment beyond the three years above mentioned. On the application being dismissed the court shall order the amount of instalment or instalments if any paid by the tenant* (these last words after the word 'instalment' have now been added) *to be repaid to him without any interest.*"

Sub-clause (3).—*On payment of the price the court shall pass a final order directing the conveyance of the land by the landlord to the tenant. On such order being made the suit or proceeding shall stand dismissed, and any decree or order in ejectment that may have been passed therein but which has not been executed shall be vacated.*' (This is in order to give retrospective effect in cases where a decree has been passed but which has not been executed).

"Then I have added an explanation, because 'land' as stated in sub-section (1) may be understood as the absolute property in the land.

"*Explanation.*—'*Land*' *means the interest of the landlord in the land and all other interests which he can convey under any power.*"

"For the existing clause 9 in the Bill I move to substitute the above new clause 9."

Mr. C. P. RAMASWAMI AYYAR :—"I second it."

The Hon'ble Sir LIONEL DAVIDSON :—"Sir, I only wish to propose a verbal amendment. The correct short title of the Presidency Small Cause Courts Act has not been given. The draft refers to the 'Presidency Small Cause Court Act'. The correct short title is 'The Presidency Small Cause Courts Act, 1882,' and that is the phraseology rightly used in an earlier clause of this Bill."

11-45 a.m.

The Hon'ble Mr. K. Srinivasa Ayyangar seconded the amendment.

The Hon'ble the PRESIDENT :—"The further amendment is to substitute for the words 'the Presidency Small Cause Court Act,' the words 'The Presidency Small Cause Courts Act, 1882'."

The further amendment was put and agreed to.

Mr. M. D. DEVADAS :—"Mr. President, I think that the Hon'ble the Law Member should consider that the word 'final' is there, which presumes a preliminary order. But there is no preliminary order."

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Clause 9—cont.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"There is already an order passed in directing conveyance ; it does not matter."

Rao Bahadur T. NAMBERUMAL CHETTIYAR :—"Mr. President, Sir, my difficulty is this ; if in a plot of land there are a number of huts, and the tenant of only one chooses to enforce his right, a right newly created for him by this Bill, viz., to compel a landlord to sell a piece of land to him, the landlord's interests will seriously suffer. If in one corner the owner of a hut asks for the portion of the land occupied by him alone to be sold to him, the value of the remaining portion would be affected. In order to avoid loss to the landlord arising from this contingency, land may be made to mean entire land, which the landlord possesses in that area. If on one acre of land there are huts and if on a ground (1/18 acre) a hut is put up and if the tenant of this hut applies to the landlord for sale to him of this land, the remaining 17/18 will naturally fetch not the same value as when the whole plot is sold. The tenant gets a right by this Bill which he did not possess before, viz., a right to compel his landlord to sell to him whether he is willing or not, and what is more a portion of a whole plot which must necessarily reduce the value of the remaining portion. Sir, I may be permitted to explain by giving an instance on another aspect of the question—on a plot of land there are about 20 huts, all of them yield an income of Rs. 8 per mensem and the cost of collection is slightly more than the rent. The landlord in the hope of the value increasing holds it on undergoing loss for a series of years. When the expected opportunity arrives and when he is certain of realizing his expectations and with a view to sell, gives notice to his tenants to vacate the land, the tenant scenting the advantage applies to the court to sell the land to him and deprives the landlord of the chance of realizing his expectations. The Law Member will kindly consider this aspect of the question and make provision."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I am afraid it is now too late, Sir, to go into this question. All these were discussed at the last meeting and this power to purchase by a poor tenant of his small plot was discussed and the House has passed it. The question at the present stage is whether you will leave this clause 9 as was passed on the last occasion with the various difficulties which will arise on it, existing as it is, or whether you would accept the substituted clause. Supposing for instance the House rejects it. I am not saying that I am not in sympathy with my honourable friend there, but I am afraid our hands are tied now by what the Council has already done. I am merely giving an amendment in order to make the whole position intelligible consistent with the principle already adopted by the House. If, for instance, you reject this, you cannot reject the original clause that has been there without bringing fresh amendments now. The question as to what is to happen with regard to only such a small thing was considered by the House on the last occasion and I am afraid my friend is somewhat too late."

Mr. S. SRINIVASA AYYANGAR :—"Mr. President, I think Mr. Namberumal Chettiyar is mistaken in his view. What the Bill intented to prrovide and what can be provided in a legislation of this description is only that the tenant of a particular land should acquire title to the land which was demised to him in case the landlord seeks to eject him. It is impossible to give any real relief to a tenant if a tenant who has built a house upon a small plot of land is asked to buy the whole acre or two at the present valuation ; he will get absolutely no relief. That is really cutting at the root of the whole thing.

[Mr. S. Srinivasa Ayyangar] [16th November 1921

Clause 9—cont.

"In the next place, supposing a tenant has demised to him 5 cents of land or 10, and another tenant has another 10 cents of land, is it to be said that the tenant against whom a suit in ejectment has been brought is at liberty to secure, against the will of other tenants against whom no suits have been instituted, the whole block which is contiguous to his plot? I mean, the idea is thoroughly unworkable.

"Then, again, he assumes that the landlord may not be willing to sell. Mr Namberumal Chettiyar assumes in each case that it will be to the advantage of the landlord to sell at the market value without the 15 per centum which, if the land were acquired by Government under the Land Acquisition Act, he would be able to get. Why should this landlord be compelled to part with the whole extent of land without the compensation to which he would be entitled if it were acquired in the ordinary fashion? Therefore, what Mr. Namberumal Chettiyar proposes is really no boon to the landlord. For these reasons, I oppose the amendment."

The Hon'ble the PRESIDENT:—"I think I must now put the amendment to the House."

The amendment (No. 11-A) to clause 9 was then put and adopted.

Mr. T. Arumainatha Pillai did not move the following amendment to clause 9:—

12. (*a*) Number *the first paragraph as sub-clause* (1) *and* add *the following as sub-clause* (2) *after it*:—

"*The court may further order that in default of payment by the tenant of one or more instalments the application under sub-section* (1) *shall stand dismissed, provided that on sufficient cause being shown the court may excuse the delay and pass such orders as it may think fit. If no such application is made, the court shall, in dismissing the application under sub-section* (1), *order the amount of instalments, if any, already paid by the tenant to be returned to him without any interest.*'

(*b*) Number *the second paragraph as sub-clause* (3) *and instead of the words* '*such payment*' *therein*, substitute '*payment of the full amount.*'

(*c*) Add *the following as sub-clause* (4):—

"*Till the full amount of the price fixed in sub-section* (1) *is paid the tenant shall pay to the landlord the rent he was paying on the date of his application under sub-section* (1)."

Diwan Bahadur M. Ramachandra Rao Pantulu did not move the following amendments to clause 9, which stood in his name:—

13. Omit *the words from* '*and shall*' *in line* 18 *up to* '*interest*' *and* substitute *the following*:—

"*and shall order that, within a period to be determined by the court not being less than three months and not more than three years, the tenant shall pay into the court or otherwise as directed the price so fixed in one or more instalments with or without interest, and may for sufficient cause vary or modify the terms of such order.*

"*Provided that where a tenant fails to pay any two instalments on the dates fixed, the court may, after notice to the tenant, direct that the whole of the price then outstanding shall be paid with or without interest within six months from the date of such direction.*"

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Clause 9—cont.

14. After *the word* '*tenant*' *in line* 33, add *the following*:—

'*on or before a date to be fixed by the court. On failure of the landlord to so execute the conveyance, the tenant may make an application to the court and the provisions of Order* 21, *rule* 34, *of the Code of Civil Procedure*, 1908, *shall apply*, mutatis mutandis, *to such an application.*'

15. Omit *the words* '*On such order being made*' *in line* 33 *and* add *the following*:—

"*On the execution of the conveyance.*"

16. Omit *the following words in line* 39 '*the application shall stand dismissed*' *and* substitute *the following*:—

"*The court shall dismiss the application and shall pass such further or other order as it may deem fit.*"

17. Add *the following as a separate paragraph at the end of the clause*:—

"*The tenant shall be liable to pay the rent on the land till the whole of the price fixed by the court has been paid in accordance with the directions of the court.*"

18. Number *the present clause* 9 *with the amendments as clause* 9 (1) *and* add *the following as* 9 (2):—

"*If the land in respect of which an application for directing a sale is made under clause* (1) *of this section appears to belong to any person who has no power to alienate the same, the court shall order that the price of the land shall be deposited in court by the tenant and that the same be invested in the purchase of such Government or other approved securities as the court shall think fit, and shall further direct the payment of the interest or other proceeds arising from such investment to the person or persons who would, for the time being, have been entitled to the possession of the land or to collect the rents thereof and such moneys shall remain so deposited and invested until the same be applied in payment to any person or persons becoming absolutely entitled thereto.*

"*It shall also be competent to the court to direct that the price of the land fixed by the court shall be applied for the discharge of any mortgage or charge then existing on the land.*"

19. Add *the following as clause* 9 (3):—

"*The title of the tenant in the land conveyed to him under this section shall not be called in question in any subsequent suit or proceeding.*"

Clause 9, as amended, was then put and allowed to stand part of the Bill.

Clause 11.

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Sir, the amendment is—

20. *Between* '*building*' *and* '*and*' *insert the words* '*and trees if any.*'

"It is only consequential, Sir, as compensation for trees is to be given."

The motion was duly seconded.

The amendment was put and agreed to.

Clause 11, as amended, was then put and allowed to stand part of the Bill.

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New clause after clause 11.

Mr. O. TANIKACHALA CHETTIYAR :—" Mr. President, I move the following amendment :—

21. *Add the following as clause* 12 :—

" *In proceedings for ascertainment of amount of compensation payable under sections* 3 *and* 4 *and for fixing the price payable under section* 9 *the provisions of the Civil Procedure Code shall supply.*

" *Subject to the provisions of the Civil Procedure Code applicable to appeals from original decrees, an appeal shall lie to the High Court from the decree determining the amount of compensation payable under sections* 3 *and* 4 *or fixing the price payable under section* 9."

" Sir, my friend the Hon'ble the Law Member had a discussion with me and I practically agreed to the latter portion being admitted, subject to certain verbal alterations."

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*interrupting*) :—" It is not a question of acceptance, Sir. If the House wants to confer a right of appeal, I have no objection to it, but there is considerable difficulty in the language."

Mr. O. TANIKACHALA CHETTIYAR (*continuing*) :—" My object in moving this amendment is to provide a safeguard against unsatisfactory decisions that might be given. Especially it will be noted that the machinery to work this Act is the Small Cause Courts Act. By the very nature of the constitution of the Small Cause Courts Act, it is debarred under section 19 from dealing with land, or rights appertaining to land. Such a jurisdiction under the present law exists only in the City Civil Court and in the High Court. But by this Act you are vesting that Court with powers which it has not hitherto been allowed to exercise. Moreover, it must be remembered that the Small Cause Court has jurisdiction nominally up to Rs. 2,000, but in practice it is not allowed to have a jurisdiction even up to that figure Rs. 2,000. If a suit is instituted in a Small Cause Court for an amount not exceeding Rs. 2,000, the defendant in the suit has, as a matter of right under section 43, the option given to him to apply to the High Court that the case might be taken into the file of the High Court and tried there. He has only to give security for the costs for the indulgence shown to him. And by the Letters Patent, any litigant, who has to bring a suit, if the amount of the suit exceeds Rs. 1,00, has a right to bring the suit in the High Court. Why such rights have been given to litigants is because the Small Cause Court is considered not a court of record which makes a complete note of all the evidence that is given before it, and the decisions passed by that Court are more or less of a summary nature against which no appeal lies. There is such a thing as an application to the Full Bench, but that is limited only in respect of suits and in matters where the Court has gone wrong in matters of law. The decision of that Court on a matter of fact, such as valuation or price, is beyond the powers of a Full Bench to find out whether the original Court has gone wrong. The Court being so limited in its powers, it is but right that those who may be aggrieved by any order that may be passed must have a remedy. For that purpose an appeal must be provided for. Here, by this Act, cases are conceivable where very large amounts might be coming within the cognizance of the Small Cause Court. For instance, to give only a typical case, the South Indian Athletic Association, where we all met last evening, has buildings put upon land which belongs to the Corporation, in respect of which the South Indian Athletic Association pays to the Corporation

16th November 1921] [Mr. O. Tanikachala Chettiyar]

New clause after clause 11—cont.

Rs. 50 a month, and when a suit in ejectment is brought by the Corporation against the South Indian Athletic Association to remove its buildings under the Act as now passed, the value of that property which has been erected upon it will have to be determined by the Court. The value might vary between 50,000 and 1,00,000 of rupees. If Small Cause Judges who by the very nature of their status are not allowed to try these things, and who have no experience in these things, go wrong by giving excessive valuation or by giving under valuation, it is very hard that the parties aggrieved should have no right of appeal at all. I only give an illustration of the hardship that arises in extreme cases. It will also be remembered that this Act has been conceived in the interests of a certain class of tenants in Triplicane who, for nearly a century have constructed substantial buildings on lands belonging to other persons. They have built houses costing Rs. 1,500 to 5,000. It will be very hard for these people when they find that valuations have been erratically awarded and that they should have no remedy. Under these circumstances I submit that a right of appeal should be provided for. Moreover the clause says that the procedure shall be the procedure prescribed by the Civil Procedure Code. That is, in the Small Cause Courts Act what are called ejectment proceedings are provided for by chapter VII. In that chapter it is said that proceedings shall be as under the Civil Procedure Code. We are not incorporating a provision of the Small Cause Court Act into this Act. Therefore it is necessary that there must be some common procedure which all litigants can look up to. I give one reason why the provisions of the Civil Procedure Code should be applied. There are certain temple lands in the City of Madras itself which lands have been taken on long leases for 99 years such as lands belonging to the Ekambareswarar temple of Conjeeveram and the Gangadareswarar temple. People who have taken long leases of vacant lands such as these have built houses on them and have allowed other people to construct houses on these lands on lease for shorter terms than 99 years. If, for instance, the tenant who has sublet the land to another to erect a building brings a suit against the sub-tenant and both of them carry on litigation and the sub-tenant pays the value of the lands to the chief tenant, in order that the chief tenant may not take away the money, the (superior) landlords must be allowed to intervene. It is necessary that he must be at liberty to intervene in the collusive proceedings going on between the chief tenant and the sub-tenant and apply to the court for being made a party to the suit. In this way he can get his right finally determined. Again, if the superior landlord is not allowed to intervene and assert his right, it is possible that the tenant who built the structure will ultimately find that he has not got the right which he thought he was having. To prevent multiplicity of proceedings and to give protection mostly to the sub-tenant himself, he must be at liberty, if so advised, to cite the superior landlord in these proceedings so that the money he pays may be distributed as between the superior landlord and the chief tenant. If this is not done, there will be fraud effected. Under these circumstances, it is absolutely necessary that both provisions of the Civil Procedure Code and the right of appeal should be provided."

12 noon.

Mr. Muhammad Usman Sahib seconded the motion.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Mr. President, Sir, I find a certain amount of difficulty in adding these clauses. At present, as was pointed

New clause after clause 11—cont.

out already, no suit in ejectment could be instituted in the Small Cause Court, because under section 19 of that Act suits relating to immovable property are outside the jurisdiction of the Presidency Small Cause Court. If a landlord therefore wishes to bring a suit in ejectment, he will have to go either to the City Civil Court or to the High Court. So far as the City Civil Court is concerned, the proceedings are governed by the Civil Procedure Code. So far as the High Court is concerned, they have got their own powers under the Letters Patent which cannot be interfered with. Then, Sir, the only question is whether we should not make applicable the provisions of the Civil Procedure Code to proceedings which are taken under section 41 of the Presidency Small Cause Court Act. So far as that is concerned, when we read the whole of these clauses together, you will find that proceedings to fix the compensation under clause 4 or the price under clause 9 can be had in the course of proceedings under that section. These are additional things to be done before particular orders are passed under that section and I think the provisions of section 48 of the Presidency Small Cause Courts Act cover such cases; there are therefore already sufficient provisions for the application of the Civil Procedure Code in all cases where a suit or proceeding is instituted in ejectment.

"Before I pass on, I may draw attention to a verbal inaccuracy. 'In proceedings for the ascertainment of compensation payable under sections 3 and 4'—this is the present amendment. Section 3 is a substantive section. It gives right to compensation. It is only section 4 that provides for the ascertainment. Further, it should be limited to proceedings in the Small Cause Court.

"The amendment should be, 'In proceedings in the Presidency Small Cause Court for ascertainment of the amount of compensation payable under section 4 or the price payable under section 9, the provisions of the Civil Procedure Code shall apply.' We want this provision only if it is thought that section 48 of the Presidency Small Cause Court Act would not govern these proceedings though they are initiated under section 41 of this Act."

Mr. O. TANIKACHALA CHETTIYAR:—"I have no objection to that course."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"But that is not necessary. I believe, Sir, that the first clause is unnecessary."

"So far as the second clause is concerned, I personally have not much objection to allowing an appeal, because, as I said, in cases which go before the City Civil Court and the High Court, there will be automatically an appeal except in cases covered by clause 9 of this Bill, because the decisions there are treated as orders. So far as the High Court is concerned, even such an order will be a judgment and there will be a Letters Patent Appeal. There may not be an appeal on an order in the case of the City Civil Court. There will not be an appeal in proceedings taken before the Small Cause Court. But I want the House to consider whether it is necessary really to have this right of appeal. I confess to a good deal of anxiety in allowing this right of appeal. The tenant may be dragged from court to court and the right of appeal which we intend for his protection may be used to his detriment. With regard to this I may say that the House can judge quite as well as myself. If we are going to give a right of appeal, I think the language of the amendment ought to be changed. I suggest to my honourable friend that the amendment should be 'An appeal shall lie to the High Court from the decree or order determining the amount of compensation payable under section 4 or fixing the price payable under section 9 and the provisions of the Civil Procedure Code applicable to appeals from original suit

New clause after clause 11—cont.

decrees shall apply to such appeals.' I am afraid he will have to make a further amendment excluding the cases which come before the High Court and proceedings under clause 4 in the City Civil Court. There is also another point. This clause makes no provision for limitation for the filing of an appeal. So far as the High Court is concerned, it is provided for in the Limitation Act. So far as the City Civil Court is concerned, it is specifically provided for in the Act, creating the Court. So far as the Presidency Small Cause Court is concerned, I doubt whether it will come within the general provisions of the Limitation Act. We will have to make specific provisions in this respect. I believe most of these cases will go either to the City Civil Court or to the High Court. I do not think there will be very many cases which will go to the Small Cause Court under section 41, but it is quite possible that there will be a few. If we want to provide an appeal in such cases also, I think a provision for limitation should also be introduced and the whole language of this clause will have to be recast."

Mr. S. SRINIVASA AYYANGAR:—"Mr. President, I think the clause will not do at all. The first part of the clause is unnecessary; because whether a suit is instituted in the City Civil Court or in the High Court or in the Small Cause Court, the Civil Procedure Code does apply to the extent to which it applies to the Small Cause Court. There is a general section in the Civil Procedure Code which says: 'it shall apply to all proceedings of a civil nature.' Therefore this clause is wholly unnecessary. It will only complicate matters.

"So far as the second clause is concerned, I think Mr. Tanikachala Chettiyar is quite right. There should be provision for an appeal from the order of the Presidency Small Cause Court to the High Court. That should be the only kind of amendment. But unfortunately the amendment which is proposed is quite general and it will not do for the simple reason that it says it is only from decrees under sections 3 and 4 and under section 9 that this appeal is to be provided. This means that some of the orders which are really decrees or orders of a similar nature are not to be appealable. Does it mean that even on the original side of the High Court the appeal is not to be had in the way in which it must be had? There is a right of appeal to the High Court if the suit is instituted in the City Civil Court. All that must be left to the ordinary law and there is no necessity to make any special provision. The only special provision which has got to be made is as to the extent to which the Presidency Small Cause Court may take cognizance of the proceedings connected with this Act and to that extent if it makes a decree determining the compensation, then it may be advisable to give the party concerned a right of appeal. The only amendment that should be made is in connexion with the Presidency Small Cause Court. Again it will not be possible for this Council to decide what orders are appealable and what not. It will be unnecessarily interfering with the right of appeal which already exists and far from enlarging the right of appeal, we shall be curtailing it. Therefore I do not think the second portion of the amendment either is correct. The only amendment that is required in order to give effect to the real object of Mr. Tanikachala Chettiyar with which I am in full accord is quite a different amendment from the one he has tabled.

"In the majority of cases the Presidency Small Cause Courts have jurisdiction in land acquisition proceedings and they have experience in fixing the compensation. I believe they have done that in a number of cases. Of course in any case of assessment, it is advisable that an element of gamble which undoubtedly exists by conferring a right of appeal

12-15 p.m.

New clause after clause 11—cont.

should be prevented. Though I am a lawyer, though I am favourable to the right of appeal to some extent, I should prefer that there should be no right of appeal."

Mr. T. A. RAMALINGA CHETTIYAR:—"If we are going to give effect to the idea underlying this amendment we will have to change the wording of the amendment; otherwise there will be this difficulty. In section 8 of the Civil Procedure Code provision is made for the Small Cause Courts. It says: 'Save as provided in sections 24, 38 to 41, 75, clauses (*a*), (*b*) and (*c*), 76, 77 and 155 to 158 and by the Presidency Small Cause Courts Act, 1882, the provisions of the body of the Civil Procedure Code shall not extend to Presidency Small Cause Courts.' The question will be whether the sections mentioned in section 8 are those which are extended here or those excepted. I do not think we should give room for any doubt. It is better to say 'notwithstanding section 8 the provisions of the Code applicable to original suits shall apply to proceedings under this Act. I think that will be better. Otherwise this section will land us in difficulties. If that is done and the provisions relating to appeals on original decrees are made applicable the second paragraph of the amendment can also be simplified.'"

Mr. N. A. V. SOMASUNDARAM PILLAI:—"With regard to the right of appeal I think it would be really to the interests of the tenants and the landlords that there should be no right of appeal. Nowadays even with regard to the rights of appeal allowed in the Civil Procedure Code the current opinion is that the rights of appeal should be curtailed as far as possible. When such is the state of feeling, to allow the right of appeal even in this case with regard to the settlement of compensation and other things will be simply adding to the troubles of the landlords and tenants. You must say that there should be no right of appeal with regard to the question of settlement or the amount of compensation. That will make matters clear. It is much better to say that there is no right of appeal in these cases."

Mr. O. TANIKACHALA CHETTIYAR:—"Mr. President, Sir, I agree with what my friend Mr. Srinivasa Ayyangar has said about the right of appeal existing when a suit is originally instituted in the High Court or in the City Civil Court. As regards the Small Cause Court he says that because the Small Cause Judges are accustomed to deal with land acquisition proceedings they have become acquainted with the valuation of land and that an appeal is unnecessary. Apparently my friend's practice being so very extensive on a paying scale, he has never given attention to the work going on in the Small Cause Court, so much so that he is not aware of the fact that land acquisition proceedings can only be taken up by the Chief Judge of the Small Cause Court. It is governed by the Land Acquisition Act and the 'court' referred to there is the principal civil court of original jurisdiction unless the Local Government has appointed a special judicial officer within the local limits to perform the functions of the 'court.' So the Government has by notification appointed for the town of Madras the first Judge of the Court of Small Causes. If you are going to rely on the experience of the Judges of the Court of Small Causes, it is only the Chief Judge who has such experience, whereas the work under this Act will be thrown also upon those who have not hitherto been accustomed to such work As I pointed out, it is rather hard that simply because the plaintiff adopts the course of making an application in the manner provided under section 41 of the Small Cause Court Act that the defendant should be hurt very severely. Therefore it is that I do press this amendment that an appeal

New clause after clause 11—cont.

might lie. I have no objection to the lines on which the Hon'ble the Law Member as well as Mr. S. Srinivasa Ayyangar have suggested amendments so as to limit the right of appeal only to proceedings in the Small Cause Court under section 41."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"If there had been a clear provision and a workable provision for giving the right of appeal with the proper safeguards as to limitation, then I personally would not object. As I said, it is a question for the House to judge whether a right of appeal is really favourable to the tenants or necessary for their protection. The difficulty is to take the amendment as it is. The first clause may go out. With regard to the right of appeal in the second clause, if a proper clause is put in conferring the right of appeal in small cause proceedings against any order of compensation or fixing the price and providing for a proper limitation, I may say I will not object. But as it is, it is hopeless to accept it."

The Hon'ble the PRESIDENT:—"Before I put the motion to the vote, I wish to point out to the House that what they will vote upon is item No. 21 on the agenda."

The amendment to insert a new clause after clause 11 was then put and lost.

Clause 12.

Mr. C. NATESA MUDALIYAR:—"Mr. President, I wish to move—

'21-A. *For clause* 12 *substitute the following*:—

The provisions of this Act in favour of tenants shall apply, notwithstanding any contract to the contrary unless such contract has been entered into prior to 1st May 1913 *and registered, or unless the tenancy was at the outset created by writing registered.*'

"Sir, I thank the Hon'ble the Law Member for attempting to redress the grievances of a considerable section of the tenants of this city by introducing this Bill. But unless clause 12 is deleted or it is made clear that the retention of it will not interfere with the objects of the Bill, the Bill need not be passed at all. The object of the Bill is to afford protection to the hundreds of tenants on whom either notices of eviction have been served or suits in ejectment have been pending in the local courts. Take for instance the tenants of Hasimpet. The tenants or their predecessors were in peaceful occupation of the lands for over a century. Recently the ownership changed. Under fear of eviction and great pressure the tenants gave an agreement in writing, registered, so recently as in 1920 that they will demolish the buildings and vacate the lands on one month's notice. This Bill is intended to protect them. Similar conditions prevail in other places as Kosapet, Thousand Lights, Hall's Gardens, etc. Now the question is whether this Bill with this clause will protect these people. If some arrangements are not made to protect them, this Bill will be of no use, will be still born and will not serve the purpose for which it is intended. Nothing short of the deletion of the clause or the substitution to it of my amendment will make it operative."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I entirely agree with Mr. Natesa Mudaliyar that protection must be given to the cases which he mentioned and I may say that I brought this Bill because of the hardships which he mentions. But if you accept his amendment, I am afraid it

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[The Hon'ble Mr. K. Srinivasa Ayyangar] [16th November 1921

Clause 12—cont.

will cut out those very persons for whom he wants protection. His amendment is 'the provisions of this Act in favour of tenants shall apply, notwithstanding any contract to the contrary unless such contract has been entered into prior to May 1913 and registered, or unless the tenancy was at the outset created by writing registered', so that if there had been any contract whatsoever executed prior to the 1st May 1913 and registered with respect to the tenancy, all those cases would be outside the provisions of this Bill. I do not know whether Mr. Natesa Mudaliyar knows that prior to the recent registered instruments which have been taken in 1920 others appear to have been taken in 1910 or even earlier—registered instruments from the very same set of persons. This won't do. On the other hand, the amendment which I have put in for greater caution would achieve that very object. The idea is that unless there is a tenancy created by a registered instrument in writing containing specific stipulations as to the erection of buildings, this Act is to govern. Instead of that, if you have put it in the language of Mr. Natesa Mudaliyar, wherever there is a registered instrument in writing, whether it relates to buildings or not, all these tenancies will be governed by the terms of that contract irrespective of this Act; they would be governed by the Transfer of Property Act and those persons will have to take away their buildings and to quit on 15 days' notice again, 'or unless the tenancy was at the outset created by writing registered.' What is this outset? When was the tenancy created? What is the origin of the present tenancy? I think, Sir, it will be fatal to the object which Mr. Natesa Mudaliyar has in view and which I have also in view, if for the present clause, is substituted Mr. Natesa Mudaliyar's amendment."

Mr. S. SRINIVASA AYYANGAR:—"Mr. President, I entirely agree with Mr. Natesa Mudaliyar that it would be better if you could improve clause 12, and I hope the present amendment will enable the Council to do that. The particular amendment which he brings forward is, I am afraid, inadequate. On the other hand, it is contrary to the very interests which, I have no doubt, he and I seek to advance. Let us see what the first clause says: The first clause says: 'This Act shall apply only to tenancies created before the commencement of this Act.' The amendment of Mr. Natesa Mudaliyar puts it back. In the case of registered agencies, it applies even after. Then there is another difficulty, and that difficulty is this: It says 'notwithstanding any contract to the contrary.' That means if there is any subsequent contract, even between the tenant and landlord subsequent to the original demise by which the tenant has been induced to agree to enhancement of rent and also to a stipulation that he shall claim no compensation for the building which he has erected already upon the land, even such contract as that will be saved by Mr. Natesa Mudaliyar's amendment, with the result that the Bill won't apply to such cases; whereas the Bill as it now stands will apply to cases even if there is a subsequent contract between the landlord and the tenant. Clause 12 of the Bill has to be dropped out altogether. But if that clause is to be retained, the only way to retain it is by an amendment to be proposed such as 'if the original letting was by registered writing and the original letting provided either that there shall be no compensation for the erection of buildings or that buildings shall not be erected or that buildings shall be erected only subject to such and such conditions or within such amount of compensation, in that case this Act does not apply if there is a subsequent contract between the landlord and tenant.' As I understand the Bill, even as it was passed on the last occasion, the Bill would seem to apply notwithstanding any amount of contract and notwithstanding any quantity of registered writings that may have passed between the parties. The

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Clause 12—cont.

only registered writing that really blocks the way of the tenant in getting relief under the Act is the original registered writing when the tenancy was first created. That was why my friend on the other side proposed some amendments. I would further suggest that the whole of this clause should be deleted. Practically it is not necessary, because nobody knows that there is any case for adopting the language which the Hon'ble the Law Member used when he said, where are the writings, where are the registers between 1913 and 1920, etc. I would say, where is there any class of cases which requires protection; where is there any stipulation as to the erection of buildings? The whole thing is really mythical and we do not want this clause for the protection of tenants in a very negligible small number of cases. It is simply a mythical clause which I do not think will have much effect."

Rao Bahadur T. NAMBERUMAL CHETTIYAR:—"Mr. President, Sir, this is another case of hardship to the landlord, to add to those which have been already created under the provisions of this Bill. The mover said that new agreements might have been entered into with the previous owners and such agreements are detrimental to the tenant's right of occupancy. But there is a provision under which he is entitled to compensation, and the compensation is also adjudged according to the present market value, which at present is nearly 70 or 80 per cent more than the market value which existed at the time when these buildings were put up. The tenant is amply protected and such a provision as that which says that agreements subsequent to 1913 should be annulled is rather hard. It is generosity with a vengeance at the expense of the landlord. I therefore oppose this motion."

Mr. C. NATESA MUDALIYAR:—"Sir, I only want that the clause should be made clear. It will not, I fear, apply favourably to the tenants that are in trouble today. This Bill is intended for these tenants, and if it is not applicable to them, what is the use of passing the Bill? Of course as to the landlords, I have nothing to say against such big landlords as the landlords of Tirumal Nayudu's and Buchibabu Nayudu's lands and others of the kind. These landlords never interfere with their tenant, but we are concerned with those who came into possession of these lands recently and who, having taken an agreement from the tenants only the other day, demand the pound of flesh! It is only to protect those tenants that this Bill is intended. I request the Hon'ble the Law Member to tell us plainly if this Bill will apply favourably to the tenants of Hazimpet with whom he is very well acquainted. On that assurance I have no objection to withdraw my amendment."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"If the honourable member will wait, he will see it is perfectly plain that the class of tenants he has in mind will be amply protected by this Bill."

Mr. C. NATESA MUDALIYAR:—"If they are amply protected, I have no objection to withdraw."

The motion was by leave withdrawn.

The Hon'ble Mr. K SRINIVASA AYYANGAR:—"Mr. President, I move amendment No. 22 '*omit all the words beginning from 'terms' and substitute 'erection of buildings' in the existing clause* 12."

"There seems to be a certain amount of misapprehension. Let me again explain. If you will take section 12 as it stands with my proposal to amend it, the section will read thus: 'Nothing in this Act shall apply to tenancies created

Clause 12—cont.

by writing registered containing specific stipulations as to the erection of buildings.' That would be the wording. It will protect persons who entered into tenancies created by a writing registered which contains stipulations saying 'you shall not erect buildings at all; if you erect buildings you shall take its value and vacate at the end of the term; if you erect buildings you will have to vacate the land leaving the buildings to me; if you erect buildings you will have to vacate after demolishing those buildings and take them away.' These will be the terms or stipulations as to the erection of buildings. But do you think that persons of this class do require protection? I shall keep them aside because my honourable friend says they are all mythical and that therefore this clause is useless. Now let us leave the mythical classes who are to be protected, alone and see to the tenants in Hazimpet. They have entered into agreements in the year 1920 by which they agreed that they will demolish the buildings on the land and go on 30 days' notice. Would this section exclude them? I say with great confidence, no. Because the tenancies were created long before, and there is not any stipulation as to the erection of buildings at the time of the tenancy. The buildings were already there and a stipulation to demolish existing buildings and take them away is not a stipulation as to the erection of buildings. They would therefore, I think, be amply protected by the language of this clause unless it is perversely interpreted. I may be entirely wrong; any interpretation of mine in this House will not be binding on the courts. I can only say, as far as I can understand the language. they will be protected. To prevent any possibility of misapprehension, I am omitting the phrase 'or the payment of compensation therefor.' Because you may construe this clause as applicable to cases where there is a registered instrument in writing after the buildings had been erected as there is a provision for payment or non-payment of compensation. That is why, as I have stated, I have amended by leaving out that phrase to that extent taking away a provision in favour of the landlord.

"As I understand the clause as amended by me, unless at the time when the land was let by a registered instrument in writing governing the terms of the tenancy, there is a specific provision as regards the erection of buildings which have not been erected previously, this clause would not apply.

"I have now a word to say with regard to the mythical class. There are leases taken of temple lands in Mylapore. In some of them I understand the term is that the tenant has the land for 99 years, and at the end of 99 years he shall quit the land giving up the buildings existing at the end of the term to the temple itself. There have been subsequently cases of leases for 21 years in which I understand there are specific terms as to the valuation of buildings as it exists at the end of 21 years and the payment of the value to the lessee when he goes out. These are all cases where persons who can stand on their own rights, with a full knowledge of their position, entered into definite contracts, in writing registered whether it be with the trustees or other persons stipulating for the terms on which they were to be allowed to erect buildings. Can you say of these persons, in spite of the stipulation in writing to which they have subscribed as to the method or terms on which they ought to erect the buildings before they ever put a single rupee on the land, that they require protection? Will you say that these persons built their houses in the hope that they will be allowed to occupy in perpetuity on payment of a fair rent? If they did, I believe they are lunatics and no provision can be made for such sort of persons except a

12-45 p.m.

Clause 12—cont.

safe place in an asylum. I therefore think, Sir, that the classes of persons whom I have in mind should not have the liberty to go behind their own registered instruments which came into existence at the time when the tenancy was created and before they had put in any buildings whatsoever. If the House comes to the conclusion that this clause as amended by me will yet hit at persons who had already erected buildings, by all means take it away."

The amendment was duly seconded.

The amendment was then put to the Council and declared carried.

Clause 12 as amended was then put and allowed to stand part of the Bill.

Clause 13.

Mr. O. Tanikachala Chettiyar did not move his amendment to clause 13—

'23. *Insert after the words* '*Transfer of Property Act*, 1882,' *the following words*:—

'*and clauses* (*d*) *and* (*g*) *of section* 19 *of the Presidency Small Cause Court Act*, 1882.'"

The amendment was therefore deemed to have been withdrawn.

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Sir, I now move that the Bill as amended be passed into law."

The Hon'ble Khan Bahadur Muhammad Habib-ul-Jah Sahib Bahadur seconded the motion.

The motion was put and carried.

V

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

The Hon'ble the PRESIDENT:—"The House will now resume the discussion on the resolution regarding insertion of a conscience clause in the Grant-in-Aid Code."

Insertion of a conscience clause in the Grant-in-Aid Code—cont.

Mr. S. SOMASUNDARAM PILLAI:—"Sir, this resolution aims at the missionary institutions and I rise to oppose it. It says that the parents have got a peculiar conscience and if they do not want their children to receive Bible instruction, the missionary institutions will keep quiet, and will not insist upon teaching the Bible. First of all we must see the nature of the conscience. At the time when the son is sent to the school the eyes of the father are wide open to the fact that the missionary institutions are for the purpose of propagating their own religion. With this full knowledge he sends his son and if he changes his conscience afterwards, I am sorry to say what sort of conscience it must be. If we object to the teaching of the Bible, then what is better we must be in a position to find out. If the boy is to be taught in religious affairs, there must be some religion to be taught and some means for that purpose. Generally among the Hindus only the Brahmans initiate their boys in the Gayathri. As regards the mass of the people they do not have any idea of religion (*cries of no, no*), except that they know that the God is locked up in certain places, temples, outside which he does not exist. That is the only popular religion that we have now. Before we condemn the Christian teaching, we must consider what all it has done for us. It is Christianity that

brought us to this present level. It is Christianity that taught us the Fatherhood of God and the Brotherhood of Man. Among us, Hindus, we have got high talk. We are taught to fear God, not to love Him. Only when we are taught the love of God we can have love of man. In our Hinduism we are taught to despise certain classes, to elevate certain other classes and to worship them. It is Christianity that taught us that all men are equal, that no man is inferior to any other. And such a religion, I venture to assert, is necessary for us whether it be Christianity, Hinduism or Muhammadanism. We owe the new awakening of our country to the Christian religion. Sir, see the sacrifice of these missionaries. One of my friends went to Scotland and he was a guest at Dr. Miller's house. He told me on his return that Dr. Miller would not have sacrificed his pleasures at home had he not the true missionary zeal. He lives there like a prince and should never have cared to come to this country. Such, Sir, is the spirit found only in these missionaries. After all, why do they come and teach us? Do they gain anything thereby? There is no consideration for it. They do not gain anything and they truly and sincerely believe that theirs is the only religion that is true and they want to propagate the truth of that religion so that all may have the benefit. That shows they are highly religious. Our people are not for preaching and converting others but merely besmear the sacred ashes and sacred mud all over their body and pose as high-spirited religionists. . . ."

Rai Bahadur T. M. NARASIMHACHARLU :—" Mr. President, I wish to know whether all this is in order."

Mr. S. SOMASUNDARAM PILLAI :—"It is quite relevant. Because we owe much to the teaching of Christianity, I say that that religion is much better than the one which condemns and despises certain sections of mankind."

Cries of 'ruling,' 'ruling.'

Diwan Bahadur R. VENKATARATNAM NAYUDU *(from the chair)* :—"I think any detailed reference to what are considered to be the defects of other religions is not quite relevant."

Mr. S. SOMASUNDARAM PILLAI *(continuing)* :—'Men without religion by coming into contact with missionaries become good religionists. In all my actions I am Christian and I began to love men after I learned Christianity, after I began to move with Christians. Although I studied only for a year or two in a mission school, yet I taught Bible in Tamil to the missionaries and by doing so I became more acquainted with the truths of Christianity. So, although we have got much from the British Government we have got more from Christianity Our country is not therefore a loser by coming into contact with the missionaries. We are very often blaming that foreigners are carrying our wealth. It cannot be so said of the missionaries who carry much wealth from so many lands like America, Germany and other countries. It is therefore an advantage as such; we get spiritual and material advantage. Further, what the Government ought to do they are doing. If they are not here, if they do not spread education, the Government must do that. If you inspect the established schools in all parts of India, certainly these missionary institutions would be found to have spent much and they receive grants from the Government. If you complain about this, I do not know what other thing would be found suitable. The only kind of religious instruction which we know of is that imparted in the Vaishnavite and Saivite mutts and there is no doubt that such teaching is not suitable to our country at present. When this is taken into consideration, it would be quite clear that we

must send our children to these institutions and request more missionaries to come here and spread education far and wide. Of course, we may be afraid of conversion. But I can assure you that very often conversions have been made only when colleges are wanting. Without a college more conversions will be made. Missionaries whose object was mere conversion have never established any school in this country. Recently a Danish missionary came to Madras and I told him to open a free public reading room. You now find such a reading room in the establishment of the Danish Mission. In these circumstances I do not see any reason why this resolution should be passed and I oppose it."

Mr. M. C. RAJA :—" I stand to oppose this resolution. It will hit Christian mission schools. Next to the Government, they are the greatest educational agency.

"We of the depressed classes owe what education we possess to Christian missionaries. The four Hindu members that represent the depressed classes in this very Council were educated in Christian missionary schools. I spent my younger days in Wesley College and then came up for my high school and college courses to the Christian College. The missionaries will have no object in maintaining schools when they are not free to impart religious instruction to their pupils. They do not come here merely to teach History and Geography or Algebra and Geometry or Sanskrit to Indian boys and girls. The money which they spend has been given to them by people at Home in order that they may have the opportunity of imparting Christian truth to non-Christians. Non-Christians are not compelled to send their students to their schools—they may send them to non-Christian schools if they please. If you say that you cannot help sending them to these high schools when and where there is one school and that the mission school, my answer is that in many cases even when there is a choice between the Christian school and the non Christian school, parents prefer the Christian school. I was in Voorhees College, Vellore, in charge of the lower school. Vellore, you all know, is an orthodox centre. Voorhees College and Mahant's high school were on the same road, opposite to each other. In Mahant's high school, Sanatana Dharma was taught and in spite of all that Hindu parents preferred Voorhees College and we used to have the full strength and some classes had to be divided into sections A, B, C and D, each section having the full strength of 40.

"A knowledge of Christianity does not drive children into the Christian church, though it might make them Christians in the larger sense of being lovers of all men, rich and poor, educated and ignorant, elevated and depressed, lovers of all that is good, pure and noble in life. In this sense are we not all Christians—though most of us are outside the Christian churches?

1 p.m.

"I told you that I was educated all through in Christian schools and for the last 13 years I have been in mission service. What has happened to me? Have I become a Christian? Has my conscience been outraged? It is really a slur upon those educated in Christian missions to say that they become hypocrites by attending Scripture classes. On the other hand, they learn tolerance and the independence which comes not from slavish following of ancestral faiths but from a deliberate conviction arrived at by comparing what is taught in schools and colleges with what is taught at home and practised elsewhere. 'Prove all things hold fast that which is good,' that is the thing, Sir, that is taught in Christian schools.

'They are slaves who dare not be
'In the Right with two or three.'

"This is the motto of the Madras Christian College. Does this spell slave mentality? Does it sound like the outraging of one's conscience? Is this a lesson in hypocrisy? No, true independence comes from a widening of one's outlook on the world, with its many religious customs and civilizations. It is this loyalty to one's true self that comes from a knowledge of religions other than that in which the priests of one's ancestral religion would like its followers to confine their attention and their affection. I can assure my old Professor Rev. Meston that our conscience has not been outraged or tainted; but on the other hand, it has become pure and real by the influence of Christian missionaries.

"The honourable member Mr. Govindaraghava Ayyar in his speech yesterday stated that it was not right that the general tax-payers' money should go to support those sectarian institutions. I believe Mr. Govindaraghava Ayyar is a member of the Pachaiyappa's College Trust Board and also a member of the Hindu High School Committee and the P.S. High School Committee."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR (*interrupting*):—"Sir, I never stated that it was not right that the general tax-payers' money should go to support the sectarian institutions. I may also say that I am not a member of the Pachaiyappa's College Trust Board."

Mr. M. C. RAJA (*continuing*):—"I know that Mr. Govindaraghava Ayyar was once a member of the Pachaiyappa's College Trust Board. And I believe, Sir, that in the Hindu High School, P.S. High School, Theological High School and Pachaiyappa's College pupils belonging to certain sections are not admitted. Yet these schools get aid from the general tax-payers' money. Is it right that the general tax-payers' money should go to support these sectarian institutions which deny admission to the sons of the soil in a far truer sense than Mr. Govindaraghava Ayyar and his friends can claim to be?"

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR (*interrupting*):—"Sir, the statement is not correct so far as the P.S. High School is concerned."

Mr. M. C. RAJA (*continuing*):—"Then again what about the Sanskrit schools which teach *Vedas* and exclude the non-Brahmans? Is it right for these schools to get Government aid? Sir, if we make attendance at Scripture classes optional, what will happen is this: Not that the parents will exercise their option freely and unhampered by extraneous considerations, but they will be subject to all sorts of more or less tyrannical influences brought to bear upon them by agitators who care very little for the good of the boys or their parents. In this land where fear of ex-communication and disapproval of neighbours operate powerfully in social and political matters as we see every day, it will be very difficult for a parent who thinks that attendance at religious classes does good to his boys to exercise his judgment independently. A national agitator has only to go about with a declaration form and get signatures of parents in opposition to missionary schools teaching Christian religion.

"I therefore object to the resolution being passed."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I am afraid that in the discussion of this resolution several irrelevant factors have been brought forward which have really thrown a cloud over the real issues involved in the consideration of this question. I may state at the outset that it is absolutely unnecessary and out of place to introduce the question of Brahman and non-Brahman and that it is absolutely irrelevant and out of place to introduce the question of the superiority of one religion over another. I therefore wish that, in the consideration of this question, we eschew these points out of consideration.

"I am afraid, Sir, that there has been a misconception regarding the scope of the resolution. As an old student of the Christian College and as one who has been watching the efforts of the mission agencies in the field of education, let me along with some of my predecessors add my share of tribute to the excellent work that these agencies have been doing in this country in the field of education. Notwithstanding that expression of gratitude, I feel compelled to make a few remarks in support of the resolution. I feel that I have got the support of some of the mission agencies in the view which I am now going to put forward. It is a subject over which there has been a volume of public opinion here and elsewhere and honourable members of this House will, I hope, not blame me if I fail to do justice to the subject within the ten minutes' time allotted to me.

"The chief point which was pressed forward in the consideration of this question was the object of the Despatch of 1854 and the policy which was laid down therein. I may at once point out that, so far as the despatch is concerned, there is nothing in it which militates against the principles underlying this resolution. Nobody in this House suggests that mission schools ought not to be aided simply because they are giving religious instruction. Sir, my honourable friends who have preceded me have proceeded to condemn the resolution on the footing that it aims at the cutting of grants to those institutions because Christianity is taught there. I am sure nobody would advance any proposition of that description. The only point that is raised is: whether it is desirable to compel one belonging to a different religion to attend the religious classes held in aided schools. So far as that issue is concerned, I may point out that the original Despatch of 1854 did not provide for any such contingency at all. The relevant portion bearing on this subject is found in paragraphs 53 and 56 of that despatch. Paragraph 53 says: 'The system of grants-in-aid, which we propose to establish in India, will be based on an entire abstinence from interference with the religious instruction conveyed in the school assisted.' Later on in paragraph 56 it is stated: 'The amount and continuance of the assistance given will depend upon the periodical reports of Inspectors, who will be selected with special reference to their possessing the confidence of the native communities. In their periodical inspections, *no notice whatsoever* should be taken by them of the religious doctrines which may be taught in any school.' This only says that the fact that religion is taught is not to be a ground for refusing aid and we in this House can surely assent to that proposition and accept that principle. As was pointed out in the later discussions before the Hunter Education Commission, the object of the provision is not to compel all students to attend classes in other religions. I shall refer to the interesting minute of dissent recorded by Mr. K. T. Telang who explains the scope of the former Despatch of 1854. This is what he says: 'I do not feel much pressed by the objection that a conscience clause is inconsistent with the provisions of the despatch which prohibits State interference with the religious teaching imparted in aided schools. For I consider that the effect of that prohibition is incorrectly described in the report, when it is stated to be a "strict abstinence from all enquiry as to any religion being taught or not taught" in such schools. I understand the prohibition to mean that the officers of the State are not to order or forbid the teaching of particular doctrines or the use of particular text-books. But I do not understand it to prohibit the State from insisting that such religious teaching as is imparted should be imparted subject to the condition that any pupil may refuse to receive it if he pleases. The effect of the prohibition is no greater than that of the conscience clause of the Education Act of 1870 which according to Mr. Morley lays down absolute neutrality and indifference as regards religious instruction and embodies the true principles expressed by Mr. Gladstone.'

"Again, Sir, I think it has been assumed in the course of the argument that missionary agencies will refuse to adopt the conscience clause voluntarily. It was also stated in the course of the discussion that if this resolution is passed many schools will be closed. I do not think we can assent to any such proposition without further consideration.

"Before we proceed further, I may point out that during the discussion before the Hunter Education Commission this point was also considered and Mr. Telang referred to it as follows: 'If I thought that the effect of the proposed rule would be to reduce very greatly the number of missionary schools in the country, it would, in my opinion, perhaps be inexpedient. But I am satisfied that that will not be the result at all. The very eminent representative of missionary institutions in the Commission told us plainly that that would not be the result. And I agree with him.' That very eminent missionary representative which Mr. Telang referred to above was the Rev. Dr. Miller than whom no better authority can be found on the subject. So, Sir, as a result of the acceptance of this conscience clause resolution, schools are not likely to be closed.

"Again, Sir, I would draw the attention of this House to the result of the commission of inquiry appointed at the instance of a conference of missionary agencies in the year 1916. They made elaborate recommendations, which, it will be found, correctly summarise the situation. So far as the missionary agencies are concerned, this is what they state: 'Under the Government of India Act, education now passes to a very large extent under the direction of Provincial Governments and Indian Ministers of Education. This may lead to grants being made conditional on the acceptance of a conscience clause, which at present the vast majority of mission schools have not adopted. The conscience clause has been much in the thought of India's political leaders and not unnaturally so. The demand for its introduction has also been carefully considered by missionary educationists, not only individually and in their mission organizations, but in representative educational associations and in the Provincial and National Missionary Councils.' The conclusions are very important as bearing upon the question now before the House. The main conclusions are: 'Mission schools exist to give an education which shall be Christian through and through.' Again they state: 'As religious education forms an important element in the educational life of the country, it ought to receive Government aid on the same conditions as any other type of education in accordance with the system inaugurated in 1854. Hardships may exist where parents have no option except to send their children to a school where a religion other than their own is taught. In such cases managers should, if objection to religious instruction is conscientiously made by parents, either allow exemption from such instruction in certain cases, or give up their grant-in-aid. To provide for such a situation, a conscience clause is justifiable. Inasmuch as a choice is open to parents (except in cases as described above), the introduction of a general conscience clause seems under present circumstances to be unnecessary. Where grants are taken, however, the voluntary adoption of a conscience clause by all missionary institutions seems to us to be right. It might also obviate the necessity for legislation. A conscience clause enforced by legislation can, in the nature of the case, deal only with the time-table and would not apply to the general Christian influence of the school.'

"I ask you, Sir, whether, after the commission of inquiry appointed at the instance of missionary societies have made the recommendation that missionary institutions would do well to voluntarily adopt the conscience clause in view of the

prevailing opinion in this country, we ought to proceed on the assumption that they will not adopt the conscience clause but that they will close their schools. I think that we are proceeding upon an erroneous standpoint, if we assume any such thing.

"Honourable members will recognize that the wording of sections 49 to 53 of the Madras Elementary Education Act, VIII of 1920, which provide for the conscience clause in a modified form clearly goes to show that such an assumption is wrong.

"Section 49 of the Madras Education Act expressly states: 'Provided that no guardian shall be compelled to cause a child to attend a school at which attendance at religious instruction in a faith other than that to which the child belongs is compulsory. Provided further that no guardian shall be compelled to cause a Muhammadan child to attend a school at which adequate arrangements have not been made for religious instruction in the Muhammadan faith.'

"Section 53 provides that district educational councils should arrange with local authorities for provisions for elementary schools where private schools insist on attendance at religious instruction.

"Again, Sir, let me remind this House that this question was considered when the Elementary Education Act was passed. We also find that a provision of this kind was made in the rules for the European schools. Considering all these circumstances, is it to be stated that there is anything unreasonable in insisting that no one ought to be compelled to take instruction in a religion other than his own even though he happens to attend a mission institution? That is the only point for this House to consider. We are all agreed that we cannot raise any objection to the grants being given to institutions which teach the Christian religion. That is not the point at all. Our only point is that those mission institutions should not compel boys who belong to other religions to study the Christian religion. I think that is the only point involved in this resolution and I therefore cordially support it."

Khan Bahadur MUHAMMAD USMAN SAHIB:—"I beg to oppose the resolution moved by Mr. Venkataramana Ayyangar. If this resolution is passed, it is going to have a very disastrous effect upon the general educational advancement of the country. In spite of what the missionary gentlemen quoted by the mover have said I am sure the passing of this resolution will lead to the closing of many of the missionary schools and colleges that are now doing very good work. Now, Sir, there are so many non-missionary schools and colleges in the country; that if anybody wants to avoid a missionary institution he can do so with great ease. Further, the resolution will bring difficulties into the working of the Muhammadan schools where religion is taught. In the Islamia School and College, Vāniyambādi, Muhammadanism according to the *Sunni* school of thought is taught there. If this resolution is passed, non-*Sunni* students might give trouble to the management of the institution; such will be the case with regard to the 1,964 Muhammadan elementary schools in the Presidency. For these reasons I oppose the resolution."

1-15 p.m.

Diwan Bahadur D. SESHAGIRI RAO PANTULU:—"Mr. President, Sir, I rise to support this resolution. The insertion of the conscience clause in the Grant-in-Aid Code is in consonance with the principle of religious neutrality to which the Government has pledged itself. I have no doubt that the insertion will not in any way militate against that principle. The average man regards religion as a

sacred treasure which he guards most jealously. As for the objection of religious neutrality, the conscience clause does not prevent Christian schools from teaching Christianity, or the Muhammadan schools from teaching Muhammadanism, or the Hindu schools from teaching Hinduism. It is only when compulsion comes in that this question arises. Religion ought not to be taught by compulsion, it is one of persuasion. When young minds are taught a religion opposed to their ancestral religion, when young minds are wrenched between what is taught in the Bible classes and what they see at home and in society, the result of such an education will be anything but sound. It makes him either ridicule the riligion that is taught or be an insincere hypocrite. Such a state of things ought to be avoided. It is said that these Christian colleges and schools have turned out many eminent men who have done a great deal of good work. I quite admit it. But look at the non-Christian colleges, the Government colleges. Can it be said that they have not turned out eminent men? But what guarantee is there that these eminent men that are turned out from the Christian institutions could not have been more eminent, if in the earlier stages their minds had not been wrenched between two religions? So my submission is that the religion is a subject that ought not to be taught in the tender ages at which these children are put to school.

"Now, my friends have raised the question that the passing of this resolution would tend to prejudice the education of the non-Brahmans. I am not able to follow that argument. If the non-Brahmans now do not find any objection to have their children taught in the Bible classes, the same permission may hereafter be given by the non-Brahman parents even if this resolution is passed. The resolution only aims at the prohibition of any compulsion in the schools.

"Then it is said that even though in a Christian country like England the conscience clause is found to be necessary, it is unnecessary in India where the religion that is taught is opposed to the accepted religions of the country, either Hinduism or Muhammadanism. I am afraid, I am too dense to appreciate this argument. If the different creeds of the same religion require the necessity of a conscience clause, I cannot for the world understand why religions quite opposed to each other should not necessitate the introduction of this conscience clause. I yield to none in my admiration for the selfless work that is being done by the Christian missions. They have founded schools, they have founded hospitals, they have founded leper asylums, while the Hindus and Muhammadans are sitting idle with folded hands. All the same I believe that it will be insulting even to the Christian missionaries if we think that they rely more upon compulsion than upon the free education that they give in these colleges. It is not the Bible that has made some of the products of these institutions eminent, it is the precept, it is the example, it is the healthy atmosphere created by the professors and their personal touch with the students.

"So with these few remarks I support the resolution."

Mr. S. SRINIVASA AYYANGAR:—"Mr. President, Sir, I beg to support this resolution. The principal reason why I support this resolution is that it does not make any discrimination between one religion and another. The wording of the resolution is—

'That this Council recommends to the Government that a new rule be inserted in the Grant-in-Aid Code that no grants will be paid to any institution that compels any student to attend any religious instruction without the consent of his parents or guardian.'

"It does not strike at the Christian institutions as such. It will affect the schools managed by Hindu missions as well. There is no reason why Christian institutions should claim any preferential treatment. This resolution seeks to guard the elementary right of the parent or guardian to veto any religious instruction which is opposed to his own; though it does not seek to recognise the equally elementary right of the student to receive instruction in the religion of his own ancestors. I think a great deal of misapprehension exists in reference to this matter. This resolution does not seek to prevent religion being taught in schools and colleges. If the parents or guardian are willing to send their children to these religious classes they are not prevented from doing so. This resolution only seeks to protect the interests of the minority who do not want to have that instruction. If Mr. Raja, and Mr. Somasundaram Pillai, are right, the parents will send their children to these Bible classes voluntarily.

"If, on the other hand, the position is taken up that, if this resolution is passed the Hindu boys will not attend these classes, it shows that Hindu parents or guardians send their children to these institutions not because they prefer the instruction in Christianity. I brush aside the contradictory arguments and fallacious analogies that evade the real position. Whatever may have been the case in the infancy of education in this presidency, whatever may have been the case for the promotion of education by institutions which insist upon giving religious instruction to people of other denominations, I say, there is no longer any need to continue that state of things. Are we certain that all Christian institutions insist upon giving religious instruction to pupils of other religion? There are magnificent and perfectly equipped institutions managed by the Roman Catholic missionaries which do not insist on religious instruction for people of other religions. They do not, because the pupils refuse to receive religious instruction, deny them the benefit of secular instruction. Recently a College was founded at Alwaye by Christians not of the Roman Catholic persuasion. They agreed to have the conscience clause for their institution. They undertook to teach the Bible subject to the conscience clause. That is the reason why some of the Hindus have subscribed to that institution. Therefore, it should be borne in mind that there are institutions managed by certain denominations of Christians which respect the conscience clause and not all Christian institutions insist on religion being taught in their schools to pupils of a different persuasion. If the Hindus and Muhammadans do not insist upon compulsory religious instruction, I do not see any reason why certain institutions managed by certain denominations of Christians should be enabled to insist upon this principle of compulsion.

"I submit further that many those who advocated the continuance the present system did so, no doubt, owing to a lively sense of the result of the education imparted at these institutions. All of us have some inclination to favour the institutions in which we studied. But we should put aside this bias, which has influenced those who spoke against the principle of the conscience clause. I do not suggest for a moment that people who have been reading in these colleges are not Hindus. I quite admit that Mr. Somasundaram Pillai, and Mr. Raja are Hindus. Whoever said that their conscience was spoiled? Our point was that a pupil must not be deprived of secular instruction simply because he is unwilling to attend a religious class, and that protection should be extended to minorities. I submit that absolutely no case has been made out for the retention of this most antiquated system any longer. I expected that a far different treatment would be accorded to this resolution. I am as much in favour of Christian missions and

Christian institutions as any Christian can possibly be. Even from the point of view of a Christian, I cannot possibly see what advantage is gained in giving a mixed class of Hindus and Christians instruction in Christianity. The advantage of instruction to Christian pupils is neutralised by the fact that there is another section of the class which does not believe the instruction given in the class. I do not also see why grant-in-aid should not be paid to these Christian institutions provided they undertake to give religious instruction according to the wishes of parents or guardians of the students. I am by no means against religious instruction being given by these institutions, but what I want is religious instruction which the boy wants or if the boy is not of sufficient age, which the parent or guardian of the boy wants. This is one of the fundamental rights; this is one of the most elementary rights of citizenship and I cannot agree to any view that is opposed to the view which is at the bottom of this resolution. I would therefore, implore the House to accept this resolution in the spirit in which it is offered, not to treat it as a party matter, not to treat it as a matter which involves any kind of criticism of one religion or another religion, and not as a subtle attempt made for purpose of disendowing these Christian institutions but only of placing them on a proper basis and of placing education on a proper basis, for unless our conscience is trained, no amount of secular education will give us that solid benefit which we all desire."

1-30 p.m.

Mr. N. A. V. SOMASUNDARAM PILLAI:—"Mr. President, I beg to oppose this resolution, not on the ground of party spirit of Brahman or non-Brahman, nor on the ground that Christianity is the only true religion in the world, nor on the ground of any bias towards mission institutions but on the solid ground of equal treatment and consideration of the needs of the country. There is no doubt whatever that education should be increased and the number of institutions in this Presidency is not at all sufficient for the education of all the students of school going age in this province. Government cannot possibly establish all the schools wanted and private bodies maintaining schools should be encouraged. It is also a fact which will be admitted by all that the people of this Presidency are not of one religion or one religious denomination. The people of this Presidency consist of Hindus, Muhammadans, Christians, Jains, Buddhists and other people following other religions. Whether most of them are Hindus or not, that is not a point to be considered. It is also a fundamental principle that in schools there ought to be religious instruction. I do not approve of any school or any teaching where no religion is taught, and the current opinion also runs that way, and I think it is necessary that in each and every school religious instruction should be imparted. Then the question is whether Government aid should be given or should not be given simply because they compel the boys to attend religious instruction classes. I think it necessary that every school must be left to make its own rules and regulations with regard to attendance, and the classes which the boys should attend, and simply because any school does its duty of imparting religious instruction to the boys attending that school, that ought not to be a ground for refusing Government aid in a Presidency like this. Some of my friends seem to think that boys would be unnecessarily troubled and that though they may not become Christians in religion, they become Christians at heart. But the remedy is in our own hands. There is no compulsion at all on any parent to send his boy or girl to any particular school. If he objects to sending his boy to any such school wherein any such religion is taught, it is quite open to him to send him to other institutions in other parts of the town or the neighbouring village though not to any great distance. When, therefore, the remedy is in our own hands, we should not say

that Government aid should be withdrawn from an institution simply because of religious classes and attendance at them. If the managing members of a school or supporters contribute money for the running of institutions, they can do as they like. If Hindus or Muhammadans, Jains, Christians or Buddhists spend money for the upkeep of institutions, they would like that their own religion or the religion which they think their boys should be taught should be introduced. But why should we stand in their way, and especially why should the Government withdraw the grant simply because the institution does its duty? If the parents do not send their boys to the institutions, the persons in charge of those institutions, whether they be Muhammadan or Christian or mission schools, the authorities of the school would think twice before they compel the students to attend religious classes. If the strength of that particular school falls down because of their rule of compulsion to attend religious classes, then they may think twice and change the rule and they may leave it to the option of the students to attend or not, or they may not enforce the rule with so much strictness. Even in Tinnevelly there are a number of mission schools and hitherto the rule was not so very obligatory on the students to attend the Bible classess. Of course students are expected to attend the Bible classes and pass an examination in Bible lessons. But recently I understand a rule was passed that if a boy fails to attend Bible classes a fine would be imposed on him. At first when the Principal wanted to enforce the rule, boys did not attend, and each was fined 4 annas or so. The next day also there was a similar absence, and 3 annas each were added, and the boys struck work. They refused to attend, and then the Principal thought over the matter. The parents also thought over the matter. The boys also seem to have grown wiser, they attended the classes and then the matter was quietly compromised. Though the Principal says that the rule is enforced, it does not seem to be so much enforced. Boys are allowed to attend the Bible classes; they generally go there and read other lessons. So, if the strength of the school falls down, the managers or the persons in charge of the institutions will try to relax the rule. But to say that the Government aid should be withdrawn from a particular institution because it teaches a particular religion is I think a rule which we ought not agree to being enforced, especially in a country like this where the taxpayers belong to many religions and when we think religious instruction is necessary. I think we ought to make a provision for the teaching of religion in the classes and also for the payment of grants-in-aid for such instruction.

"One of my brother honourable members here referred to the provisions of the Elementary Education Act wherein the conscience clause is introduced. But that is only in the case of compulsory education when we say a boy ought to be educated on pain of being fined, when we do not provide any other institution and point out only one school where religion is taught. Even there, the Elementary Education Act makes provision that when there are only schools where religious instruction is given which is objected to by parents, Government should make provision for the opening of other schools. But in regard to other institutions there is no compulsion on any body to send a boy to any particular school.

"I think that the mission schools have done immense good for advancement of the country and the people. We owe a deep debt of obligation to the missionaries. Their object may be to inculcate Christian principles in the minds of all persons, they may think that Christianity is the best of all religions and that its doctrines should be understood by all others. Whatever be their idea, persons who subscribe large amounts of money towards the maintenance of these educational

institutions, in this country. We are not concerned with their inward object, whatever it may be, but the immense benefit conferred on us by them, I think, we ought not to forget. Even if there is something not beneficial, we ought to take note of the good they have done to us by spending large sums. We ought to be grateful to them for it and even that debt of gratitude we cannot discharge if we do not oppose this resolution. No doubt the Christian missionaries are entitled to teach the religion which they think best. So, I would strongly oppose this resolution on the above grounds."

Mr. W. VIJAYARAGHAVA MUDALIYAR:—"Mr. President, I beg leave to oppose this resolution and I do so, not on the ground that I believe that the Christian religion is superior to any other religion, nor on the ground that the passing of this resolution would end in disaster and the closure of all missionary schools, nor on the ground that by accepting this resolution we shall be guilty of ingratitude to the missionaries that have done so much for the cause of education in this country. I am free to admit, Sir, that I have also been a student of the Madras Christian College and I am proud of the fact that I had the privilege of sitting at the feet of that great educationist and benefactor of Southern India, the Rev. Dr. William Miller. I am prepared to plead guilty to the charge of bias in favour of my *alma mater* made by my honourable friend, Mr. S. Srinivasa Ayyangar. But, at the same time, I do not think that my love and gratitude to my *alma mater* can alone justify my advocating any special or preferential treatment in favour of missionary institutions. The question has to be considered on grounds of justice, fairness and equity as between the missionaries on the one hand and the general taxpayer whose money we are dealing with, when we sanction grants to these institutions, on the other. We have to treat all these institutions alike and when we object to subsidising missionary institutions on the ground that they compel their students to attend their religious classes, we have also to consider what we have got to say with regard to institutions in this country which, while receiving grants from public funds to which the general public contribute, still shut their doors against particular classes and communities of this land. I think, it was the seconder of this resolution, my honourable friend from Cuddalore, that said that every taxpayer that contributes to the public revenues has a right to demand admission into every institution that is aided from those funds and, when there, to demand freedom of conscience."

"It seems to me, Sir, that the first portion of his dictum is the most important one, the real crucial test of the applicability of this conscience clause in this country. If this principle, namely, that every taxpayer who contributes towards public revenues has a right of admission into every institution that receives aid from the public funds, is accepted and acted upon, then there will be justification for the demand for freedom of conscience. My honourable friend, Mr. Krishna Rao, said that the real issue was whether a man could be compelled to attend religious instruction against his will. If that were the case, Sir, I would answer him in the negative. I should certainly say that no man ought to be compelled to receive religious instruction against his will. But I think, Sir, the issue involved in this resolution is not whether a man should be compelled to attend a school against his will but whether a particular class of institution alone may be compelled to conform to certain rules from which similar institutions which receive similar aid from Government are exempt. Well, Sir, examining our position we find that in this country there are a number of institutions intended solely and exclusively for particular classes and committees which all receive grants from public revenues. There are

1-45 p.m.

a number of Sanskrit schools where the Vedas are taught and they are open only to Brahmans. There are a number of Muhammadan schools where the Koran is taught and there non-Moslems cannot enter. There are again other institutions for Hindus where not only Muhammadans and Christians are not allowed but also even Hindus of the so-called lower classes are not admitted. All these institutions receive aid from general funds. The basic principle is, as I would put it, and as was enunciated by my honourable friend from Cuddalore, to give the right to every taxpayer to demand admission into every institution which receives aid and if that principle is lost sight of and is not acted upon and if we go counter to that basic principle, I think, Sir, it is not fair to exact adherence to its corollary, namely, that one going there cannot be compelled to attend a religious class. My esteemed friend Diwan Bahadur R. Venkataratnam Nayudu clearly explained how it is that the conscience clause is unsuited to the conditions in this country. I do not quarrel with the system under which these sectarian institutions like the Vedic schools and Muhammadan institutions and high caste institutions for caste-Hindus receive grants. I say this is necessary and we justify it on the principles of expediency, on principles of religious neutrality, on grounds based on the peculiar conditions of this country. What is it that is now proposed to do? You take a boy to the Sanskrit college and ask for admission; the manager says that not being a Brahman he is not allowed. You respect his sentiment and quietly go out of the school and speak nothing of the grant. Then you go to the Muhammadan school; the fiery Moor flies at you for taking an infidel, you salaam to him, make a hasty exit and never say anything about penalising it. You go to a non-Panchama college; there, the trustees say 'he is an Adi-Dravida and is not wanted in the school' There also you quietly come out. Then you go to a Christian institution. He says, 'mine is a Christian institution no doubt, but I have no objection to anybody coming in. I have come from a distant place and have pitched my tent. My tent is broad enough and it is open to everybody. I make no distinction between man and man. Let the boy come in and receive instruction subject, of course, to the discipline of my institution.' Thus the boy is admitted in the school. Then, you tell the missionary manager that there is yet just one other small matter, namely that the boy's father has a conscience and that the conscience objects to the boy's attending the Bible class. You suggest to the missionary that he must send the boy out of the Bible class to loaf about or set apart a room in his school out of earshot of the Bible class, where he can retire and while away the Bible hour sucking his thumb or perhaps smoking a cigarette. At this proposal, the missionary looks aghast, for he discovers that he has himself also a conscience. He is also encumbered with this meddlesome monitor which tells him that he will be failing in his duty by the boy, if he undertakes his tutelage on your terms. He feels that if he undertakes the responsibility of the boy's instruction he must impart to him an all round education, including the moulding of his character. His Bible class is the laboratory wherein is manufactured that healthy atmosphere, on which my honourable and esteemed friend, Diwan Bahadur Govindaraghava Ayyar, expatiated so eloquently yesterday. And when the missionary express his difficulty to you, Sir, you turn round on him and threaten to cut his grant. Sir, is this fair? Is this just? Sir, I oppose this resolution."

Mr. R. K. SHANMUKHAM CHETTIYAR:—"Sir, I move that the question be now put."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, I wish to say a few words."

At this stage the Council rose for lunch at 1-55 p.m.

The Council re-assembled after lunch at 2-35 p.m.

Mr. A. T. PALMER :—" Mr. President, I think Professor Meston has very exactly described what the missionaries are thinking on this resolution, for it must be clearly understood that no Christian believes in forcing his religion on others. It is against the principles of Christianity to compel any one to became a Christian. But the adoption of this resolution will, I fear, result in two things. First, in regard to those Mission schools where the Hindus form the majority, I think the missionaries will rather be inclined to close those schools than make the teaching of the Bible optional ; for, there will be at least difficulty in the matter of discipline with regard to those schools where some are asked to go away from the Bible class while others remain, for mission institutions will not give up the teaching of the Bible at any cost. As regards those institutions where the Christians form the majority, the adoption of this resolution might result in the shutting out of the Hindus altogether and that would be a disaster ; for, as Mr. Tanikachalam Chettiyar said the non-Brahmans form the majority of the Hindu students that read in Christian institutions. It might be also disastrous to the Brahman students, though some of them are inclined to bite the hands that fed them ; for many a Brahman student has received pecuniary help from missionary institutions. I can give examples of scores of such institutions where Brahman students received free education and books free and education free, and therefore I say if this resolution is passed, the missionaries will not care, the Christians will not suffer, but it will be disastrous to education in general. So, I am very sorry, I have to oppose the resolution of my honourable friend though I am at one with him in regard to the underlying principle."

2-35 p.m.

Mr. T. ARUMAINATHA PILLAI :—" Sir, I did not want to intervene in this debate except for the fact that reference was made more than once to the Catholic institutions and to the manner in which they conducted religious instruction. I think, as a Catholic, it behoves me just to mention the attitude of the Catholic institutions towards religious instruction. Mr. Venkataramana Ayyangar was partly right in saying that Catholic institutions do not force religious instruction upon non-Catholic students and that they confine their religious instruction to the Catholic students. It is true that we do not force our religious instruction upon non-Catholic students, and at the same time Mr. Venkataramana Ayyangar is not right in saying that it is only on Sundays that we keep our religous instruction open and that on other days we confine ourselves to secular instruction. I may as well tell my friend Mr. Venkataramana Ayyangar that every day religious instruction is given to Catholic students in every Catholic institution. And generally, Sir, having reference to the attitude of the Catholic institutions in the matter of religious instruction, we are sorry we are not in position to oppose it formally and at the same time we are not able to give our support to the resolution which has been brought forward by my friend as it would affect the sister missionary institutions which have been doing such a lot of good to the country in this part of the presidency."

Mr. R. LITTLEHAILES :—"Mr. President, I take part in this debate at the present moment mainly with the object of emphasising one portion of the resolution which has not been so much emphasised as I, as an educationist, would like, and that is its educational aspect. But incidentally, Sir, I might refer, first of all, to the wording of this resolution, which requires that no grants be paid to any institution which compels any student to attend any religious class without the consent of his

parents or guardian. The resolution, as it is worded, places the onus upon the school management, that is to say, as worded, the school management must receive the consent of the parents or guardian before it is enabled to draw a grant for the education which it offers to the pupils. In placing the onus, Sir, on the school management, there are two objections. In the first place, it is opposed to what is a practice in practically all other places. It is also opposed to the practice under the Educational Code in England. The onus should be placed upon the parents, and not upon the school,—that is the general administrative practice,—so that the parents should have the option of sending in a request to withdraw their children and the children should then be able to withdraw from the particular religious instruction which is imparted. That, Sir, is one of the essentials of any religious clause, or any conscience clause, which might be considered. The other objection is that the only education which may be offered is an education which is provided by one of a school of thought and which we may compare with the opposing school of thought. We have at two extremes, two educational ideals, one a school of thought which emphasises the secular instruction and which considers that secular instruction is the main instruction which shall be given to a pupil and that this form of education is in itself self-sufficing, that it can produce the man, the citizen, the youth of character and the man of character which it is the object of all education to produce. At the other extreme, we have the institution in which the management insists upon all education being based upon moral, ethical and religious instruction. Secular instruction is given and it is an essential and important part of course ; but this class of management maintains that no secular instruction can be imparted with the proper emphasis being laid for the formation of character without being attached to moral, ethical and religious teaching. At this extreme, I say, we have the emphasis laid on religious instruction—one form of educational ideal,—and at the other end we have emphasis laid upon secular instruction. For grants we have considered in this country whether secular education, as far as the school is concerned, was one main factor of education. Experience has shown—and it is not experience alone in this Presidency—experience has shown, that secular education alone is not sufficient and that we must add to it a certain moral and ethical teaching if education is to turn out the complete man. That has been indicated and carried into effect by the comparatively recent introduction of moral but not religious instruction in all schools, according to a syllabus which has been very widely praised by eminent Indians—indeed the President of the Legislative Council in Bombay has just recently drawn up and published a book on the lines of our syllabus. He has indicated therein that Indian opinion has firmly convinced him that moral instruction on these lines is absolutely necessary. When one section of the community or people considers that education is to be based on religious instruction while another section of the people considers that it should be based on secular instruction, the question arises as to whether this Council should express an opinion, a definite and decisive opinion, as to whether it will adopt one form of instruction as the only form, or whether it will take a liberal view of administration and make provision in the educational system for both these ideals. The Government may enter into the controversy from an outside standpoint. They may pass general or specific orders including their own schools, schools under local board management and schools under aided management in these orders or they may on the other hand pass no orders accepting the attitude that all these ideals are necessary. If it accepts that attitude that all these different ideals are necessary, then it seems to be a fair conclusion

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that the Government of the people of this country, composed of members of different races, different religious and different sects cannot ordinarily accept the view that one particular religion should be taught in each institution. It is left then to managers of institutions which are not under the direct control of Government to state what particular form of education they are going to impart and I believe that a large number of managers insist upon the form of education which they provide being based on ethical and religious considerations.

"We have not had it stated that it is not possible for any agreement to be come to in schools which are under mission or any other management. It is quite clear however that just as a compromise was effected in the Elementary Education Act, a compromise might be effected with regard to the form of education in schools other than elementary. We have already a provision in the Elementary Education Act and what is wanted now, Sir, is the introduction of a conscience clause in schools other than elementary. In the Elementary Education Act it was considered whether a conscience clause should not be inserted and the compromise that was effected was that in multiple school areas there was no necessity for the insertion of that clause while in single school areas there was a body which might approach the manager of the school which insists upon religious instruction—for instance a missionary school—and ask him whether exemption from any particular religious instruction should not be granted. If exemption were granted there was no necessity for any further action to be taken. If it were not granted, then it became the duty of the persons concerned generally with the administration of the Act to take further action. The acceptance, however, of this resolution, as it stands, would not of necessity compel any preliminary action to be taken in single school areas. I emphasize single school areas because it has been frequently stated that in areas where there are several schools it is open to the parent of a child to send his child to any school which he likes. Hence there is no necessity in multiple school areas for the insertion of this clause. That is the argument which people put forward and it seems to be reasonable. But if in single school areas we propose to make a statutory provision, such as is now proposed, for the insertion of this form of conscience clause, it will be going too far at the outset. We have not explored all the avenues to find out by what means it is possible to provide for children who may be withdrawn from these institutions. In this connexion I would take the liberty of quoting from an unofficial report in connexion with a conference held recently. The Education Committee of the Conference of Missionary Societies in Great Britain and Ireland had, under consideration on the 8th July last, the question of the attitude to be adopted towards the proposal to introduce a conscience clause in Indian Educational system. I need not go into detail on all the points brought forward but I shall quote to some extent. The conference asks that no specific change should be made in the existing system and that in the event of such a change being necessary it would seriously affect missionary institutions in the prosecution of their highest aims and ample notice extending over some years should be given before changes come into operation. Religious and ethical teaching is the basic principle in all education they impart. Later it is said there are individual missionaries who are prepared to grant students and pupils in missionary colleges and high schools exemption on conscientious grounds from attendance at the regular classes for religious instruction. While they think that legislation is unnecessary they would be prepared to comply with a conscience clause so far as it concerns religious instruction but did not otherwise interfere with Christian character and influence of the institution. Any such interference would make it necessary for the missionary

institutions to renounce the grant-in-aid with the almost inevitable result of a very great restriction of the immensely valuable part which the missionary enterprise is playing in Indian education.

"There are two points involved in that statement. The first is that there are individual missionaries who are perfectly willing to allow children to be withdrawn from the religious instruction which forms an essential part of their school curriculum, and withdrawal from religious instruction will not interfere with the general ethical and moral principles of the teaching which underlie the general instruction given in many of these institutions.

"The other point is that there would be a large withdrawal of the funds at the disposal of educational bodies in this country. I do not for a moment wish to put forward the argument of finance against the argument of conscience. I think that is a contrast which we ought not to emphasize at all. Conscience ought to stand above financial considerations. (Hear, hear). When we apply what I consider will be a right solution of the problem we have before us, we are faced with the difficulty that in single school areas we may presumably come across a manager of a school who compels all children to attend religious instruction, and some parents are not prepared to send their children to the school. What then is to be done? I take it that it is the duty of the State to look after the education of the whole of its subjects as far as it is reasonably possible. In that case it will be the bounden duty of the State either to help in the institution of another school or to grant scholarships to the pupils who are willing to read in the school but whose parents do not allow them on account of religious objections. These, Sir, are the two main points that I wish to raise. The first is that the resolution is scarcely such as could be accepted on account of the onus being placed upon the school managers instead of being placed upon the parents of the children, and the second is that we have never yet made any attempt to see whether the managers of the schools will not permit pupils to be withdrawn from religious instruction in single school areas. If they refuse, then there might be a case for the adoption of a conscience clause. At the present time, Sir, I do not see the necessity for a conscience clause in areas which are provided with several schools. Some of the schools emphasize secular education alone and others insist upon the whole of their educational ideas being based upon religious, ethical and moral teaching. We accept all."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I am very glad, Sir, that the proposition that I placed before the Council has evoked such a large and enthusiastic discussion. I must say that when I brought forward this proposition I did not expect that the majority will be in its favour and, in fact, at the end of my preliminary speech, I said that it was a large movement to change a policy that had been in existence for nearly three quarters of a century. Therefore, I say that I do not expect any reform on a large scale at present. I simply wanted to provoke a discussion in this Council which is composed of representatives of various communities and which has got at the head of Education a Minister who has very well studied the question. I had a talk with him and I had said that after the discussion I would withdraw the proposition.

"There are some points which I may just place before the Council. First of all I say that I never thought that the question of Brahman *versus* non-Brahman would be introduced into the subject. I am sorry that some members of this Council are so much possessed of this feeling that they see a ghost in every shadow. So far as I am concerned I thought, in the very strong words of Mr. Palmer, that if at

all the resolution affected any community it affected the Brahman community most. Because the percentage of poor children is greater among Brahmans than among non-Brahmans. We find also that a large majority of Brahman boys have been educated, on account of poverty or other reasons, in mission schools. I do not want to take the question of Brahmans or non-Brahmans. I simply wanted to bring the proposition to a discussion on a matter of principle.

"Our revered leader Mr. R. Venkataratnam Nayudu said a few words about Christianity. I may, Sir, I am one of those who believe in the historicity of Lord Jesus, that Lord Jesus is one of the greatest religious saviours of the world. If the pupils who attend these general instructions in Christian schools become converts, I will not be sorry for that because they would become true Christians. Such class of people is very small. I will have no objection to those who, like Mr. Somasundaram Pillai, are Hindus in name but Christians in heart. But unfortunately a very large class of pupils who attend these schools become antagonistic to every religion. Speeches that have been made from various places of this Council I thought were favourable to my arguments though in their result they said that they were opposing the proposition. One other point I wish to say. If the decision of this resolution is given effect to, or if the principle is given effect to, it will not affect the Christian schools only but will affect the other schools also. I said in the first speech that the conscience clause is in force in Travancore. I am authoritatively informed that it was introduced in Cochin also. The then Diwan proved that it will not only affect the Christian schools but will affect the Hindu schools also. In that State there were a number of schools that were run by Hindu Devasams where, before this conscience clause was introduced, the boys of all communities might have been asked to go and prostrate before a Hindu idol. Therefore the conscience clause was welcomed by the Christians of that State. I echo with our numerous friends here, especially with Mr. Somasundaram Pillai of Tinnevelly, that every school ought to teach religion. Every school should have provision for religious instruction in the various religions of the country. All that I say is that no one should compel the followers of any other religion to attend compulsorily any particular religious teaching. That is one thing that I have been saying all along. Most of the speakers have probably misunderstood me and said that I was against Christian schools, that I was against religious instruction or anything of that sort. I believe, and I hope that a day will come as the Honourable Member Mr. V. Vijayaraghava Mudaliyar said, when in India there will be schools run by all communities, where persons belonging to all communities and all religions will be allowed to take instruction but not compelled to attend particular religious classes. I thought the argument of my friend Mr. Usman Sahib was very much in my favour. If there are a number of Muhammadan schools in which the *Sunni* religion is taught, that is very good reason why the other Muhammadans should not be compelled. He said if the conscience clause was introduced the other Muhammadan followers will be withdrawn. It shows that some people who attend the Vaniyambadi school now are attending that school only by way of compulsion and not by way of conviction. Therefore, Sir, I thought that most of the arguments used in the debate were more in favour of my proposition than against it. I am very much obliged to the Rev. Meston whose speech was one of the most philosophical and enlightened speeches that were made to-day, as well as to the Hon'ble the Director of Public Instruction. I believe it was wrongly said by some friend that sections 53 or 54 of the Elementary Education Act applied only to compulsory education. That view is not correct and it applies to all single school localities. That has been very well stated by the Director of Public Instruction. Therefore as I said at the

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beginning of my speech all that I wanted was not that the whole proposition should be accepted or given effect to at once but that a beginning should be made. It may be impossible to give effect at once to the whole resolution. The beginning will be very well made if the principles of Elementary Education Act are extended to high schools also. There was a good deal of speeches that referred to the elementary schools. Elementary schools have not anything at all to do with this question. In my view, the proposal was only to provoke discussion and it was very satisfactory. Especially what was said by the Rev. Meston and the Director of Public Instruction was very satisfactory. If there is no objection on the part of the Council I won't press the resolution."

Mr. S. SRINIVASA AYYANGAR:—"I object to it."

The Hon'ble the PRESIDENT:—"I will invite the attention of the House to the Standing Order on the subject:

61. (1) A member who has moved a resolution or an amendment to a resolution shall not withdraw the same except by leave of the Council.

'(2) No discussion shall be permitted on a motion for leave to withdraw except with the permission of the President.

"I shall now take the sense of the Council whether leave to withdraw should be given or not."

The question was put and the Council refused to grant the leave.

The main proposition was then put and declared lost, 13 voting *for* the motion, 65 *against* and 10 remaining *neutral*.

The following was the result of the poll:—

Ayes.

1. Mr. P. T. Rajan.
2. ,, A. Tangavelu Nayagar.
3. Diwan Bahadur M. Ramachandra Rao Pantulu.
4. Mr. S. Srinivasa Ayyangar.
5. Diwan Bahadur L. A. Govindaraghava Ayyar.
6. Rao Bahadur A. S. Krishna Rao.
7. Mr. P. Siva Rao.
8. Rai Bahadur T. M. Narasimhacharlu.
9. Mr. K. V. Ramachari.
10. ,, A. Ranganatha Mudaliyar.
11. ,, D. Seshagiri Rao Pantulu.
12. ,, M. Suryanarayana.
13. ,, C. V. Venkataramana Ayyangar.

Noes

1. The Hon'ble Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, ,, P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. ,, Rao Bahadur A. P. Patro.
8. Mr. R. Littlehailes.
9. ,, E. Periyanayakam.
10. ,, P. Subbarayan.
11. ,, A. Ramaswami Mudaliyar.
12. ,, C. W. E. Cotton.
13. ,, K. Adinarayana Reddi.
14. Dr. Appalanarasayya Nayudu.
15. Rao Bahadur V. Appaswami Vandayar.
16. ,, T. Balaji Rao Nayudu
17. Mr. B. P. Devarajulu Nayudu.
18. Rao Sahib S. Ellappa Chettiyar.
19. ,, P. C. Ethirajulu Nayudu.
20. Mr. K. Gopalakrishnayya.
21. ,, K. P. Gopala Menon.
22. ,, K. A. Kandaswami Kandar.
23. ,, J. Kuppuswami.
24. Sir P. Tyagaraya Chettiyar.
25. Diwan Bahadur R. Venkataratnam Nayudu.
26. Mr. O. Panikachala Chettiyar.
27. ,, B Muniswami Nayudu.
28. ,, P. C. Muttu Chettiyar.
29. ,, A. T Muttukumaraswami Chettiyar.
30. ,, M. Narayanaswami Reddi.
31. ,, C. Natesa Mudaliyar.
32. ,, V. P. Pakkiriswami Pillai.
33. ,, S. T. Shanmukham Pillai.
34. ,, W. P. A. Soundara Pandia Nadar.
35. ,, R. K. Shanmukham Chettiyar.
36. ,, N. A. V. Somasundaram Pillai.
37. ,, S Somasundaram Pillai.
38. ,, A. Subbarayudu.
39. Diwan Bahadur K. Suryanarayanamurti Nayudu.

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Noes—cont.

40. Mr. T. C. Tangavelu Pillai.
41. Rao Bahadur K. Venkataranga Reddi.
42. Mr. P. Venkatasubba Rao.
43. ,, W. Vijayaraghava Mudaliyar.
44. Diwan Bahadur T. Desika Achariyar.
45. Mr. S. Muttumanicka Achari.
46. ,, T. Sivasankaram Pillai.
47. ,, M. D. Devadas.
48. ,, A. T. Palmer.
49. ,, G. Vandanam.
50. The Raja of Ramnad.
51. Rev. W. Meston.
52. Mr. Abbas Ali Khan.
53. Khan Sahib Saiyid Diwan Abdul Razzaq Sahib Bahadur.
54. Khan Sahib Muhammad Abdur Rahim Khan Sahib.
55. Munshi Muhammad Abdur Rahman Sahib.
56. Mr. A. D. M. Bavotti Sahib.
57. ,, K. K. Koya Sahib.
58. Khan Bahadur Muhammad Sadulla Badsha Sahib Bahadur.
59. Khan Bahadur Muhammad Usman Sahib.
60. Mr. M. C. Raja.
61. ,, L. C. Guruswami.
62. ,, M. C. Madurai Pillai.
63. ,, A. M. MacDougall.
64. ,, R. T. Kesavulu Pillai.
65. Rao Sahib P. Venkatarangayya.

Neutral.

1. Mr. C. Ponnuswami Nayudu.
2. ,, T. Somasundara Mudaliyar.
3. ,, K. Sadasiva Bhat.
4. Sriman Susi Bhushana Rath.
5. Mr. M. R. Seturatnam Ayyar.
6. Mr. T. C. Srinivasa Ayyangar.
7. ,, S. Arpudaswami Udaiyar.
8. ,, T. Arumainatham Pillai.
9. Rao Sahib E. C. M. Mascarenhas.
10. Sri Meka V. Appa Rao Bahadur.

Modification in the scale of pay of clerks on Rs. 35 to 60.

3-15 p.m. Mr. M. R. SETURATNAM AYYAR :—"Sir, I have the honour to move the following resolution :—

'152. *That this Council recommends to the Government that the increments in the scale of Rs.* 35—1½—50—1—60 *for clerks be modified as Rs.* 35—1½—50—2—60.'

"The recommendation suggested in this resolution does not materially affect, either, the scale laid down in Government proposals, or, budget allotments immediately. Since there are selection grades after the scale, it is enough if the time limit of this scale is 15 years. It may be said that the clerks who do not get admitted in the selection grade, cannot be getting even the slight increments for a period of 20 years, but only for 15 years and stop there. The answer will be that such clerks should thank their stars and remain satisfied that they are allowed to continue at least in their existing grade. In all services, the increments in the latter part of the time scales are greater and quicker than in the former part. In the case of clerks it is just the reverse. Apart from the merits of the scale, and the question of final settlements, the slight modification of 50—1—60 into 50—2—60 is very modest indeed, and sound in principle, and I earnestly appeal to this assembly to solidly vote for this resolution on behalf of the poor, overworked clerks."

Mr. T. SOMASUNDARA MUDALIYAR :—"I beg to second it."

The Hon'ble Sir CHARLES TODHUNTER :—"Sir, the goddess of chance, operating through the medium of the Hon'ble the President's ballot box, has been as unkind to the rest of the House as she has been kindly to the honourable mover in giving high priority to this resolution. For, I can hardly believe that there is in the enormous growing residue of resolutions that have yet to be discussed a single one of so little general public importance as the present proposition which amounts to this that, in the case of the routine clerk who remains for the whole of his service a routine clerk, when he comes to the latter end of his service, the increments in his salary should be in stages not of one rupee, but of two rupees.

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"I should like to take a further semi-technical objection to this resolution. It is in effect a demand for a grant, and here I would add that the honourable mover is not correct when he says that it would not affect the budget in any way materially. What he really seeks to do is in effect to move a demand for a grant of a recurring nature of 1·63 lakhs. Now it is one of the first principles of the reformed Government that demands for grants can only be moved by Members of the Executive Government, and when a member comes forward and suggests that the pay of this, that or the other officer be increased from one figure to another, he is in effect moving a demand for a grant and therefore infringing the spirit, if not the letter, of the rules. Supposing that this resolution is carried, the Government must either ignore it (which is a course they desire never to take with a Resolution of this House) or they must bring forward a demand for a supplementary allotment of 1·63 lakhs to be taken from some other source to meet the honourable member's motion, and I do venture to put it to the House that, the budget having once been passed, it is the function of the Government to spend the money so voted to them in the best possible way and that it is not possible for them to do this if they are called upon to meet sundry demands for grants moved by private members.

"I will go further and say that I venture to think that the whole business of settling these details of salaries is really a matter for the executive, and that it is not possible for the details of administration to be handled by a Cabinet of 127 members. For this is what the discussion of these details in this House must amount to. There is an old proverb that refers to the unwisdom of keeping a dog and yet barking yourself. I would point out to the Council that they have not one dog but a whole pack in the present Cabinet and that in these circumstances it is not necessary for them to do quite so much of the barking themselves.

"When I say this, I do not for a moment mean to say that advice should not be taken by the executive before they take action in such matters, and I think it is only necessary to glance at the history of this case to see that advice has been taken enough and to spare. On the 24th October 1919, we appointed the Salaries Committee, composed mainly of members of the then existing Council, who made recommendations regarding the initial pay of clerks, part of which recommendations was to the effect that the increments in the latter part of their service should be by one rupee reaching to Rs. 60 at the end of 30 years. The recommendations of that Committee were discussed in committee by the whole Council. The result of those discussions was dealt with by the Reforms Commissioner, who devised a more liberal scale, and his scheme of appointments was placed before the whole Council and was referred to another committee of this Council. The scale which is now objected to is the scale which was laid down by the last Committee. Thus, it will be clear that the matter has been repeatedly before the Council, and members of Council have had ample opportunities of suggesting any amendment they thought fit, and I do ask the Council to say that there shall be some finality in matters of this sort. We had taken advice enough and to spare before bringing the new scales into force and, now within a few months of their introduction, we are asked to revise them again because a single member thinks that he could have done something a little better. I venture to think that even if there was room for difference of opinion, it would be an act of doubtful wisdom to go and alter them again.

"Finally, I shall endeavour to show that there is no room for difference of opinion. What the honourable member wants is to increase the pay of the officers in question by reducing the period in which they can earn their full increments from 21 to 16 years. Now, it may be quite possible that after 16 years' service

their actual value as clerks may cease to increase and that if they were paid as piece-workers their earnings would begin to decline as soon as their market value began to decline. But it is a peculiarity of this country that a Government servant expects to go on getting more and more pay right up to the end of his service although in many cases we know that towards the latter end at any rate the value of his work is becoming less and less. Now, what would be the effect of the change which the Honourable Member proposes. Supposing a man to enter Government service at 20 and to continue in it till his 55th year, he would put in a total service of 35 years. The people with whom we are concerned are people of such mediocre quality that they will not get out of the routine grade in the whole of their time and the honourable member would deny to them any chance of improvement in their salary after their 16th year of service, that is, for the last 19 years they were at work. I think, it can hardly be doubted that the result of such action would be, first of all, a decline in the value of the work done and secondly an agitation on the part of these discontented men for further increments above the maximum of Rs. 60 which it is now proposed to go up to. Possibly that again would be followed by a further resolution by the honourable member or by some other honourable member for a further series of increments in their salaries.

"To sum up, the proposal is expensive. It is contrary to decisions arrived at after a whole series of discussions with the best advisers available and it is very doubtful whether in the long run it would really give satisfaction to the people it is intended to benefit. I therefore ask the Council to reject the resolution."

Mr. M. R. SETHURATNAM AYYAR:—"I wish the principle to be accepted; that is all, even if it is not allowed now. Else the fate of the clerks will be doomed for ever. It is only a modest resolution. Even if there is no money now, you can give it afterwards."

The resolution was put to the vote and lost.

Penalty for non-payment of income-tax on due date.

Mr. B. MUNISWAMI NAYUDU moved:—

'153. *That this Council recommends to the Government that the rules regarding the levy and collection of income-tax be modified by omitting the penal clauses making the assessee liable to pay penalty if payment of the tax is not made on due date, and by making the assessee liable only to pay interest on the tax at 6 per cent per annum from the date of default, and that the Government of India may be requested if necessary on the subject to make suitable modification.*'

In doing so, he said:—"My resolution consists of three parts. First I ask that as in the case of land revenue or other taxes when a default is made in the actual payment of the dues the ordinary provision of charging interest on arrears may be resorted to and not the extraordinary provision of asking the assessee to pay extra penalty. In cases where people are assessed to income-tax about 30 days' or 60 days' notice is given for payment of taxes There are also rules to the effect that unless they have paid within the period they would get a demand that they would have to pay within a further period. If on such further date the amount is not paid it will be open to the assessing officer to levy the penalty. That works a very great hardship in many cases. Sometimes by mistake of due date the amount is not paid; at other times the default is due to filing of an appeal. In these circumstances to penalize him by asking him to pay extra amount is rather hard especially when we find that about one-sixth of the revenue that is being collected is from income-tax. Having regard to all these facts there is absolutely no reason why income-tax should not be collected like other revenues

Ex-hypothesi, the assessment is made on persons who are able to pay, and who are making large profits. There will be no difficulty to collect this amount as soon as possible if only proper steps are taken. There is no reason why these assessees alone should be placed in a worse position than an ordinary debtor. I suggest that in such cases of default only interest at the usual rate be charged.

"The third part asks that, if necessary, the Government of India may be moved in the matter. With these words I commend this resolution to the House."

Mr. NARAYANASWAMI REDDI:—"Mr. President, Sir, I have great pleasure in seconding the resolution. Income-tax assessees as a class are respectable and rich people and deserve dignified treatment from the hands of the Government. If the defaulters who fail to pay the tax in time are made to pay penalties, it will tell upon their prestige and depress their status considerably. Notices to pay tax are served on them, sixty days prior to the date on which the instalments fall due; some out of ignorance, some out of oversight may fail to pay the amount on due dates, and it is really a hardship on them to be made to pay penalties for this.

"Many of the income-tax assessees are money lenders and they realize their income in the shape of interest, and I think, there is no harm in Government also collecting interest on the tax from the date of default."

Mr. O. TANIKACHALAM CHETTIYAR:—"Sir, I have great pleasure in supporting this resolution. The section of Income-tax Act which deals with the right to demand penalty in section 36 is worded as follows: 'Where an assessee is in default in making payment of income-tax, the Collector in his discretion may recover from him a sum not exceeding double the amount of the tax, either as if it were an arrear of land revenue or by any process' etc.

"A sowcar would like to have this provision introduced for his benefit, and assessing officers who make recoveries under this section act more in zeal than in a sense of proportion and do not hesitate to recover a very large portion of it. For the first time they levy as much as one-tenth and at the interval of about a month they recover a little more. People are in difficulties very often, and they are being placed in a position as if they are in the hands of somebody who is more extortionate than the sowcar. It is, therefore, very necessary that some relief should be afforded and Government should not ask for more than the usual rate of interest in respect of them. They can recover the tax as in the case of land revenue; they can enforce the revenue laws. But without taking any steps themselves that they should penalize these people to this extent is extremely hard upon them."

The Hon'ble Sir CHARLES TODHUNTER:—"Mr. President, I think there is a good deal of misconception about this resolution and I propose to begin my reply by explaining to the House the three axioms which underlie the rules which we are discussing. In the first place, the income-tax law, unlike other laws, imposes the duty of payment upon the party. It is not our business to go and get the money. It makes it the duty of the assessee to send it. In the second place, this provision for a penalty is nothing new, nor does it, as has been suggested, involve a new injury to respectable gentlemen. It has been part of the law since 1886. In the third place, Madras, which is generally supposed to be rather efficient in the matter of levy of taxes, enjoys the unenviable notoriety of being the worst payer in India in this respect. I would like to give the Council one or two figures on this point. In the current year, out of a demand of 35 lakhs the total collection up to August was little over 6 lakhs. Out of the arrear demand of 42 lakhs the total collections were only 18 lakhs. In the last three years, the total percentage of collections in Madras were 72, 69 and 56, while another province is

able to show 96, 95 and 98 per cent. It is fairly obvious, therefore, that something has got to be done in Madras to make income-tax assessees comply with the provisions of the law.

"As I have said, it has been part of the provisions of the law throughout that collection is to be expedited by means of the imposition of penalties. In 1917, Mr. Narasimha Ayyar brought up in the then Council the question of the different ways under which these penalties were levied in different districts by the Collectors. As a result we undertook to examine the whole question, and after examining the different practices in different districts we made a selection out of the best and drafted certain rules which, though I drafted them myself, I venture to say, are not bad rules. I do not think that the full meaning of those rules has been clearly understood by any one of the three gentlemen who have spoken on the resolution.

"The resolution itself proposes that we should levy interest at 6 per cent, i.e., one-half per cent per month. What do we levy in the first instance under the rules? After sixty days we levy one per cent and that is what the Honourable Member proposes in his resolution. Then on receipt of an intimation of failure to pay the assessing officer issues to the assessee a notice imposing this penalty at one per cent and warning him at the same time, if the whole amount is not paid in twenty days, a second penalty equal to ten times the first will be imposed. That is in the second stage. In other words, if even after the 60 days he has not paid, he is still given three weeks' time before anything really in the nature of a penalty is imposed at all. And it is only when persistent default is made that the assessing officer imposes anything like a heavy penalty. He calls on the assessee even then to show cause why a penalty should not be imposed and thus full opportunity is given to the assessee to state his side of the case. And finally, officers are clearly told that penalties are imposed for the purpose of expediting collections and not as punishments and that once payment has been made it is not necessary to impose any penalty even though payment has been delayed for some time. I ask Honourable Members to consider what the rules are before passing a resolution condemning them. The Collector may also, as my Honourable Colleague (referring to the Hon'ble the Revenue Member) reminds me, annul or reduce any penalty imposed by himself or by any officer subordinate to him. The only thing we want is to ensure that the taxes are paid. Even with these rules, as shown by the figures, we do not get the taxes promptly paid at all.

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"As for moving the Government of India to alter the rules, what I would like to say is that, as honourable members know, an inquiry has been going on into the income-tax administration generally. The taxation has already been imperialised, the staff is being imperialised and the rules are going to be recast and applied to the whole of India. The Government of India will issue rules for the whole of India probably with effect from 1st April next and I hope the honourable members will not find them harder than the rules now in force. It will thus be seen that, if we were to modify the rules, by the time we could give effect to modifications, they would probably have been superseded by the Government of India rules. I therefore do not think there is very much use in taking action on this resolution."

Mr. B. MUNISWAMI NAYUDU:—"Mr. President, as regards the rules about which the Hon'ble the Finance Member spoke, I wish only to say that the one per cent for the first sixty days works no hardship but for the next twenty days the interest assessed by way of penalty works at a higher rate. If persistent default is made, the penalty will work at 100 per cent and more and that is the grievance

of which I complain. The reason, I take it if the collections are not made rapidly, is either that the persons who are assessed are not capable of paying or that there is no sufficient promptness in collecting them. If it has been possible in the case of, say, land revenue, to collect the whole amount within the year, there is absolutely no explanation why income-tax could not be collected in the same way. I submit that these penal provisions so long as they exist would cause much hardship upon the assessees for it would be possible for any assessing officer, if he only takes it into his head, to enforce them with much rigour. Then the Hon'ble the Finance Member said that in a short time the Government of India might frame rules and any rule laid down by us would then be superseded. I am aware that income-tax is a Government of India income and the Government of India may devise rules ultimately for its collection but my object in bringing this resolution is that while they are framing these rules, the opinion of this Council may be expressed that this penal clause may be omitted. Even though it has continued from 1886 there is no reason why it should not now be done away with. And this House may, by passing this resolution, show its opinion that such penalties should no longer be levied but only a reasonable rate of interest be charged upon the amount due."

The Hon'ble Sir CHARLES TODHUNTER:—"The only further remark, Sir, I have to make is that the honourable mover has said a good deal about the injustice of these rules but has given no concrete evidence of any sort where they have worked hardship. I would further remind him that, if he wished to have any modification suggested in the matter, the proper time and place to do it was when the All-India Income-tax Committee was sitting in Madras to consider this and similar questions and not after they have made their report. As I have already informed the House, their report has been made and is likely very shortly to result in our provincial rules being superseded by rules common to the whole of India, so that it would be useless in any case for us to undertake their modification now."

A poll was then taken on the motion which was declared carried, 49 voting *for* and 14 *against*.

Ayes.

1. Mr. K. Adinarayana Reddi.
2. Dr. Appalanarasayya Nayudu.
3. Rao Bahadur T. Balaji Rao Nayudu.
4. Mr. B. P. Devarajulu Nayudu.
5. Rao Sahib S. Ellappa Chettiyar.
6. Rao Sahib P. C. Ethirajulu Nayudu.
7. Mr. J. Kuppuswami.
8. Diwan Bahadur R. Venkataratnam Nayudu.
9. Mr. T. A. Ramalingam Chettiyar.
10. ,, O. Tanikachalam Chettiyar.
11. ,, B. Muniswami Nayudu.
12. ,, P. C. Muttu Chettiyar.
13. ,, A. T. Muttukumaraswami Chettiyar.
14. ,, M. Narayanaswami Reddi.
15. ,, C. Natesa Mudaliyar.
16. ,, V. Pakkiriswami Pillai.
17. Rao Bahadur A. Ramayya Punja.
18. Mr. S. T. Shanmugam Pillai.
19. ,, T. Somasundara Mudaliyar.
20. ,, N. A. V. Somasundaram Pillai.
21. ,, S. Somasundaram Pillai.
22. ,, A. Subbarayudu.
23. Diwan Bahadur K. Suryanarayanamurthi Nayudu.
24. Mr. V. C. Vellingiri Goundar.
25. Mr. C. Venkataranga Reddi.
26. ,, P. Venkatasubba Rao.
27. ,, W. Vijayaraghava Mudaliyar.
28. Mr. S. Muttumanicka Achariyar.
29. Rai Bahadur T. M. Narasimhacharlu.
30. Mr. K. V. Ramachari.
31. Rao Sahib U. Rama Rao.
32. Mr. A. Ranganatha Mudaliyar.
33. Diwan Bahadur D. Seshagiri Rao Pantulu.
34. Mr. T. Sivasankaram Pillai.
35. ,, M. Suryanarayana.
36. ,, C. V. Venkataramana Ayyangar.
37. ,, T. Arumainatha Pillai.
38. ,, M. D. Devadoss.
39. ,, A. T. Palmer.
40. ,, G. Vandanam.
41. Saiyid Diwan Abdul Razak Sahib Bahadur.
42. Munshi Muhammad Abdur Rahman Sahib Bahadur.
43. A. D. M. Bavotti Sahib Bahadur.
44. K. K. Koya Sahib Bahadur.
45. Khan Bahadur Muhammad Sadulla Badsha Sahib Bahadur.
46. ,, ,, Usman Sahib Bahadur.
47. Mr. L. C. Guruswami.
48. ,, R. T. Kesavulu Pillai.
49. Rao Sahib P. Venkatarangayya.

Noes.

1. The Hon'ble Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Muhammad Habib-ullah Sahib Bahadur.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. The Hon'ble Rao Bahadur A. P. Patro.
8. Mr. F. J. Richards.
9. ,, R. Littlehailes.
10. ,, E. Periyanayagam.
11. ,, C. W. E. Cotton.
12. Diwan Bahadur M. Ramachandra Rao Pantulu.
13. Mr. P. Siva Rao.
14. ,, A. M. MacDougall.

Opening of a glass factory.

Mr. A. T. Palmer:—"Mr. President,—I move—

'154. *That this Council recommends to the Government that estimates for the opening of a glass factory at some suitable place in the Madras Presidency be at once prepared and a provision be made for the work next year.*'

"Sir, of the many public utterances of the Hon'ble the Minister for Development one that attracted me most was what he said somewhere, I believe in Trichinopoly, that the Government aims at raising the standard of living. It is on the peg of that statement I hang my resolution with the earnest hope that it will not meet with the fate conveyed by the other meaning of the word. Sir, it is generally said that the quantity of soap consumed by a country denotes the civilization of a country. It seems to me equally true that the quantity of glass consumed by a country denotes the civilization of the land. For, it seems to me that the very handling of glass is an incentive to civilization. Sir, I do not want to enter into a thesis on the uses of glass, but permit me to say in a few words how essential and how important glass is for ordinary purposes of living. In the first place, Sir, glass is

3-45 p.m.

hygienic. Glass vessels can be cleaned much better than other vessels including brass. In the second place, Sir, I need not tell the House about glass bottles. The remedies for our various ills, the nourishment for our infants, the cool drinks to assuage our thirst and the stays and supports, for our declining years are all brought to us in bottles.

"Sir, I have seen often poor people going away from hospitals empty handed because they have no bottle to receive the medicines. I have also seen poor womenfolk receiving their mixtures in coconut shells. I need not tell the House about the value of chimneys. Chimneys brighten our homes and what is more important chimneys prevent accidents. It was only the other day that a certain young girl was burnt to death by the mischief of a naked lamp. I need not tell the House that several accidents occur year after year because of the naked lamp.

"Again, glass panes are very useful in brightening our homes; they produce greater light and ventilation. Any book on chemistry will tell us that glass can be easily manufactured. The one chief ingredient of glass is sand, not the sea sand, nor yet the sand of our river beds but the pure white sand of pre-historic sea beds. The other ingredients of glass are what are called 'pallets,' that is, the broken pieces of old glass and coloured matter which are generally composed of oxides of metals such as iron, copper, etc. The heat required for the melting of this mixture can be easily obtained from the fuel that is so abundant in our land. I earnestly desire that experiments may be tried on the manufacture of glass. It

is a pity, Sir, that there is such a shortage of glass in our country. I have often come across schools with half a dozen test tubes and a spirit lamp as though kept in a museum to make experiments. With such a shortage of glass, I do not think, Sir, that our country can make any improvement.

"With your permission, Sir, I shall also read a few extracts from the report of the sea-borne trade for the year 1920–21 to show the vast amount of money that goes out of this land for buying glass. The report says: 'The value of imports of glass and glassware advanced from 7·97 lakhs to the level of the pre-war average, that is, 20·55 lakhs, bangles 2·52 lakhs, beads 3·4 lakhs, bottles 4·73 lakhs and plates 5·97 lakhs.' The cry of the non-co-operator is that much of the wealth of India is drained away and the non-co-operator sometimes pitches his cry in the right key. Is it not time, Sir, that the Government and the people should be up and doing to do something for stopping this drain? The only best way of doing this is by starting industries. I thank the Government for doing so much for improving the agriculture. But agriculture cannot make a nation rich. Neither England nor Germany, nor America, nor Japan, nor any other country, history tells us, has become rich by agriculture alone. Sir, agriculture keeps a nation in a state of dead level of semi-civilization and semi-starvation. It was only the other day, Sir, that certain Japanese delegates came to Madras and when they were introduced they stated that the people in India are not able to buy the best goods which are produced in their country. It is very true, Sir, it is alarmingly true that the people of this land are so poor that they cannot go in for the good things of the world.

"Perhaps the Hon'ble the Minister for Development will tell me that glass manufacture is a wild goose chase and that it was tried once and given up. I may tell him, Sir, that I know something of that affair. A certain merchant was advised by a friend of his that glass could be manufactured somewhere near Ennore from the sand available there. He made some experiments, spent a lot of money over it and then he removed his concern to a place to the south of our Council Chamber and I believe many of the honourable members took shares in that concern. The manufacture went on merrily for some years and it was a wonder which people came to see from far and near; people came to see the glittering glory of the glowing glass; they came to see the Japanese deftly lifting the molten mass and blowing it into wonderful shapes. The Government of Madras was enamoured of the concern and they were pleased to help the manufacture by the supply of free fuel. But then came the crash; but how it came and why it came is a mystery. Sir, I also heard that an inquest was held over the remains of that factory and the jury was composed of fish experts, aluminium experts and experts in various other things—but I do not believe that glass experts had anything to do with it—and they gave the factory an honourable burial and gave the verdict that the climate of this country was not fit for making glass. But I have with me, Sir, a bottle carefully preserved from the self-same factory, a beautiful soda water bottle equal to any other bottle prepared in any other climate. I earnestly request the Development Minister to try this experiment once again. The experiment is being tried in the north in the Punjab, in Ambala and in so many other places.

"I need not tell the House that industries are the cry of the day and everywhere people are awakening to Swadeshi industries. I may in this connexion state that it is not necessary to revive the industries that once existed in this country. The world has advanced many thousand years now. Let the dead past bury its dead. Let us start new industries, let us launch new enterprises and keep pace with the march of the world.

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"In conclusion, Sir, let me say that my resolution is a very simple one. It does not say that factories should be started at once. It simply says that estimates for the opening of glass factories may be prepared and with a view to starting the factories we may set apart some money for the time being. I want this Council and the Government to realize the necessity for such a factory. With these few words I commend this resolution for the acceptance of this House."

Sir P. TYAGARAYA CHETTIYAR :—"Sir, I rise to second this resolution moved by my honourable friend, Mr. Palmer. I think in Madras there was a glass factory some time ago and I must say that there was a good deal of muddle in the matter and the glass factory had crumbled. As we are all aware, glass is an absolute necessity for people. We must at least make experiments for establishment of glass factories now. I was partly concerned in the late concern for a time. We went then to the length of writing to America to get some machinery, for in those days we thought that American machinery was much cheaper than that of other countries.

"I think Madras is a very good place—especially Ennore—because the sea sand that is found there will do very well for the manufacture of glass. We made soda water bottles then which stood comparison to bottles manufactured in other countries. I therefore think that it is but right that the Government should now begin a step in the right direction by opening glass factories. With these few words, I support the resolution."

Mr. C. W. E. COTTON :—"I regret that on the first occasion when I have the honour of addressing you, Sir, and this House, I should have been obliged to oppose the resolution which has been so eloquently moved by my versatile friend, Mr. Palmer. You will remember, Sir, that at the September session of this Council Mr. Palmer told us about the many virtues which are possessed by the community to which he belongs and which he claims to represent. It seems to me after hearing him to-day that he has made one serious omission. He should have added that they are incorrigible optimists.

4 p.m.

"I do not base my opposition to-day on the ground that the department does not find the proposition attractive or has no funds, but on the broader ground that it is a proposition which any businessman who has a knowledge of local condition —I do not mean any disrespect to Sir P. Tyagaraya Chetti—or local history for the last twelve years would look at for a moment.

"I feel it is necessary to supplement in some particulars the history of the Madras works which Mr. Palmer gave. After experiments in Ennore it was moved to a site on the beach not far from the ice factory early in 1910. I was acting Director of Industries at that time, and like Mr. Palmer, I was enamoured of its potentialities when I saw the molten glass flowing. At my instance the Government, though the glass blower was, I believe, Czecho Slovaks and not Japanese, made a free grant of 7,000 tons of fuel from certain reserves in Cuddapah district. The factory struggled on until 1911 making soda water bottles chiefly, and it shut down. An attempt at reviving it was made in 1913, but the shareholders refused to put any more capital into the concern. After the war broke out the importance of encouraging, if possible, the manufacture of glass in India suggested the intervention of the Department of Industries who took over the buildings and plant. Further experiments were made in 1915-16, but no substantial success was achieved and finally in the latter year further work was abandoned. That is briefly the history of glass manufacture in this Presidency town.

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"It is no doubt a matter for regret that India should have to depend so largely for its supplies of a commodity like glass upon foreign imports. It is also doubtless a matter for regret to the cotton spinners of Lancashire and the jute manufacturers of Dundee that they cannot obtain the raw materials for their industries in the United Kingdom itself. It is largely a question of differences of solar heat which scientific research has not yet been able to modify or increase over any stretch of country. I should like to impress upon this Council that we cannot hope to start every single industry in India and much less every industry in this province. The problem of glass manufacture should not be regarded from a parochial but from an all-India point of view. *Prima facie* there is far more likelihood of glass making being successfully exploited in Northern India, e.g., in Calcutta where not only fuel in the form of coal is obtainable more cheaply than anywhere else but also there is a far larger local market than exists anywhere in this Presidency for the output of the factory. Yet I find that hitherto the record is one of failure there also. When you have a long lead up-country to your markets, imported glass in spite of freight, import duties, etc., may be able to undersell you. For example I doubt if Madras-made soda water bottles could compete in Calcutta foreign made bottles imported at that port.

"Mr. Palmer's ideas as to the composition of glass do not correspond with those usually held. Glass consists of a silica base (invariably sand), an alkali, such as sodium carbonate or sulphate, and a flux such as lead or lime. Those three substances have to be fused at an enormous heat, as much in fact as 1,200 or 1,500 degrees centigrade. The proportion of the various components are jealously guarded as trade secrets and vary of course with different kinds of glass. The recipes given in text-books can only be used as the basis of experiments until a suitable mixture is arrived at.

"In Madras we have excellent sand and we have cheap lime also while as regards alkalis we are in as favourable a position as any other port in India. But the governing factor is the fuel. As regards fuel, as every member of this Council is aware, the Madras Presidency is very badly placed. In this respect, as I observed before, Calcutta has a great advantage. Mr. Palmer says that the Madras factory produced some excellent soda water bottles; but at what cost? With fuel prices as in Madras I do not think that a glass factory can make a paying concern.

"There is another aspect of the question which is important. Madras cannot absorb the complete output of a glass factory making soda water bottles. An economic unit postulates eight automatic blowing machines, capable of turning out 200,000 bottles a month. This is more than we could absorb even if all imports were to cease. If Madras City cannot absorb the complete output, still less would any other less populous centre.

"What principally contributed to the failure of the glass industry was the want of experts. The difficulty of getting experts is very great indeed. I can tell you that last year the India Office tried, on behalf of the Government of India, to secure the services of a suitable glass expert but failed, and I believe I am not betraying any secret when I say that Tatas were endeavouring about the same time to interest one of the biggest glass manufacturing firms in England in the project of opening an Indian branch, but met with no better success.

"Well, I do not think it is necessary to develop my case any further. I emphatically believe that Madras is about the last place in which a glass factory

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can be started and worked successfully. And I will summarise briefly the chief difficulties which stand in the way :—

(i) The temperature in the plains during the hot weather is very high. If situated in Madras, the factory would have to close down for two months in the hot weather.

(ii) The high cost of fuel all over the Presidency. In The Nilgiris wood fuel is comparatively cheap, but wood fuel is relatively expensive as compared with coal and very large quantities are required to create and maintain the heat at which glass constituents flux.

(iii) The alkali required is costly and has to be imported.

(iv) It is difficult to secure expert management.

(v) A large initial expenditure is required for a factory on a paying scale.

" Having said so much I should like with your permission, Sir, since it is a little outside the scope of the resolution, to refer briefly to the question of making bangle glass. In this subsidiary field I think that something may be done though I am not at all sanguine. For making bangle glass such high temperatures are not required for fusing the material as in the case of glass blowing for making soda water bottles and better quality glass generally. Experiments have been going on for some time in Upper India, especially at Ferozabad, a place famous from time immemorial for its indigenous bangle industry. I read that in 1918 the glass produced was full of air bubbles, and the colour ill distributed. So here again the lack of chemical and engineering experts may again prove an obstacle to success. Similar experiments are now being carried on at Shikohabad and I am asking the Director of Industries of the United Provinces to keep me in touch with the developments as they occur. I do not think it is necessary for the Madras Department of Industries to carry on simultaneous experiments, but would prefer to profit by the experiments and mistakes made elsewhere.

" With this reservation as regards bangle glass, I oppose, on behalf of Government, the resolution moved by Mr. Palmer."

Mr. S. ARPUDASWAMI UDAIYAR :—" Mr. President, Sir, I feel constrained to oppose this resolution on a question of principle. I do not take objection to what my friend said with regard to the uses of glass, or the necessity of having cheap chimneys or cheap glassware, nor do I object to many glass factories being started in this Province. But I think, Sir, that the proper function of Government is to rule and not to play a different role, the role of the capitalist or the manufacturer. I know in the past Government made experiments, such as the manufacture of alluminium and when they had shown the way, I believe, the industry was handed over to a private firm. Likewise I believe they are making experiments in soap making at Calicut, and when these experiments prove successful, I believe that industry also will be handed over to indigenous management. I know that the hands of Government are practically tied, first of all by want of funds and even if they have funds, I believe, under the circumstances, when they have to do so much to promote the cause of law and order, to promote education, to watch over and foster the growth of liberal institutions in this country and especially to help in the onward march of this country towards the goal of responsible self-government and again when the present state of things entails arduous labours upon them because of the triumphant democracy of the times and a great deal of activity going on everywhere, this is not the time for the Government to play the role of the merchant, the capitalist or the manufacturer.

4-15 p.m

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" Secondly, this will bring Government into competition with private firms and this kind of competition is not very healthy or very desirable and there is no lack of capital or private enterprise, to take up and develop such forms of industry.

" Thirdly, Sir, I attended a meeting which was addressed by the Hon'ble the Minister for Development and what the Minister told us was that Government was willing to help private bodies with loans if they wanted to start certain firms. That, I think, Sir, is a right policy to be followed by Government. Government may encourage private enterprise by taking shares. Government may encourage and help private bodies with loans and that kind of indirect help Government may and ought to give us. But for Government to start, manage and undertake these industries directly, even in the case of luxuries or articles which are not necessaries except perhaps in the way of showing how to work industries, by experiments and giving the benefit of these to private firms, is not a very desirable state of things or the right kind of policy. So, on a question of principle, Sir, I feel constrained to oppose this resolution."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, my honourable friend, Mr Arpudaswami Udayar, has raised a question of principle and I think I should invite his attention to the principles laid down by the Industrial Commission where the question of the assistance of the State in the promotion of infant industries was fully discussed. That being so, I am surprised that my honourable friend should take up the position that private enterprise which in this case is glass manufacture would be interfered with by the fact that the State takes up the question of the establishment of a glass factory. I think every principle is in favour of the State undertaking the pioneering of infant industries. Therefore, I do not think, Sir, that I can subscribe to that proposition.

" On the main question, Mr. Cotton has made several statements which go rather in favour of State action in the matter of the establishment of a glass factory in Madras. He admitted that the raw material required is very cheap in Madras and it is also very good, at least two of them, sand and lime. As regards fuel he said that expert advice was against the use of ordinary country fuel and that in the main we have to rely on coal. That is so. But if that argument is to be accepted, it means that no factories could at all be run in Madras. There are cotton factories here which are run with coal ; there are jute factories which are also run with coal and I believe the conditions would be exactly the same in the case of a glass factory."

Mr. C. W. E. COTTON :—" May I say a word, Sir, in explanation of what Mr. Ramachandra Rao has just now said. Cotton factories do not require a particular temperature."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" The question of temperature is entirely different, and quite independent of fuel. He referred to the fact that Madras . . ."

Mr. C. W. E. COTTON :—" I meant, Sir, that a certain temperature is required for the manufacture of glass."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I need not go into that matter. Certainly Mr Cotton knows much more of the subject than I do. But the fact remains that raw material is very cheap and, if necessary, the coal that would be required could be imported. After all, Sir, in the establishment of pioneer industries in this country, the State need not necessarily look for immediate results. Mr. Cotton seems to be under the impression that the policy of Government in industrial matters should be that the moment a factory is started, profits

should flow into the coffers of the State. If so, I am afraid we can advance no further than we have advanced in the past. Either the Provincial Government or the Government of India should certainly give their assistance in the matter of advancing and pioneering industries, a policy which has been strongly recommended by the Industrial Commission.

"I have only a word to say with reference to experts. Mr. Cotton's argument seem to suggest that we should rely wholly on experts from Great Britain. So far as the glass industry is concerned, I have heard recently considerable evidence taken from Government technical scholars on the subject. These people who have been sent to Great Britain have been confined only to Great Britain whereas some of the industries, such as glass, are much more developed in Germany, Austria and America, countries which have already established a good deal of trade in glass manufacture with India. Therefore, if Mr. Cotton is looking forward to getting experts from Great Britain in glass industry where it is not highly developed even after the war, I am afraid he is taking up the wrong position. I am decidedly of opinion, Sir, that in the matter of recruiting experts for industries in this country, the Provincial Governments will do well not to confine themselves to Great Britain. Many representations have been made to the Indian Students Committee by Government technical scholars that their usefulness has been very much impaired by this idea that they should all be sent to Great Britain, and not to those countries in which the industries they wished to study are much more highly developed, and I should certainly draw his attention to this aspect of the case. I trust he will not forget it in the recruitment of experts for this Presidency. Therefore, looking at the question from many standpoints, whether the Hon'ble the Minister takes it up in the immediate future, i.e, next year or the year after, I think that there is scope here for the establishment of a glass factory, and I trust that the department concerned will take the necessary action in this matter."

Mr. A. SUBBARAYADU NAYUDU:—"Mr. President, Sir, I beg to oppose this resolution not because I have no sympathy for the development of industries but because of the half-heartedness of the Government in the matter of industrial development. A committee has recently been appointed to investigate into the working of the Madras glass factory and much difference of opinion was expressed on the work done therein. Therefore I may be allowed to say that the half-heartedness of the Government is not very encouraging. There are many ways and means of bringing into existence a glass factory if Government takes special interest in it. Besides, it is too scientific and too technical a business. There are still other industries that may be encouraged in preference to an industry of this sort. At the time of inquiry by the committee above referred to, it was considered that coal then was very dear here when compared with foreign countries. But now, coal is very cheap in this country as compared with foreign countries on account of the high prices obtaining in the European markets.

"Another difficulty in our way, as I believe the Director of Industries has told us, is that Germany and Austria are the two countries where glass is manufactured on a large scale. We may have to bring an expert from Germany if we have to open a glass factory and I do not know whether the Austrians and Germans will have any sympathy with the manufacture of glass in India. I think that at this stage, unless we have our own experts and the Government have the fullest sympathy towards our industries, there is no use of spending the tax-payers' money for experiments of this kind."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I am in agreement with Mr. Palmer in his attempts to have a glass factory opened in this Presidency. I do not think that there is any objection to the Government aiding in the establishment of such a glass factory. But I find it difficult to follow this reasoning. I cannot subscribe to his proposition that either soap or glass is an index of civilization. I would point out that so far as this resolution is concerned, it places us in a somewhat awkward and inconvenient position. It suggests that estimates for the opening of a glass factory at some suitable place in the Madras Presidency be at once prepared and a provision be made for it in the next year. The Council is aware that various questions for the development of agriculture and industries have been brought forward from time to time and the Hon'ble the Minister for Development has told us that with the very limited funds at his disposal he has been trying to do something in that direction though he himself is not satisfied that he is in a position to do what is actually required in the present state of the country. If the acceptance of this resolution would mean that all the schemes of development, either in the Department of Agriculture or in the Department of Industries, are to be put off indefinitely, and that preference is to be given to a glass factory, that is a situation which we ought not to countenance under any circumstances.

"That is the situation which will bring us a far greater danger than anything we can possibly do in the direction of these experiments. I am particularly struck at some remarks made by the honourable mover of the resolution, with reference to the development of agriculture and to the revival of old industries. He has told us that those who depend upon agriculture cannot go a long way off, and that it is now necessary to embark upon new experiments even to the detriment of those schemes of development of agriculture. I think, Sir, it is a retrograde step. We must first develop those avocations to which the people are accustomed. Most of the people are agriculturists and they depend upon agriculture. It is but necessary that in the first instance all possible developments should be carried out in the Department of Agriculture.

4-30 p.m.

"Secondly, I cannot subscribe to the theory that we should allow the dead past to bury the dead and that we should not think of reviving the old industries. If the people of the villages are accustomed to particular industries, it is but right that further impetus should be given to the development of those industries. It is only after satisfying the requirements of those industries that, if the Government have funds, we can think of establishing a glass factory. If the Government are not in a position to find adequate funds even to satisfy the bare requirements of agriculture and other cottage industries, I think it will be rather a waste of public money to embark upon new enterprises before satisfying those urgent needs."

Mr. A. M. MACDOUGALL:—"Mr. President, I rise with a certain amount of diffidence to speak on this resolution. I looked forward to the proposer of the resolution placing before the Council some concrete facts as to the feasibility of building a glass factory successfully, where the raw material for the manufacture can be obtained and the suitable place for the erection of the factory. Instead of this I hear from him a long academic story as to the uses of glass and the danger there is in naked lights without chimneys. He forgets there are as many dangers in exploding chimneys and glass reservoirs of lamps and bursting sodawater bottles. He tells us of his being in possession of a sodawater bottle manufactured in the Madras Glass Factory which he has carefully preserved. May I ask him if that bottle has ever been fully charged with gas?

Mr. A. T. PALMER *(interrupting)*:—"Yes."

Mr. A. M. MacDougall :—" I am pleased to hear him say that.

"Now, the resolution seems to be very simple and innocent. It recommends the Government to prepare an estimate for opening a glass factory. This is a very simple matter. What one has to do is only to write to America or Home to England for an estimate of machinery required for a factory. Besides this, the raw material has to be obtained and coal to generate the necessary heat to manufacture. As the Director of Industries said you cannot make glass from a recipe contained in a text book or Encyclopaedia Britannica. A great deal of expert knowledge is required before a finished article is produced. The old system of glass blowing has almost been entirely abolished and the blowing process is now done by machinery. That machinery can be easily found and men to work it, but have we got the raw material in this country of a suitable kind to make glass or have we got the fuel to give us the necessary heat to manufacture or labour? Further to this, as has been pointed out, the manufacture of glass is a very scientific process. May I ask the honourable mover if he is willing that this Council should give the Minister for Development permission to bring out an expert from Home on a very high salary to experiment with the raw material to be obtained in this Presidency or near this Presidency? Is he going to buy patent rights of manufacturing different shapes of glass articles, and is he going to bring out expert supervisors to supervise the manufacture? On the foregoing grounds and on the general ground, the resolution is not clear enough and also on the ground stated by my friend on the right—the Government's duty to-day is to govern, but not to fritter away the tax-payer's money in useless experiments especially when its hands are already full with experiments in other industries. I oppose the resolution and think that in the present state of the country's finances the mover of this resolution and similar resolutions should be more careful before recommending them to the acceptance of the Government."

Mr. O. Tanikachala Chettiyar :—" Mr. President, I rise not to support the proposition, nor to oppose it in the way my friend Mr. MacDougall has done. But I request my friend Mr. Palmer, in view of the circumstances, to withdraw the resolution and to leave it to the Minister for Development and his department to do what they can in that direction at an early date.

" As for Mr. MacDougall's objection whether the raw material is available, whether the Government can find the necessary expert knowledge and expert advice, I must say that he is apparently not familiar with the history of glass manufacture in Madras. That it can be made has been demonstrated beyond doubt with materials which are available on the sandy shores in Ennore. That has been done by a private humble industrialist who carries on his business without anybody knowing anything about it. That man who is the proprietor of an ice factory which supplies the requirements of this Presidency has done it assisted by Japanese experts. But after the thing has been proved to be a complete success, he established a factory on a larger scale in the place which has now been razed to the ground, that is quite close to the Queen Mary's College, on land belonging to the Sri Parthasarathi Swami temple near the Widows' Home. There it was erected by an expert from Germany. He has demonstrated beyond possibility of doubt what can be done in that direction. The then Executive Councillor, Mr. V. Krishnaswami Ayyar, and the then Governor, if I am not mistaken, Sir Arthur Lawley, also visited the place and were satisfied with the excellent results produced. They were able to make glass tiles similar to Henke's tiles which are used in several houses on the hills. They have made hundreds and thousands of sodawater bottles which have been used in various companies. They have made glass jars

of which I have got a dozen in my house which are used for the purpose of preserving condiments. They have demonstrated beyond doubt that it is not impossible that the industry can be carried on successfully. Then, the trouble was, as Mr. MacDougall stated, with regard to blowing the bottles from molten glass. Molten glass of a very high temperature was produced, and it was a matter of great curiosity for a great many people who came from all parts of the Presidency to see it. I was a shareholder myself, and I lost a few hundred rupees in the concern. The trouble was with blowing through the mouth which was a difficult process. All the fishermen boys found some encouragement and employment there. But the temperature at which they had to work necessitated the use of electric fans which the management provided. Even then the relief from heat was not appreciable, and the management then indented for machinery for the purpose and got half a dozen machines like the Singer's sewing machines with which they made sodawater bottles. But in searching for and getting machinery they have exhausted themselves and all their capital, and there was no liquid capital left. They went to the Madras Government for aid in the shape of free fuel but Government only gave at half the cost fuel from Kodur forests. But then that was not sufficient for them. Owing to want of capital the concern was wound up, and the factory buildings and machinery were brought to the hammer. But subsequently the Government purchased the whole place and shed for crushing oil seeds. Why they completely abandoned it one does not know. It is therefore proved that expert knowledge can be easily had, and that it is an industry worth developing. But inasmuch as there is no provision made for it in this year's budget, I would ask my friend Mr. Palmer not to press for an immediate preparation of estimates but to leave it to the Government to take early steps."

The Hon'ble Rai Bahadur K. Venkata Reddi Nayudu :—" Perhaps my intervention in the debate at this stage will clear up certain matters. At the very outset I recognize it is the duty of the Government to assist industries to the best of their ability, and in the matter of pioneer industries, industries which have not yet taken their root and for which there is every possibility of success, Government would do their best either by starting such industries or by assisting private enterprise as far as their funds would permit. But this particular industry unfortunately, it has been found, is not capable of yielding a profit in our Province. True it is, as my honourable friend Mr. Ramachandra Rao said, Government should not look to profits at the very outset. But it must not be forgotten that a pioneer industry is intended to show to the world that it can be carried on as a business proposition, and that profits would eventually accrue and that it is a proposition that can be taken up by private enterprise. Now, what has been the case for years with this glass factory? We were convinced by past experience that even after years we would not be able to show profits. I would ask what private enterprise would come in to take up this business in which Government with all the resources at their disposal had not been able to show profits. In this particular instance it has been found that the heat that had to be produced consumed so much fuel that working in this Province was a difficult matter when the cost of fuel was taken into consideration. In the localities in which we experimented it has been found that it was impossible to work it at a profit. However, there seems to be some difference of opinion with regard to that, as some of my esteemed friends including Sir P. Thyagaraya Chettiyar and Mr. O. Tanikachala Chettiyar seem to be of the opinion that the industry would prove profitable. Therefore I have no objection to further investigate into this matter. But to call for an estimate and to open a factory, would mean launching the country

into an expenditure for which the Government cannot hold themselves responsible. We are responsible to the country in dealing with the money of the people. I hope this assurance of mine that further investigation into the matter would be ordered to see if this industry can profitably be worked in a business scale, will satisfy my friend, Mr. Palmer."

Mr. A. T. PALMER :—" I don't press my resolution, Sir."

The resolution was by leave withdrawn.

Buildings for the Government Muhammadan College, Madras.

4-45 p.m. Khan Bahadur MUHAMMAD USMAN SAHIB :—" Mr. President, the resolution which stands against my name reads as follows :—

'155. *That this Council recommends to the Government to take immediate steps to provide the Government Muhammadan College, Madras, with suitable buildings and to open Science classes in it.*'

" Sir, about four years ago the Government announced their intention of converting the Madrasa-i-Azam into a College, and about two years ago they have appointed a board of visitors to that college. It was felt that there was great necessity for the extension of the buildings for the college, and since then correspondence has been going on between the Board and the Director of Public Instruction. Plans and estimates were then called for, and everything was done with a view to have a new college building ; but we have heard nothing since. At the present moment, college classes are held in two rooms which look more like tiffin rooms. The necessity of establishing science classes was pressed upon the attention of the Government. Two years ago, the Government did allot in the budget Rs. 25,000, but nothing has been done since, and the science classes have not yet been opened. In short, everything was done on paper but nothing came out, and there the matter stands. The policy of the Government is to raise the present college to a first-grade college, but all that we now have are the two intermediate classes where history and philosophy are taught, but there are no science classes. Sir, the pupils reading in the school who show a good deal of aptitude in scientific subjects, after passing their school-final examination, have to go to the Muhammadan College and take history and logic. It is an admitted fact that Muhammadans are a merchant class and as such they must have scientific instruction. But, somehow or other, Government instead of opening science classes, have recently opened vernacular classes, for the B.A. degree examination. That is going quite against the wishes of the community.

" Sir, I should like to point out as to how this college came to be established. A few years ago there was a good deal of discussion going on about the establishment of a Muhammadan College. At that time the Hon'ble Sir Abdur Rahim took a good deal of interest in it, and, as the Muhammadan trade was in a prosperous condition, he was able to get a promise of several lakhs of rupees for the establishment of a college from Muhammadans. He wanted a national college to be opened, but at that time Government came forward and said 'No, you had better not do it : we shall do it ourselves.' Thus they have deprived the Muhammadans of a national college which they were prepared to establish. Government, in fact, came forward and promised to bring into existence a first-grade college for Muhammadans ; but in spite of all this nothing has yet been done. There is now absolutely no proper accommodation for the college classes and no science classes at all. Therefore, it is high time for the Hon'ble the Minister for Education to look into this matter and to rectify matters, so that there may be no complaint in future.

Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB seconded the resolution.

The Hon'ble Rao Bahadur A. P. PATRO :—" Sir, after hearing the mover of the resolution, I am in entire sympathy with him and I would certainly make further investigations into the matter as to the reasons why further steps have not yet been taken. I find that estimates and plans were prepared for the extension of this college building and also budget provision has been made for the purpose of opening science classes. I will investigate into the matter, and I am sure my honourable friend would be satisfied with that assurance ".

The resolution was by leave withdrawn.

Provision of Government boats to inspectors of schools in the Gōdāvari district.

The Hon'ble the PRESIDENT :—" The next resolution which stands in the name of Mr. A. T. Palmer reads :—

'156. *That this Council recommends to the Government that the inspectors of schools in the Kistna and Gōdāvari districts be provided with Government boats to facilitate their inspection tours*'.

" Before the honourable member makes that motion, I would like to invite his attention to Standing Order 54 which specifically says that a resolution should relate to a matter of general public interest. I shall first hear the honourable member on that aspect of the question, how he makes out that this is a matter of general public interest and pass a ruling upon that ; and if he resolution is admitted, he can proceed further ".

Mr. A. T. PALMER :—" In the first place, Sir, I am not going to move the resolution at all (*laughter*) ".

The resolution was by leave withdrawn.

Disafforestation of class V forests in Salem district.

Rao Sahib S. ELLAPPA CHETTIYAR :—" Mr. President, I beg to move the resolution which stands against my name, which reads—

'157. *That this Council recommends to the Government that they will be pleased to direct that all forests in the Salem district classed V according to the recommendations of the Forest Committee of* 1913 *be disafforested and removed from the control of the Forest Department as early as possible*'.

" Sir, this resolution is one which I think does not stand in need of much by way of introduction. The subject has been rendered familiar to you, Sir, in prior meetings, which, I am sure, comprehend the subject comprised in this resolution. It may be within the remembrance of the honourable members that at the last August Session my honourable friend, Mr. Munuswami Nayudu, moved a resolution regarding the disafforestation of class V forests in the Chittoor district, and we were good enough to accept that resolution. Now, a large portion of my district is also under forest area and many a flourishing agricultural village lies in the midst of reserves. We see in many places reserve lines coming to the very verge of village limits. Now it happens that many people are extremely annoyed at the restrictions placed by the Forest Department and I think it is unnecessary for me to give out all the grievances caused to the villager by these reserves Very often he complains of a heavy blackmail which he has to pay in order to get fodder to his cattle and fuel to his household purposes, and in some

cases he is hauled up under the forest rules for no faults of his own. With these difficulties the ryots feel discontented and annoyed, and this has given rise to serious riots in some villages of the Atur taluk in the Salem district. I, therefore, ask, Sir, to disafforest at least class V . . . . ".

The Hon'ble Sir LIONEL DAVIDSON (*intervening*) :—" Sir, I am afraid you have not heard what the honourable mover has been saying ; his remarks have been in the nature of a general indictment of the Forest Department, and for that reason I rose to a point of order. But after I rose, Sir, he has modified his position by saying that all that he asks for is the disafforestation of class V forests. I presume therefore that the rest of his remarks will be within the scope of the resolution on the paper ".

Rao Sahib S ELLAPPA CHETTIYAR (*continuing*):—" I, therefore, request you, Sir, to disafforest class V forests and leave the class V forests under the control of the villagers free of charge. I now understand that some of the class V forests are now under the management of the villagers, but they are asked to pay something for that ; but I request that these class V forests should be given to the villagers without any charge. Besides, I understand that Government are getting not much out of these class V forests ; and so it will be a great boon to the villagers if this is done by the Government. In these circumstances, I hope the House will accept my resolution ".

The resolution was seconded by Mr. P. C. Ethirajulu Nayudu.

The Hon'ble Sir LIONEL DAVIDSON :—" So far as the general issues are concerned, Sir, this resolution traverses exactly the same ground as that which was discussed at the August meeting of this Council in the case of the neighbouring district of Chittoor. In respect of these general issues, Sir, I have caused to be laid on the table a Government Order embodying the considered views of the Chief Conservator of Forests on the expressions of opinion to which utterance was given in the course of that debate. Further, while publishing Mr. Cox's remarks for general consideration, the Government have intimated that it is their intention, before deciding whether, and, if so, to what extent, to give effect to the resolution carried in the case of the Chittoor district, to discuss the very important issues involved with an advisory committee which has just been constituted to assist Government in dealing with questions of forest policy. The gentlemen who constitute that advisory committee met and discussed these issues on Monday of this week. We have not yet come to a final conclusion and, therefore, the Government are not in a position to pass a final order on the Chittoor case. *A fortiori* they are not in a position to pass any final order in the case of the Salem district.

" But there is one piece of information which I think I ought to give to the honourable mover as it does not appear to be within his knowledge, and that is that the whole of the class V forests in the Salem district are now managed by the villagers. Every acre of the class V forests in the district, according to the information supplied to me, is now managed by the villagers through forest panchayats. That means that the management is now very largely free and certainly free from interference to any great extent by the Forest Department. The management generally is in the hands of the villagers and the honourable mover's resolution, therefore, Sir, after what has been already done practically amounts to a request that the Government will remit the very low payments which are made by the forest panchayats in the Salem district for the privilege of managing grazing areas

coming under class V. We could not properly consider the question of a remission of this description in that district only, unless there is a stronger case for it in Salem than in other districts.

" I think, Sir, that after the explanation of the case which I have given and in view of my assurance that the general issues will be further considered with our advisory committee before final orders are passed, the honourable mover will perhaps be willing to withdraw his resolution."

Rao Sahib S. Ellappa Chettiyar did not then press his resolution which was by leave withdrawn.

Counting past service in fixing the pay of menial establishments in the Revenue Department.

5 p.m. Mr. M. SURYANARAYANA PANTULU :—" Sir, I have the honour to move :—

' 158. *That this Council recommends to the Government that in the time-scale of pay sanctioned to the menial establishment of the Revenue Department (peons and dalayats) every servant may be started on the pay he would have been drawing now if the time-scale had been introduced when he first entered service.*'

" When I heard the reply of the Hon'ble the Finance Member to the resolution moved by Mr. Seturatnam Ayyar, I thought as to whether I would not be well advised if I did not move this resolution. He took cudgels against him and I was afraid that similar cudgels would be used against me. All the same, I think I am in duty bound to do what I consider very necessary in the interests of this menial establishment. Sir, I am not unaware, I am not insensible, of the fact that a large sum of money is being spent and has been spent by the Government by the acceptance of some of the resolutions during the past few months. But all the same I submit that when we say that these peons and other menial establishment have a graded pay of Rs. 12 to 18 and that all these peons shall commence with Rs. 12 and rise to Rs. 18 in the course of 20 or 25 years, they have a very legitimate grievance. A man who entered Government service 10 or 15 years ago to be asked to wait for another 20 or 25 years to get the maximum pay is inhuman and is very wrong. I have no doubt that this is a matter which gives a certain amount of heart-burning in the minds of these people, especially when the Government were not able to accept the resolution moved by my honourable friend, Mr. C. V. S. Narasimharaju, in regard to the Engineering service. If that resolution had been accepted, it would have been possible to save some money. A Sub-Engineer, for instance, who was formerly getting Rs. 400 would have been satisfied with Rs. 500 instead of Rs. 600 or 700 by the acceptance of the scale which was actually proposed. I know very well that brain is something different from the body. Peons no doubt work with body and not with brain. But still these are people who deserve some sort of sympathy. I simply want that the scale of pay may be applied to persons who have been in service for a long time in such a way as though they have been on the incremental scale from the date of their appointment. I do not really know, not being a financier, as to what extra expenditure this will come to. However, it is a matter for the Government to say as to whether they can find funds. With these few words, I commend this resolution for the acceptance of the House.

[16th November 1921

Mr. C. V. VENKATARAMANA AYYANGAR :—"Mr. President, I have great pleasure in seconding the resolution moved by Mr M. Suryanarayana Pantulu. So far as the principle is concerned we had a number of these principles enunciated and carried on by the Government, sometimes without the sanction of this Council and sometimes with the sanction of this Council. In the case of higher officials such as the deputy collectors, district munsifs, assistant engineers and others, it was felt that it would be a grievance if the time-scale was not acknowledged and they were given these scales even without the consultation of the Council and we were asked to sanction only their arrears of pay. Anyhow, there can be no doubt whatever that on principle and as a matter of justice, this time-scale must be allowed to the menials as in the case of the topmost people. Of course we know that an attempt was made in this direction so far as the non-gazetted officers are concerned and the big scare and the fear of that involving a large sum of money induced the majority of the members of this Council to vote against that proposition. But so far as these menials are concerned, I think they certainly deserve some better consideration at the hands of the Government and at the hands of the Council. If it is once admitted that justice requires that these people ought to be helped with a few rupees, even a few lakhs should not stand in our way. We know, Sir, so far as the number of these peons and dalayats are concerned, there has been a reduction and the Government are proud enough to say that they have by reducing something like 129 dalayats and peons or so effected a little retrenchment. Subsequently, they said that the services of some constables and others have been dispensed with. What I say, Sir, is that because the number of this class of people has been reduced, the number who would require to be paid additional sum will be small. We know, that in these days mills and others are paying largely to their coolies and it is only fair that if we should have reliable, honest and hard-working people, we should pay them liberally and unless we pay them liberally we will be in an awkward position. I need hardly say what responsible work these peons are doing. They have to carry large sums of money and also confidential papers. It is, therefore, absolutely necessary that these peons must be responsible and reliable people and I think that unless we are prepared to pay them reasonably we shall find ourselves in great difficulty. After all, what the resolution wants is that people who have been in service for 15 or 20 years ought really to be benefited by the munificence of the Government and that they should not be treated as people who entered service yesterday or day before yesterday. All that we want is that some difference should be shown between men who have entered service recently and having no stake there may leave it to-morrow and men who have grown old in service. With these few words, Sir, I commend the resolution for the acceptance of the Council."

The Hon'ble Sir CHARLES TODHUNTER :—"Sir, without venturing to question the propriety of the admission of this resolution, I do venture to hope that the fact that a similar resolution covering all the non-gazetted services was discussed at great length by this House in August last and rejected by a large majority will save the House the trouble of entering upon another lengthy debate on this one.

"I would further venture to take from the report of that debate another reason why this resolution should not be passed by this House, namely, the remark of the Hon'ble Mr. Devarajulu Nayudu, that to supply the principle which it is proposed to apply only to a portion of the non-gazetted services would be a most invidious measure which this Council should not undertake. The present proposal is to apply the principle only to one rank of the non-gazetted officers,

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namely, menials, and only to a portion of that rank, namely, the menials, in the Revenue Department. I would further urge that, if there is one case to which the principle is less applicable than to any other, it is that of the menials. The work they do is not work for which special training is required. It is not work which changes from year to year as time goes on whether they are senior or junior in grade. It is work more than any other the remuneration for which should be determined with reference to the market rate.

"This fact makes it easier for the Council as a whole to examine this resolution than if it were one involving any technical issue. We all employ menials in our own houses and we can easily see what the effect of the Honourable Member's proposal would be by applying it to them. Now, the facts about our Government menials are that we paid them 30 years ago somewhere about the market wage of a coolie. We raised their remuneration under the grain compensation allowance rules as prices rose and we further raised it during and after the war by percentage allowances. We have now raised it from what was 30 years ago the wage of a coolie to what was at that date the wage of a clerk. Let us apply a similar process to any menial in any honourable member's house. Suppose the honourable the mover employed a sweeper on Rs. 4, 30 years ago and during the years of high prices and the war raised his pay successively to Rs. 5, 6, 7, 8 and even 12. Suppose that he is advised by a committee of this Council that the appropriate pay to keep a sweeper contented is Rs. 15 rising to Rs. 20 in 25 years, is the honourable member going to say to himself now that the only honourable way of dealing with that old and faithful servant of his is to give him increments as though the market rate 30 years ago had been not Rs. 4, but Rs. 15 and is he going to raise his pay straight away, not to the present market value of sweepers, but to a rate represented by this artificial rate with additional increments for the years he has served, in other words, to Rs. 20? I venture to doubt whether any honourable gentleman would be prepared to apply these principles to his private affairs, and I hope that no honourable member who would not be prepared to apply them in his own household will attempt to force them upon Government.

"The case I have cited is a simple one. Now, let us apply it to the Government staff with a number of menials. Take the case of a man whose work has been consistently bad, who has been repeatedly passed over for promotion when promotion was possible and who has been kept down at the initial rate of pay throughout his service. Does the honourable member propose that we should wipe out all his past service and promote that man as though his service had been approved service from start to finish?

"Take again the case of a man who has risen and has been reduced for a fault. Is his fault to be completely wiped out?

"Take again the case, not an unusual one, where the head of an office, having no really suitable man for one of the higher menial posts, has appointed an outsider or a man with short service from another office to the place. Is that man to reckon only the service which he has for increments and to get nothing for his higher qualifications, in other words, is he, possibly now the senior peon in the office, suddenly to be reduced to a scale of pay less than any other man in the office?

"I could easily give more instances of the confusion which any such principle as the honourable member desires to introduce would give rise to. Such a principle

could not be introduced without a scrutiny of the past records of every one of the thousands of menials that have to be dealt with and if the honourable member desires that, such an examination would only lead to chaos.

"The principle on which we have acted is simple and fair enough. The e men were recruited not to an incremental but to a graded service, and generally there was only one superior grade available to them, in other words, they entered service with the prospect of a rise of one or two rupees in their service as the most they could hope for. Their pay was regulated more than that of any other class of Government servants by market value, and as prices increased, it was increased on the same principle, so that when the revision was brought into force they were receiving a fair living wage. Now what the revision did has been fully explained by the Hon'ble Mr. Knapp in August last, in the debate on a similar proposition which was raised as regards the non-gazetted services. It gave them, in exchange for the practically fixed pay on which they entered service, an incremental scale which it was hoped would tend to render them more contented and better servants and to give them more chance of saving something for their old age, and they have been placed on this scale not at the bottom, nor, as the honourable member wishes, at the top, but at a place corresponding to the fair living wage which they were receiving at the time the revision took place. In short, their pay has been increased to allow for the increase in prices and they have been given in addition what they never asked for, a continuous steady rise in their pay for the greater part of the total period of their service culminating at a figure which is considerably above the market value of their services and above the rate paid by private employers for menials doing similar work.

"I hope that in giving this explanation the Council will agree that the men in question have been fairly treated and that to accept this resolution and apply the proposed principle to a portion of the staff would be both invidious and unnecessary in addition to being highly unfair to the taxpayer who has to meet the bill. As for the amount of the bill, it is reckoned roughly that, if the change were applied in the Revenue Department alone it would come to 2½ lakhs, while if it were applied to all menials, it would come to 11 lakhs. It is needless to say that the Government have no money whatever with which to meet such a demand."

Rao Bahadur A. S. KRISHNA RAO PANTULU: —"The Hon'ble Sir Charles Todhunter has appealed to the House to reject this motion by an unanimous vote. But I am sorry, that notwithstanding the information placed at our disposal I have not found any reasons for rejecting this motion. The only point for consideration is as to the necessity for making a provision of eleven lakhs to meet the demand made in this resolution but also other demands which are likely to be made on behalf of the other departments. May I point out, Sir, that if this resolution has been brought up and if similar resolutions are likely to be brought up, it is greatly due to the discontent prevailing in the country that those in the higher services have been treated with special concessions. That is the root of the whole trouble. If a departure had not been made in the higher services I do not think we would have been placed in this difficult position when we come to the Council and request that a similar concession should be shown in the case of the non-gazetted services. If this resolution had erred on the side of modesty in advocating the cause of the menials alone it is on account of the financial difficulties presented to this Council on former occasions. It is on account of the cost of the scheme that the honourable mover of this resolution has thought it fit to confine his demand to these menials. Probably as a sort, 5-16 p.m.

of test case he has confined himself to the menials of the Revenue Department. But let me assure this House that, unless means are adopted for the purpose of satisfying the demands of those in the lower services, you cannot possibly avoid the feeling of dissatisfaction now growing.

"Now coming to the question of funds, I do not know if the Government has considered about the reduction of travelling allowances It is a resolution accepted by this House and if effect is given to that resolution, it will be possible to find partial relief to the menials as suggested in this resolution. I do not say that it is the only possible source. But more than that, Sir, I wish to impress upon the Hon'ble the Finance Member that he will realize the importance of doing something to the lowest services in spite of the analogies and examples he has given us. With these romaks I support the resolution."

Mr. M. SURYANARAYANA PANTULU:—"It is only a word I want to say. The analogies of the Hon'ble the Finance Member do not apply to the present case. We are not concerned with all these matters of details. For those difficulties are difficulties that arise out of the details and not by the acceptance of this resolution. For instance if there is a peon who has after putting ten or fifteen years' service misbehaved or got a black mark it will be for the departmental head to say that he should not get it. These are matters of detail with which we are not concerned. The only point is this. It is true that at one time all these men were drawing only seven rupees or eight rupees together with the grain compensation allowance and the war allowance and this pay has been put down so as to include all of them. Why, I ask, do you put it at twelve rupees only and put an incremental scale of 12 to 18 and say that this higher increment should be reached in the course of twenty years? What is the use of saying that when he does not stand the chance of ever rising to the post of eighteen rupees at all? He has already put in fifteen years' service and he has to remain for another twenty years which is an impossiblity. When you say that you would give an incremental pay starting from a particular figure to a particular figure, I think justice and equity requires that it should be added to the period of service and should be calculated for his benefit in the incremental pay. I submit, Sir, that is justice and equity. With regard to the enormity of the expenditure of 2½ lakhs, I do not know if it might cost 2½ lakhs in the long run. I am not quite sure that it would cost so much immediately. I thought it would cost 2½ lakhs in the long run. I thought a few thousands could be found and ought to be found. But if on the other hand it costs 2½ lakhs at once I would not embarrass the Government in any way. I would certainly not press the resolution upon the House; but on the other hand withdraw it only if the principle is kept in view that services under the Government ought to be as liberal as possible, as liberal as they have been in the case of the provincial and gazetted services."

The Hon'ble Sir CHARLES TODHUNTER:—"Sir, I crave the indulgence of the House to make myself more clear. The honourable mover in the reply he has just made stated that the treatment of individual cases is a mere matter of detail. I would ask him whether it is a mere matter of detail to examine the record of service and pass judgment in each case in respect of a staff of 36,800 men. The task would be simply a portentous one.

"As regards the analogies of other services, what I submit to the House is that there is no analogy which applies. The distinction between the case of the menials and that of the other services lies in the fact that in their case the initial

salary has been doubled, while in the other cases there is little or no change. The case of the deputy collectors has been referred to. This would be analogous to that of the menials only if the starting pay, instead of remaining at Rs. 300, had been raised to Rs. 600 and if you had then treated an officer of, say, twenty years' service as though the pay twenty years ago had been Rs. 600 and given him increments for twenty years rising from that amount."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*interrupting*) :—"I should like to rise to a point of order. I think the resolution has already been withdrawn."

The Hon'ble the PRESIDENT :—"It has not been withdrawn."

The Hon'ble Sir CHARLES TODHUNTER (*continuing*) : —"As regards the question of cost, the basis of the estimate which I have given to the House is as follows:—there are 6,800 peons in the Revenue Department and 30,000 in the other Government offices. We assume that, if the concession of past service is given, every menial would get an average increase of pay of Rs. 3 a month. On this basis, the cost for the Revenue Department alone would be 2½ lakhs and that for all the menials in the Presidency 11 lakhs. That is what it amounts to. We have been already raising their pay up to the market rate from time to time and what is now asked is an all-round increase which would work out at about Rs. 3 above the market rate ; in other words, you take men of the class who are now working in factories and who are drawing salaries similar to those they would draw if they were so working ; you have already given them more than the market rate for similar work and now you want to give them a further bonus on a purely imaginary basis.

"Lastly, there is the question of meeting the cost The Honourable Member, Mr. A S. Krishna Rao said that you could meet it by cutting down the travelling allowance of the high-paid officials. It is not for me to criticize a resolution which was passed in contravention of a previous resolution while I was away. But I may just say this, that the Government find themselves in great difficulty in giving effect to that resolution, because the principle on which travelling allowances are paid is that, while no one is allowed to make a profit out of them, on the other hand you can hardly ask officers to travel at their own expense on Government work, and if we are going to make travelling allowances sufficient to cover officers' expenses, we certainly cannot save money sufficient to give effect to this resolution."

Mr. M. SURYANARAYANA PANTULU :—"I do not think I should press this resolution."

The resolution was by leave withdrawn.

The Council adjourned at 5-26 p. m. to meet again at 11 a.m. the next day.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Thursday, the 17th day of November 1921, the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E., President, presiding.

I

Questions and Answers.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions, and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

The Madras Estates Land Act.

1063 *Q.*—Sriman BISVANATH DAS Mahasayo : Will the Hon'ble the Law Member be pleased to state if there is any prospect of the Madras Estates Land Act Amendment Bill being placed before the Council in the January session of 1922 ?

A.—The member is referred to the answer to question No. 1048 (*a*).

The transfer of the Divisional Officer at Chatrapur.

1064 *Q.*—Sriman BISVANATH DAS Mahasayo : Will the Hon'ble the Member for Revenue be pleased—

(*a*) to lay on the table a copy of the letter written by Mr. Oswald Dodsworth, Manager of Khallikote and Atagada estates, to the Collector of Ganjām against the Divisional Officer, Chatrapur, for deciding some cases against that estate ;

(*b*) to state the action taken on the said letter ; and

(*c*) to place on the table all correspondence on the said letter and also on the consequent transfer of the said Divisional Officer of Chatrapur a few days afterwards ?

A.—No such letter as is referred to in the question has been received by the Government. M.R.Ry. Abhimanya Patnaik Garu's transfer from the Chatrapur division to the Ganjām treasury was ordered in the ordinary course of administration.

The Personal Assistant to the Superintendent of Police, Ganjām.

1065 *Q.*—Sriman BISVANATH DAS Mahasayo : Will the Hon'ble the Home Member be pleased to state the necessity for newly creating the post of a Personal Assistant to the Superintendent of Police, Ganjām ?

A.—No post of Personal Assistant to the Superintendent of Police, Ganjām district, has been newly created.

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Revision of pay of the subordinates in the Judicial Department.

1066 Q.—Mr. S. MUTTUMANICKA ACHARIYAR: Will the Hon'ble the Law Member be pleased to state—

(*a*) why no effect is given to the recent revision of salaries sanctioned by the Government to the subordinates of the Judicial Department;

(*b*) the minimum pay fixed for the clerks of the subordinate Judicial Department;

(*c*) when the revised scale of pay will be given effect to in the case of the subordinates in the Judicial Department; and

(*d*) the scale of pay fixed for the sarishtadars, head clerks, translators and central nazirs (both in District Court and Sub-Court)?

A.—(*a*) & (*c*) The salaries of the subordinates of the Judicial Department are under consideration of the Government and final orders will be passed as soon as possible.

(*b*) The minimum pay of clerks in the subordinate Judicial Department in the mufassal is Rs 35.

(*d*) The scales of pay for the officers referred to have not yet been finally sanctioned by the Government.

The Process Service establishment in Revenue Courts.

1067 Q.—Mr. V. PAKKIRISWAMI PILLAI: Will the Hon'ble the Member for Revenue be pleased to state—

(1) whether the Government have received any memorials from the Revenue Courts Process Service establishment throughout the Presidency praying for an amelioration of their lot;

(2) whether there is any ground for difference in pay, prospects and pension between Civil and Revenue Courts Process Service establishments;

(3) whether their claims to be classified as a permanent establishment and admitted to all privileges accorded under the Civil Service Regulations to Civil Courts' Process Service establishment will be recognized; and

(4) whether the claims of the Revenue Courts Process Service establishment for increased pay have been considered, and whether any, and if so, what increase has been sanctioned and given effect to; if the answer be in the negative, to state the reasons why they alone of all the non-gazetted services should be denied an increase?

A.—(1) The Government have received a few memorials.

(2) The Revenue Courts Process Service establishments are regulated with reference to and paid from the receipts from process fees. The Civil Courts establishment form part of the permanent staff and are paid from provincial revenue.

(3) The matter will be considered.

(4) The revised scales of pay have been settled and steps are being taken to introduce them.

The Assistant Inspector-General of Police.

1068 Q.—Mr. V. PAKKIRISWAMI PILLAI: Will the Hon'ble the Home Member be pleased to state—

(*a*) for how many years Mr. Filson has been acting Assistant Inspector-General of Police; and

(*b*) why he was not transferred after his one year's leave?

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A.—(*a*) About six years.

(*b*) Because in the opinion of the Government he is, of the officers available, the best fitted for the post.

Medical examination of school boys.

1069 Q.—Mr. A. T. PALMER: Will the Hon'ble the Minister for Education be pleased to lay on the table a consolidated result of the medical examination of schools, carried out during the year 1920-21, especially with reference to the following points:—

(1) what disease was most common among the school-going population—(*a*) amongst boys and (*b*) amongst girls; and

(2) what disease was most prevalent among the Indian Christian boarding girls—(*a*) in the mufassal and (*b*) in Madras?

A.—The report on medical inspection in schools will be published in due course.

Communal representation in the Madras City Police.

1070 Q.—Mr. M. C. RAJA: Will the Hon'ble the Home Member be pleased to state the number of officers and constables belonging to the Madras City Police and state the communities to which they belong under the heads of—Europeans, Anglo-Indians, Brahmans, Non-Brahman Caste Hindus, Muhammadans, Indian Christians, Adi-Dravidas and other depressed classes?

A.—The Government are not in possession of the information sought.

The office of the Archæological Superintendent.

1071 Q.—Rao Sahib U. RAMA RAO: Will the Hon'ble the Member for Finance be pleased to state—

(*a*) whether the office of the Superintendent of Archæology for Southern Circle has been removed to Kotagiri, and, if so, under what circumstances;

(*b*) whether it is under contemplation to remove the office of the Assistant Archæological Superintendent for Epigraphy, Southern Circle, also to Kotagiri or elsewhere, and, if so, the reasons therefor;

(*c*) whether the expenditure involved in the above proposals (*a*) and (*b*) is justified in the present state of financial stress;

(*d*) under what circumstances the two offices above named were brought down to Madras some time ago and whether circumstances have so changed at present as to necessitate their retransfer to a place outside Madras, regard being had to the interests of original research in Indian history and archæology and oriental studies in general;

(*e*) whether the attention of the Government has been drawn to a letter headed "The Office of Epigraphy" appearing in *New India* of the 16th instant and all other local dailies as well, under the signature of Mr. K. V. Lakshmana Rao, M.A.;

(*f*) whether for reasons stated in the above letter the Government are prepared to reconsider their decision and locate both the offices in the University town of Madras, which is the most important centre of culture for this Presidency;

(*g*) when an additional establishment was sanctioned for the publication of inscriptions collected by the Epigraphist, and the annual expenditure thereon;

(*h*) how many publications have been issued by the above office since that date; and

(*i*) whether there is any Government Order prohibiting outside scholars from utilizing the materials collected by the office of the Epigraphist before they are published officially; and, if so, whether the Government have any objection to cancel the Government Order in view of the handicap it involves to the progress of research work?

A.—(*a*) The office of the Superintendent, Archæological Survey, Southern Circle, has been removed to Kotagiri with effect from 1st September 1921. The transfer was ordered by the Government of India.

(*b*) The question whether the office of the Assistant Archæological Superintendent for Epigraphy should be removed from Madras is under consideration.

(*c*) Expenditure on a Central subject is a matter for the Government of India.

(*d*) The office of the Superintendent, Archæological Survey, was transferred from Bangalore to Madras in 1906 as plague was then prevalent at Bangalore. Its transfer to Kotagiri was ordered by the Government of India on the advice of the Director-General of Archæology. The office of the Assistant Archæological Superintendent for Epigraphy was transferred from Ootacamund to Madras in 1916. The unsuitability of his office at Ootacamnnd and the facts that Madras had been made the headquarters of the Superintendent of Archæological Survey and was the seat of the University were among the reasons favouring the change.

(*e*) The answer is in the affirmative. The statements of the writer of the letter as to the contents of G.O. No. 1121, Public, dated 10th June 1916, are incorrect.

(*f*) The Government are not prepared to recommend to the Government of India the retransfer to Madras of the office of the Superintendent, Archæological Survey. As already stated, the location of the office of the Assistant Archæological Superintendent for Epigraphy is not yet settled. They are informed, however, that the extent to which this office has been utilized by private research scholars has of late years been disappointingly small.

(*g*) The additional establishment for publication was sanctioned in 1918. The annual expenditure is Rs. 3,984.

(*h*) The Member is referred to the annual reports on Epigraphy which have been placed on the Editors' Table.

(*i*) There is no order prohibiting scholars from utilizing the materials collected by the Epigraphist before they are published officially, but such utilization does not extend to publication without the sanction of Government.

The report of the Ayling Committee on Perambur disturbances.

1072 Q.—Rao Sahib U. Rama Rao: Will the Hon'ble the Home Member be pleased to state—

(*a*) when the report of the Ayling Committee appointed to enquire into the recent disturbances at Perambur will be placed on the Council table;

(*b*) whether any action has been taken regarding the shooting of six men and one woman during the disturbance at Perambur recently, with a view to fix the legal responsibility on the proper shoulders;

(*c*) (i) the number of casualties among the police or military, among caste men, among Muhammadans and among Adi-Dravidas since the commencement of the disturbance;

(ii) the number of huts burnt or houses destroyed belonging to caste men and to Adi-Dravidas separately exhibited;

(iii) the expenditure incurred by Government for rendering police aid to the Adi-Dravidas, for feeding them and for reconstructing their huts, etc.;

(iv) the expenditure incurred on behalf of caste men for similar purpose;

(v) the monthly expenditure incurred in respect of the punitive police and

(*d*) whether the Government intend to effect any reconciliation between the labourers on the one hand and the mill authorities on the other?

A.—(*a*) The report was published for general information with G.O. No. 671, dated 7th October 1921.

(*b*) A special investigation was held by Mr. Sayers.

(*c*) (i) & (ii) Two statements are laid on the table.*

(iii) No amount was spent on reconstructing the huts of Adi-Dravidas or rendering police aid to them; but they were provided with temporary zinc roofing at Vyasarpadi, the cost of which amounted to Rs. 3,099-13-0. It is expected that about Rs. 1,000 will be recovered by the sale of these materials. A nett sum of Rs. 12,495-11-5 was spent in feeding the Adi-Dravidas of which about Rs. 460 is expected to be recovered.

(iv) A sum of Rs. 100 was given to the Assistant Commissioner of Police for the relief of persons other than Adi-Dravidas and he was informed that more money would be forthcoming if required; but no further demand was made.

(v) The monthly cost on account of the additional police is about Rs. 10,000.

(*d*) The strike was terminated.

The Special Test Examinations.

1073 Q.—Mr. A. Ranganatha Mudaliyar: Will the Hon'ble the Member for Finance be pleased—

(*a*) to furnish figures showing the receipts and expenditure, respectively, in connexion with the Special Test Examinations during each of the last three years; and

(*b*) to state how much of the sum spent in each year was for

(i) setting question papers;

(ii) valuing them;

(iii) printing and stationery; and

(iv) other items.

A.—(*a*) The Member is referred to the annual reports of the Commissioner for Government Examinations.

(*b*) The Government have no informtion.

* Vide Appendix on page 1508 infra.

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Travelling allowance of presidents of taluk boards and municipal chairmen.

1074 *Q.*—Sriman SASIBHUSHAN RATH Mahasayo: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(*a*) whether presidents of taluk boards and chairmen of municipalities, attending meetings of district boards and of district educational councils as members of these bodies, have been drawing and receiving higher travelling allowance than other members; and

(*b*) if so, on what authority?

A.—The Government have called for a report from presidents of district boards as to the rates at which travelling allowance is paid to members for attending district board meetings.

No distinction is made between one non-official member and another in the matter of travelling allowance when attending meetings of district educational councils.

Improvement of the Elandrakondan tank.

1075 *Q.*—Mr. S. T. SHANMUKHAM PILLAI: Will the Hon'ble the Member for Revenue be pleased to state, with reference to the answer given by the Government to Question No. 808 (891) put by me at the meeting of the Legislative Council held on 13th October 1921, whether the estimate for the improvement of the Elandrakondan tank has been sanctioned, and when the work is likely to be taken on hand?

A.—The estimate for the work is still under scrutiny.

Drainage channel improvement work, Perungulam.

1076 *Q.*—Mr. S. T. SHANMUKHAM PILLAI: Will the Hon'ble the Member for Revenue be pleased to state whether it is a fact that the Government have issued orders to the Collector of Tinnevelly not to assist in the matter of collection of a contribution promised by the interested ryots towards the estimated cost of a drainage channel improvement work in the Perungulam village, Srivaikuntam taluk, Tinnevelly district?

A.—No such orders were issued; on the other hand, the work has been sanctioned for execution entirely out of State funds.

Authorization of District Educational Councils to attest vakalatnamas.

1077 *Q.*—Diwan Bahadur K. SURYANARAYANAMURTI NAYUDU: Will the Hon'ble the Law Member be pleased, with reference to G.O. No. 1300, Law (General) Department, dated 6th September 1921, communicated to the Gōdāvari District Association, to state the reasons for considering it not desirable to authorize members of district educational councils to attest vakalatnamas or other documents like members of local boards and municipalities in districts?

A.—The persons who are now authorized to attest vakalatnamas are quite sufficient and there is no need to extend the power to other persons, till the need for so extending is clear.

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Artizan inams in the Gōdāvari and Kistna districts.

1078 *Q.*—Diwan Bahadur K. SURYANARAYANAMURTI NAYUDU: Will the Hon'ble the Member for Revenue be pleased to state the extent of artizan inams resumed by Government during the past five faslis in the Gōdāvari and Kistna districts and the amount of assessment imposed on them?

A.—The Government are not in possession of the required information.

Forest panchayats in Gōdāvari (Lower division).

1079 *Q.*—Diwan Bahadur K. SURYANARAYANAMURTI NAYUDU: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether it is a fact that the formation and management of forest panchayats has been found unsuited to the conditions of forests of the Gōdāvari Lower division; if so, after what period of trial; and

(*b*) the amount of rewards paid to Koyas and Reddis of the Rampa forests in addition to usual wages during the last five years for successful protection of forests from fire?

A.—The Government have no information but will make enquiries.

Recruitment of sub-registrars.

1080 *Q.*—Mr. G. VANDANAM: Will the Hon'ble the Minister for Education be pleased to state—

(*a*) the number of clerks and sub-registrars in the Telugu group districts from the depressed classes, or at least Christians of the depressed classes;

(*b*) out of such clerks how many are qualified by passing the departmental test to hold the appointment of sub-registrar;

(*c*) how many of the above have been promoted as sub-registrars as per recent G.O. No. 613, Public, dated 16th September 1921; and

(*d*) whether it is a fact that Secondary School Leaving Certificate holders are recruited direct as sub-registrars in preference to such qualified clerks in the department?

A.—(*a*) *to* (*c*) The Government have no information.

(*d*) Only occasionally and for special considerations.

Repairs to the Kavilipalayam village tank.

1081 *Q.*—Mr. C. V. VENKATARAMANA AYYANGAR: Will the Hon'ble the Member for Revenue be pleased, with reference to the answer to my question No. 140, given on 1st August 1921, to state if the Government have received any further reports from the Chief Engineer for Irrigation about the repairs to the Kavilipalayam tank in Coimbatore district and if they have passed final orders in the matter?

A.—The answer is in the negative. The Chief Engineer for Irrigation has not yet completed the scrutiny of the estimate.

Assistant and Deputy Conservators of Forests.

1082 *Q.*—Mr. W. VIJAYARAGHAVA MUDALIYAR: Will the Hon'ble the Home Member be pleased to state—

(*a*) whether it is a fact that as a result of the revised scheme, Assistant and Deputy Conservators of Forests have received increases from 25 per cent to 89 per cent on their old salaries;

(*b*) whether permanent Extra Assistant Conservators of Forests have received any increase in pay, individually, as a result of the revised scheme ;

(*c*) whether it is a fact that the Royal Commission on Public Services recommended a scale of Rs. 250-20-550-600-20-700 for the bulk of the officers of the Provincial Forest Service but only a scale of Rs. 250-40/3-450-50/3-500 for the bulk of the officers of the Provincial Civil Service on the ground that officers of the former service possess technical qualifications, in addition, which those of the latter are not required to possess ;

(*d*) if the answer to question (*c*) be in the affirmative, to state why the revised pay of the Provincial Forest Service has been fixed at Rs. 250-20-550-20-750, while the Provincial Civil Service has been granted a scale of Rs. 300-40-500-50-850, 1,000-100-1,200 ;

(*e*) whether it is a fact that the Madras Agricultural Service gets an annual increment of Rs. 25 in place of the old rate of Rs. 12½ while the Madras Forest Service still continues to get only the old rate of Rs. 20 per annum ; and

(*f*) whether serious dissatisfaction prevails among the officers of the Provincial Forest Service on account of the revised scheme ?

A.—(*a*) Yes.

(*b*) Though the scheme sanctioned by the Secretary of State did not immediately improve the pay of the Extra Assistant Conservators, it improved their prospects in so far as it threw open to them for the first time a certain percentage of posts in the Imperial Forest Service.

(*c*) The Honourable Member is referred to the published report of the Royal Commission.

(*d*) The revised scales of pay for the Provincial Forest Service were fixed by the Secretary of State.

(*e*) Yes.

(*f*) The Provincial Forest officers have submitted memorials praying for improvement of their pay and prospects which are now under the consideration of the Government whose decision will shortly be announced.

APPENDIX.

[Vide answer to question No. 1072 asked by Rao Sahib U. Rama Rao at the meeting of the Legislative Council held on the 17th November 1921, page 1505 supra.]

Statement I.—List of casualties.

	Dead.	Wounded.		Dead.	Wounded
Police ..	2	6	Muhammadans	1	8
Military ..	..	..	Adi-Dravidas ..		34 †
Castemen ..	8	90 *			

* Thirty-seven were wounded by gunshot and the rest by bombs, knives, swords, etc. The wounds other than the gunshot wounds were slight.

† A few of the Adi-Dravidas were wounded by bombs and the others by knives and other weapons.

Statement II.—Number of huts burnt or houses destroyed in the disturbed area belonging to—

Adi-Dravidas	412	Muhammadans	66
Chucklers	67	Corporation	1
Castemen	53		

II

STANDING COMMITTEES.

The Hon'ble the PRESIDENT :—"I rise to invite attention to some orders passed by His Excellency the Governor appointing standing committees of this House for certain purposes. I had occasion to see a reference to these orders in communications issued by the Publicity Bureau ; and the departments concerned have since been so good as to comply with the request of the Secretary to the Council to be furnished with copies of the orders.

"I now refer to the G.O. No. 1858, dated 4th October 1921, appointing a Standing Forest Committee, No. 2352, dated 24th October 1921, appointing a Standing Agency Committee, No. 1577, dated 5th November 1921, appointing a Standing Committee on Education and Registration, and No. 2125, dated 14th November 1921, appointing a Standing Committee for Agriculture and Co-operation. The first three orders say specifically that the committees are committees of the Legislative Council ; the fourth order does not say that in the body of the order but says it in the head-note. Further, in the first two orders, those relating to Forests and Agency, officers of the Government have been appointed to be ex officio members of the committees, though they are not members of this House.

"I trust that the Leader of the House, the Hon'ble Sir Lionel Davidson, will be so good as to say under what provision of the law or the rules His Excellency the Governor has appointed Standing Committees of this House and further has put on some of them as members gentlemen who are not members of this House".

The Hon'ble Sir LIONEL DAVIDSON :—"The direct answer to your inquiry, Sir, is that these committees have not been appointed under any specific provision of law or statutory rule. They have been appointed for the purpose of advising the Executive Government—in which phrase I include the Ministry as well as the Executive Council—by an executive order of His Excellency the Governor. They are purely advisory in character, and if a little more care had been exercised in regard to the phraseology of the orders appointing them, the words 'of the Legislative Council' would have been omitted. It is the intention of Government now to amend the orders constituting these committees by the deletion of those words, to which exception may rightly be taken, since the committees from the terms of the orders clearly include gentlemen who are not members of the Legislative Council. If it had been the intention to create standing committees of the Legislative Council, as the wording suggests, it is possible that exception might rightly have been taken to any such interference with the privileges of this Council which, I presume, should formally authorize the creation of any standing committee composed solely of members of its own body. They are, as I have said, purely advisory committees, attendance at which is not compulsory ; and I venture to think that, this being so, no question of breach of privilege or responsibility to the Legislative Council arises. I desire at the same time to express regret on behalf of the Government that this technical mistake should have been committed.

"It is not an unnatural sequel to the debate on a resolution in this House asking that advisory Standing Committees might be appointed. With reference to that resolution I think the answer given by the Hon'ble the Law Member was to the effect that His Excellency the Governor would be quite ready to appoint Standing Committees to advise any Member of his Executive Council or any Minister who desires the assistance of such a body. When we came to the actual details of constituting such committees, it was felt that the head of the administrative department concerned, and probably also the Secretary of the branch of

the Secretariat in issue, should of necessity sit on any such advisory committee. What was overlooked was that if they were included as members of such committees they could not of course be styled committees of the Legislative Council. That technical error will now be corrected."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I wish the Hon'ble the Leader of the House had given me or any member of this Council some notice that he was going to make a statement on this question. The exact motion or intimation that was given to us was that you were to make a statement to this Council as regards the composition of the Standing Committees. I am therefore taken by surprise, and hope that if there is in this Council any system of party government or any system of opposition to the popular government or to the government responsible as a whole, that at least in future the honourable member will intimate to us whenever he thinks that any important statement relating to the conduct of business or otherwise should be made in this House. The rule of consultation is absolutely necessary for the composition of committees as well as in questions of privilege, as to which important points are likely to arise from time to time. I must on the present occasion make an observation to the Hon'ble Sir Lionel Davidson as regards the composition of these committees. If, as a matter of fact, there is an opposition in this House, it seems to me to be extremely undesirable and unconstitutional that the advisory committees should be drawn from the members of the opposition. As he has himself pointed out, these committees have been constituted for the purpose of advising the Government on questions of policy. I would ask you to consider whether, so far as the Ministry is concerned, they want to take any advice from the opposition benches as to the constitution of these committees. It is somewhat different in the case of the reserved part of Government. The whole of this Council fills certainly an advisory capacity so far as the reserved part of Government is concerned. At the same time, looking at the way in which both the parts of Government are interlocked in this Council, it seems to me, Sir, that this question of the composition of Standing Committees raises a fundamental issue as to the existence of opposition in this Council. I do not wish to say anything further; many other questions are likely to arise in this connexion."

The Hon'ble the PRESIDENT :—" I will indicate at once what exactly is the scope of this discussion. The honourable member who has just sat down, Mr. Ramachandra Rao, has referred to the absence of notice to him on this matter. Let me at once say that I have nothing to do with the relations between the two parts of the House. The irregularity in the appointment of these committees came to my notice and it was taken up by me. I think the Government orders have been communicated to a number of honourable members, including, I believe, the honourable member who has just sat down. It was open to any one of them to have risen to the point of order on any day. That not having been done, it became my duty, as the custodian in the last resort of the privileges of the House, to raise the point, and the Hon'ble the Home Member will bear me out when I say that I had given him sufficient notice of the point that I was going to raise."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I did not know it, Sir."

The Hon'ble the PRESIDENT :—" I was not bound to give notice to any member other than the member who represented the side which was being found fault with. This is not a motion made by a member of any one side of the House. This is really a motion emanating from the chair and the motion questioned the authority of His Excellency the Governor in regard to certain committees appointed by him. Ample notice was given by me to the Hon'ble Sir Lionel Davidson, the highest executive officer here who represents His Excellency the

Governor, and hence the statement made by him. It is clear from this statement of the Hon'ble Sir Lionel Davidson that these committees are not committees of the Legislative Council at all. They have nothing whatever to do with the Legislative Council They are really advisory boards appointed by His Excellency for certain administrative purposes, and the Hon'ble the Home Member has given us the assurance that the orders already issued will now be corrected to make the point clear, and I have no doubt that in future orders of a similar kind which may be issued, it will be made clear that these are not committees of the Legislative Council. When once that is made clear, there is no justification for continuing this discussion. This is a discussion purely upon the competency of His Excellency the Governor to appoint these committees. If any honourable member feels that the policy underlying the appointment of these advisory boards is faulty or considers that any particular appointment made to any particular committee by His Excellency the Governor is not correct, it is perfectly open to him to bring the matter forward in proper form by tabling a motion to that effect. But I really cannot allow any discussion now either in regard to the usefulness of the committees or the way in which they have been manned. That will be taking the thing far beyond the purpose which I had in view in bringing up this matter before the House."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" May I assure you, Sir, that I had no intention of initiating any discussion in this matter ? The Hon'ble Sir Lionel Davidson has made a statement and, if I did not take the opportunity of controverting him on some points, it would be rather invidious on my part to pocket what he has said just now as regards the constitution of the Committees and bring up a resolution afterwards. It is in that light that I place this matter before this Council."

The Hon'ble the PRESIDENT :—" The honourable member has really corroborated me. I did not call the honourable member to order, because I felt that, after what had fallen from the Hon'ble the Home Member, the honourable member who leads the opposition should be permitted to say what he wanted to say. Now that I feel that, if I do not at once interpose when the honourable member has finished and before other honourable members rise to continue the discussion, we would be going far from the points in issue, I must stop further discussion. That settles the matter, and now that we have all understood one another, we shall proceed to the next order of the day."

Mr. P. SIVA RAO :—" Sir, may I rise to offer a few remarks on the statement of the honourable member ?"

The Hon'ble the PRESIDENT :—" No, Sir, we have gone to the next order of the day. The House will now resume discussion of the resolutions on matters of general public interest."

III

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

11.15 a.m. The following resolution standing in the name of Mr. M. R. Seturatnam Ayyar was not moved and was therefore deemed to have been withdrawn :—

Modification of the salary scales of non-graduate teachers in Government secondary and training schools.

Mr. M. R. SETURATNAM AYYAR :—

'159. *That this Council recommends to the Government that the salary scales of non-graduate teachers of all grades and denominations in Government secondary*

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and training schools as per the Hon'ble Mr. Knapp's proposals and the recommendations of the Salary Committee be modified as follows with an efficiency bar and a selection grade :—

	Rs.
Intermediate trained teachers ...	50-3-80-4-100-5-125
S.S.L.C. trained teachers	40-2-60-4-80-4-100
Senior pandits	50-3-80-4-100-5-125
Junior pandits	40-2-60-4-80-4-100
Commercial instructors	50-3-80-4-100-5-125
Drawing and drill masters	35-2-55-2-75'

The following resolution was deemed to have been withdrawn, the mover not being in his place :

Committee to formulate a scheme for the introduction of compulsory elementary education.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

'160. *That this Council recommends to the Government to appoint a representative committee to formulate a scheme for the early introduction and steady development of compulsory elementary education in this Presidency.*'

Curtailment of salaries of appointments on Rs. 500 and above.

Mr. C. V. VENKATARAMANA AYYANGAR :—"Mr. President, Sir, I beg to move—

'161. *That this Council recommends to the Government that the sanction of the Government of India and of the Secretary of State be obtained to fix the salaries of all appointments now carrying Rs. 500 or more at two-thirds of the present rates in the case of all those who may be hereafter appointed or promoted to those posts with such modifications and conditions as may be necessary.*'

"To begin with, Sir, I know that this is a very difficult proposition to deal with, but I hope that this will not be treated as a party question and that all sides including the Government will view the proposition with a sympathetic consideration. I have taken a little trouble to go into the question of the expenses of the Madras Government during the past half a century. In the previous meetings of this Council it has been over and over again stated that somehow or other we find ourselves in a position which is very difficult to deal with satisfactorily and when we have any question admittedly to be important, admitted by all sides of the House, by all departments of the Government to be very important, whenever such questions were discussed, the unfortunate and the only reply was 'no money'. Whenever the question of the further advancement of education was considered we were told that there was no money. Whenever we requested the Development Minister to improve the industries and other items for the welfare of the country we were replied 'no money'. Whenever the local boards and municipalities requested the Local Self-Government Minister to give some grants for carrying out some necessary improvements, they had the same reply. And then I will refer to only one other important point on which we were all agreed that some remedy was necessary, namely, the improvement of the pay and emoluments of the non-gazetted officers and the menial servants, and we discussed these questions in

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this very House and though the honourable members of the Government admitted the reasonableness of the request that they should be increased, the Council itself had to reject it most unwillingly on account of the fact of lakhs being necessary in such a case. It was said that about 60 lakhs in one case and about 9 in the other were necessary. Therefore even in the current year this question of want of funds has been thrown at our face whenever an admittedly important question was raised. If you only think as to what will be our position next year I am sure it will be very gloomy. I am told already—I speak subject to correction—that so far as the figures have gone now there will be a large deficit approaching a crore, and by the time probably when the financial year ends we may have to make supplemental grants and the deficit may grow further. Taking the present scale of pay, it will be admitted that almost all the higher officers and even lower officers are on a graded pay and as such next year a very large increase will be added to the pay that will have to be paid to the various officers in the appointment of the Government. Therefore next year it would be absolutely impossible for even a suggestion to be brought up by any member for any improvements in any department whatever. Therefore, Sir, every one feels that there should be retrenchment; every one is satisfied that unless serious retrenchment is carried out we will be in a worse than an insolvency position. It was with this view to see if we can make any reasonable attempt at retrenchment that a large number of motions were tabled in the first session for the appointment of committees to go into the several departments of Government and to report wherever possible retrenchments can be made. No committee was however formed and the Council did not press for any appointment because we were given a promise that serious retrenchments would be effected. And I am sorry to say the name of His Excellency was dragged into the matter. It was said that His Excellency the Governor was willing to carry on this retrenchment campaign and a Government Order was issued asking all departments without any explanation or any excuse to see that 20 per cent of the expenses were curtailed. Department after department was asked not to say whether this retrenchment could or could not be done but they were called upon to say how the 20 per cent could be retrenched."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*) :—"May I rise to a point of order, Sir? The honourable member has not quoted the Government Order quite correctly. What it said was that heads of departments were to say, if they were ordered to reduce their expenditure by 20 per cent how they will make that reduction. The Government would then see whether the reductions indicated could be made without involving too great a loss of efficiency."

Mr. C. V. VENKATARAMANA AYYANGAR (*continuing*) :—"I thank the Honourable Member for his correction, Sir. I merely paraphrased the Government Order. What I meant to say was that on the issue of this order, the heads of various departments issued orders to their subordinates : 'You should not say this is impossible; you should not say that that cannot be done. Anyhow as His Excellency the Governor in Council wants 20 per cent reduction you are to see how this can be curtailed'. Little is understood as to what has become of the Government Order and the orders of the various heads of departments. With a view to know that, I tabled a number of questions as to what had been done and I do not want to read the various answers. I believe the matter has not yet been finally settled. The net result will be the abolition of a hundred and odd posts of peons and dalayats, the abolition of a few constables and

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probably the abolition of one or two police divisions and even the latest answer of the Government on the point does not say how much money can be retrenched. My own humble opinion is—I speak subject to correction—that the possible retrenchment will not amount to more than a lakh of rupees or so a year. This I may say is merely a drop in the ocean. Out of 17 crores, to say that they will be able to save only a lakh of rupees or thereabouts is I am afraid not very satisfactory. Probably the paper and the postage that have been spent upon this question will come to a very large amount and if further correspondence on the line on which it has gone on goes, probably the expenses will come to a very large figure, much larger even than the sum that may be saved.

"I may say here that my honourable friend Mr. O. Tanikachala Chettiyar has also tabled a resolution which is somewhat similar but with some additional clauses also, that is, so far as the Europeans are concerned, the difference in their pay might be treated as over-seas allowance. But I do not want to say in the resolution itself that any particular class of people should be treated in any special way but only to say that in the case of people who are getting large salaries at present Government may find out how they can cut them down.

"My resolution is a very humble one. I have not put in such words as 'at once', or 'immediately' for such words are sometimes apt to scare some away and propositions are likely to be thrown out on that score. Therefore I have given a very wide margin to the Government to see how they can effect retrenchment. I know the Government will say that it is very difficult to carry out resolutions even though they may be passed unanimously or by a very large majority. I believe the Hon'ble the Finance Member told us yesterday that the Government will always be prepared to carry out the resolutions of this Council as much as possible and therefore I think that if this resolution is carried, the Government will try their best to carry out this resolution, although the treatment accorded to the resolution about travelling allowance which was passed by the Council does not give us much hope. Whatever that may be, Sir, the House will see that this resolution has got a clause at the end and that is 'with such modifications and conditions as may be necessary.' I have put it purposely because it may be found that some people are as it were morally if not legally entitled to some consideration by way of promotions, etc., and we have to make provision for them. But all that we feel is that retrenchment must be effected and the only possible way of retrenchment so far as the services are concerned is, the Indianisation of the services and the reduction in the pay of higher posts and also the reduction in the number of higher officers, some numbers in the non-gazetted officers also may have to be reduced. Therefore it is necessary to have recourse to a reduction of the service and also to a reduction of the pay itself; this resolution deals with the latter question.

"It is very unfortunate, Sir, that, so far as the budget of this Presidency is concerned, it has gone on by leaps and bounds. The old financial statements are not very legible for those who were not members of the Council before—I speak subject to correction on this point and in all humility. In the budget for the year 1889-90 when the Imperial as well as the Provincial income and expenditure were coupled together, the expenditure so far as this Presidency was concerned was 790 lakhs while the income was 1,068 lakhs, the expenses including the expenditure on army, post office, etc. That was in the year 1889-90. Now, taking the whole expenditure into consideration, we spend 17 crores including the 300 lakhs contribution to the Imperial Government. In the budget of 1889-90, the income was 10 crores and the expenditure was about 8 crores. In 1899-1900, the

expenditure went a little more. The income then was 14 crores and the expenditure was 11 crores. This year we do not know what the income would be, but expenditure would be 17 crores and we do not know what the deficit would be. The fact is that year after year the expenses are increasing by leaps and bounds, and, unless something substantial is done, it is impossible for us to do anything satisfactorily, and there is only one other possibility of meeting all the expenditure and that is additional taxation. Well, Sir, on the point of additional taxation, I need not say anything, but I think all the members of this House are agreed that it is a most inadvisable and impolitic course to adopt at present. From whatever point of view we may look at these matters, that point seems to be clear; though no doubt there have been suggestions thrown out here and there that we may have additional taxation so far as this Presidency is concerned. I know there is another chance of our getting about 4 crores of rupees that might be given up by the India Government. Well I do not want to say anything on the chorus of approbation on the resolution moved by my honourable friend Mr. Ramalingam Chettiyar, but at the same time I may say this that it is a question of mother-in-law and daughter-in-law. If these 4 crores are given up by the Imperial Government, I am sure they will impose fresh taxation which we all will have to pay. Whatever that may be I do not think there is much chance of our getting that money at all. As I stated already we must deal only with curtailment and curtailment alone if we want to save money.

"So far as the number of high-paid officers, i.e., gazetted officers, are concerned, I have tabled a separate resolution and I do not want to say anything on that matter now. But now we must see whether it is necessary to carry on these establishments on very high salaries. I have got a number of friends who have been attacking me as to why I tabled this resolution and I am sure many of the friends of other honourable members also would have bombarded them with the request not to support this resolution. But we should look at it dispassionately and see whether in the interests of this country it is necessary to carry on such a costly establishment. It has been stated that, so far as the other countries of the world are concerned, things are quite different. Japan, which is one of the most flourishing and advanced countries of the world, gets on with a much smaller establishment and with a smaller expenditure. In America it is the same case. Of all the countries in the world, England is the most highly paid so far as the establishments are concerned. But England is supposed to be the richest country in the world. But India we all admit is the poorest country and it has been stated over and over again that the establishments in India are paid much more heavily than the establishments in England. I do not think it is necessary for me to quote figures. But it is enough to say that the Prime Ministers and the Ministers in England are paid between £5,000 and £7,000 whereas the pay of a Minister in England is received in India by some of the provincial officers. The high pay at the top is generally followed by increase to those just below. When it was considered by the Government to increase the pay of the covenanted services in all departments at the beginning, it led naturally to discontentment among the provincial service people in all departments who were doing practically the same kind of work. I think first of all we should claim equal wages for equal labour. It was a very unfortunate thing, but the fact was because European officers of the various departments were paid very high salaries, Indian officers also had to be paid high salaries: with the result that rank for rank, department for department, post for post people here are paid much more than people in England which by itself seems to be the most highly-paid country. Of

course, it may be said that various increments had to be given as a matter of necessity. My own humble opinion is that, it is not correct to say that because higher officers are paid more, it is necessary that his pay also should go on for ever increasing. I can give one or two cases where the Government have not thought fit to increase the pay. I believe, I may say, Sir, from my own personal knowledge that in 1860 or 1870 tahsildars were paid Rs. 150 to Rs. 250. It is nearly three-quarters of a century and the pay of tahsildars has remained the same. I was told that recently their grades were raised to Rs. 300. But according to the quarterly list of 1st July 1921 the pay continues to be Rs. 150 and Rs. 250 and the tahsildar is one of the highest among the non-gazetted officers and his pay practically remained the same for over 60 or 70 years. Therefore I do not think it absolutely necessary that the higher grades should be paid increasing salaries. If we only compare the salaries which these high officers have been getting in the last century and this century, it will be very interesting. Taking the civilians, the collectors, the head assistant collectors and the assistant collectors, they have all been now put into one gradation. The highest pay that the Collector was receiving before was Rs. 2,350 and the lowest pay for a civilian was Rs. 385. We all know that now Rs. 385 has become Rs. 600 and Rs. 2,300 has become Rs. 3,000. In the same way, Sir, the provincial service people have been paid. Formerly the deputy collectors were paid from Rs. 250 to Rs. 700; but now they are paid from Rs. 300 to Rs. 1,200. I have got figures to show how the various offices have been taken and their pay increased. Take one instance, the case of the Conservator of Forests. We have been taunted by saying that there is not even one Indian in this year of 1921 fit to be a Conservator of Forests. That is a very sad and gloomy tale to hear. The pay of the Conservator of Forests was Rs. 1,400 to Rs. 1,500 in 1880. It became Rs. 1,600 in 1890, while in 1900 it became Rs. 1,750 and now it has risen up to Rs. 2,000 in addition to the large increase in the number of persons holding these appointments. I therefore say that while in the case of low-paid officers their pay has practically remained the same the pay has gone up by leaps and bounds in the case of higher officers.

"But the Government might say that they are paying the same salary to all the High Court Judges whether they are Europeans or Indians. I may state at once that I am not very much enamoured of the High Court Judges and therefore let it not be said that the High Court Judges have been getting the same salary on account of some punishment. In 1880 the pay of the High Court Judges was Rs. 3,750 for ordinary Judges and Rs. 5,000 for the Chief Judge. It rose to Rs. 4,000 in the case of ordinary Judges, while the pay of the Chief Judge remained the same and those salaries remain the same even to this day.

"After 21 years the pay of the Judges of the High Court remains the same. They may now want some allowance, probably because others have got increase in salary. But that is by the way. I do not say that the High Court Judges should be paid more; I only say that the pay of other higher officers should be curtailed.

11-45 a.m.

"I will say only a word as regards the district judges. Their pay also has gone up correspondingly to that of the district collectors; the maximum pay has risen from Rs. 2,300 in 1900 to Rs. 3,000 in 1921. All this comes under the name of Civil Service. Sub-judges also have got substantial increase; their pay which ranged from Rs. 500 to Rs. 800 in 1890 ranges now from Rs 650 to Rs. 1,200. As regards district registrars, they also seem to have got a substantial increment. Curiously enough their initial salary was very small in 1880; probably there

were no sub-registrars then. It was from Rs. 50 to Rs. 400 in 1880, Rs. 100 to Rs. 500 in 1890, Rs. 175 to Rs. 500 in 1900, and Rs. 250 to Rs. 750 in 1921. If you go to the Police Department the Inspector-General gets a pay of Rs. 3,000 now, whereas he got only Rs. 2,500 in 1880; the Deputy Inspector-General of Police gets from Rs. 1,600 to Rs. 1,900 whereas he got only Rs. 1,200 in 1880; the Commissioner of Police gets Rs. 1,900 whereas he got only Rs. 1,500 in 1880. Why should we pay men so much? It is unfortunate that we have to pay now more even for the chaplains. The greatest rise is to be seen in the case of these. The senior chaplains got from Rs. 500 to Rs. 800 in 1880; it has risen to Rs. 1,050—1,600: it has doubled actually. The junior chaplains were given Rs. 500 in 1880. The maximum of their salary has been raised to Rs. 1,150. The maximum has increased nearly 150 per cent. We can go on giving figures to show that the pay has in all cases risen enormously.

"The pay of some of the officers has gone up very high indeed, and it is time that something is done to reduce the pay. It may be said, Sir, that if we reduce the pay we may not get the best men for the post. So far as these appointments are concerned it cannot be said that we are not getting sufficiently large number of applications. Of course, it may be said that so far as the Conservators of Forests are concerned, I believe, no Indian was found capable of being given that post; and I am subject to correction when I say that two officers who had retired were brought in. But taking the other appointments into consideration I do not think it has been said at any time that when the pay was lower we could not get sufficiently large number of applications. I agree with several of my friends in saying that the standard of efficiency has been respected too much. Whenever anything is said this question of efficiency is thrown at our face. If I say that the salaries may be reduced it may be said 'Very well, Sir: you may get applications, but not applications from efficient men.' So far as this resolution is concerned, I must say that unless applications are called for to fill the appointments on a lower salary, unless these applicants are appointed and then honestly tried, the Government cannot say that for this lower pay we cannot get satisfactory people. It is commonly believed by leading men and important journals that so far as the European officers are concerned, they are demanding too much from us. If they are not prepared to accept our terms and serve the country without demanding higher pay than the Indians we will have to prefer Indian officers to European officers. I am not one of those who say that no European officers should be appointed. By all means let them be appointed; but they must be appointed on equal terms with Indians, not terms dictated by them. Therefore, Sir, it is from this point of view that I say if the pay is reduced there is no reason at all for us to suspect that efficient people would be wanting.

"I may put forward before the Council one other important point. It may be said on behalf of the Government that there are some firms who pay high salary to their servants, and hence to make Government service attractive to the best men the pay here also should be high. I know for instance that the Manager of the Tata's Steel and Iron Works gets a salary of about Rs. 20,000, a salary next only to that of His Excellency the Viceroy. There may be particular cases of high salary paid to the servants of firms. Speaking in the interests of the country at large, I do not see any reason why the Government should monopolise the services of the best men the country has, who can do immense good to the country in other walks of life. I do not see any reason why the Government must pay tempting salary to these people and get the best of them. To borrow an expression from the Hon'ble the Finance Member, many of the non-gazetted officers do only

routine work; I may be excused if I say that many of the higher officers also do routine work only, are guided by the routine notes put up by the clerks and pass routine orders only. Of course there are honourable exceptions. But we all know it is so in about 90 per cent of the cases.

"I have given some reasons as to why the matter should be dealt with at once why the proposition should be carried, why the Government should bring it into effect with the help of committee, standing or otherwise, and why some retrenchment should be effected before the end of the financial year. Therefore I commend this resolution to the Council."

Mr. R. SRINIVASA AYYANGAR :—" Mr. President, Sir, this resolution seems to me to be in the nature of a direct co-operation with the Government in getting it out of its financial deadlock and also in finding it funds for demands of an urgent character which owing to the financial stringency it finds difficult to meet. So far as this resolution is concerned it provides sufficient safeguards. While the resolution leaves untouched the salary of those who now hold office it seeks to place certain restrictions upon the future incumbents. So far as it tends to reduce the salary of certain officers to be appointed hereafter, there is no reason why the principle underlying this resolution should not be adopted. The proposed retrenchment is made subject to certain modifications which the Local Government of its own accord and initiative or with the advice of any committee which it may be pleased to appoint may think it necessary to embody. My impression is that at the present moment we are faced with a deficit of about 60 lakhs of rupees, and by the time the financial year runs out the deficit may run up to a crore of rupees. There is, however, one matter which a consideration of this resolution may make us feel somewhat diffident. It is stated here 'two-thirds of the present rates in the case of all those who may be hereafter appointed or promoted to those posts with such modifications and conditions as may be necessary.' The members of the House may know that district munsifs who are at the top now get a salary of Rs. 600, whereas the subordinate judges at the bottom of the ladder get Rs. 650 only. If this resolution is given effect to it will logically follow that the district munsif at the top when he is to be promoted as sub-judge of the lowest cadre, will get instead of Rs. 650, his present scale of pay two-thirds thereof which will be far less than the salary he was drawing as a first-grade district munsif It is to prevent such an anamoly, I take it, that the honourable mover has carefully and cautiously introduced these words : ' with such modifications and conditions as may be necessary '. It may be perfectly open to, and it will be within the competency of the Government, to provide for the necessary and reasonable safeguards and do away with cases of hardships that may arise here and there. Subject to that there is no reason why a resolution of this character should not be carried out. Moreover the members of this House will see that this is intended to affect only officers getting Rs. 500 and upwards and it leaves practically untouched those getting less than Rs 500. Therefore I appeal to the House to accept the spirit and principle underlying this resolution; if necessary, a committee may be appointed to go into the question fully and to advise the Council after a deliberate consideration of the subject. Therefore I commend this resolution to the Council and ask the Government to accept the proffered co-operation."

Mr. O. TANIKACHALA CHETTIYAR :—" There is another proposition akin to it, though not exactly the same, standing in my name on the next page, that is, resolution No. 173. If you, Sir, will permit me to move it which is in the nature of an amendment to the proposition just moved by

12 noon.

my friend Mr. Venkataramana Ayyangar, it would facilitate the discussion of this matter in all its aspects."

The Hon'ble the PRESIDENT :—" I cannot allow any proposition to be taken up except in the order in which it appears on the agenda as the result of the ballot. The ballot has produced the particular arrangement which we are now working. What the honourable member should have done was to have tabled an amendment to this motion in the terms of his own motion; he has had ample time to do that. If he had done that, he could have practically brought forward his own motion relating to the same subject. I would now advise the honourable member, if he wants to put forward any modification of the proposition now before the House to draft an amendment carefully and put it forward. I would then ask the House if any honourable member has any objection on the score of want of notice, and if there is no objection, it may be considered."

The Hon'ble Sir CHARLES TODHUNTER :—" Sir, the honourable mover has stated that this is a very difficult proposition and he has treated us to a long disquisition upon the resources of the presidency and its finances during the last 50 years, and also on the orders passed by the Secretary of State on the report of the Public Services Commission. I venture to say, however, that if we dissect the resolution on the paper, it will be found to involve no question of very great difficulty and that the bulk of what the honourable member has said is entirely irrelevant to the proposition he has put on the paper. There is much that he has said which I should like to controvert or, if he would favour me with an opportunity, to discuss with him quietly. There are also many of the figures which he has quoted with reference to which I should like to give him other figures that suggest a conclusion the reverse of that which he has drawn. But I would venture to submit that if the House will examine the proposition before them they will find that it is unnecessary for us to go into these matters at all.

" If we place this motion upon the dissecting table, it may be resolved into three propositions :

" First of all as regards the pay which officers are now drawing, the honourable mover has not proposed any reduction. Therefore there is no question of economy and there is nothing to discuss in that case.

" Secondly, he says that when an officer is promoted, he should be promoted, not to the pay of the post to which he goes, but to two-thirds of that pay. The honourable the seconder has taken a course that is rather a curious course for a seconder to take and has pointed out that this proposition is a *reductio ad absurdum*, because if we examine the Civil List it will be found that there is practically no instance in which, when an officer is promoted from one post to another, he receives a 50 per cent increase of his salary. And unless he receives more than a 50 per cent increase of his salary, it is not possible without reducing the pay he is receiving at the time of promotion to give effect to the proposition of the honourable mover. Therefore, the proposition comes to this, that whenever an officer is promoted, his pay is to be reduced. Now, is the Council going to pass a resolution and send it to the Secretary of State that whenever an officer is promoted by reason of seniority or merit he is to receive punishment for such promotion? That is what the proposition amounts to. I know the honourable mover has put in a hedging clause that it may be given effect to subject to such modifications and conditions as may be necessary. Very well, will the Council send Home to the Secretary of State a proposition that whenever an officer is promoted, his pay is to be reduced subject to such modifications and conditions as may be necessary? The honourable the seconder says

that this is a matter of co-operation with the Government, and the way in which I understand him to use the word co-operation in this case is that when a wholly unpracticable proposition is put on the paper it is the Government's business to make it practicable. If that is co-operation, I am afraid the next stage of co-operation would be for the Government to draw up the resolutions themselves. I venture to ask the House to vote on the resolution as it stands on the paper before us and to say that, so far as the case of promotions is concerned, it involves, as the honourable the seconder himself has pointed out, a *reductio ad absurdum*.

"Thirdly, we come to the case of the new recruit. That also involves a *reductio ad absurdum* because the resolution is confined to the case of officers recruited to posts carrying salaries of Rs. 500 and above. Who are the officers so recruited? If any honourable gentleman will examine the Civil List he will see that the starting pay of all the ordinary services is below Rs. 500 and that the cases in which we recruit on a starting pay of Rs. 500 and upwards are limited to special cases, such as the Chief Justice, the Bishop, the Advocate-General, and a few other offices filled by very distinguished members of the legal and other professions. Now, is it seriously proposed that when we appoint a leading member of the legal profession as a Judge of the High Court, we are to pay him a lower salary than that paid to the other High Court Judges? Is it proposed that when a vacancy arises of the office of the Advocate-General, we are to cut down the pay of the office to two-thirds of what it is now? Is it proposed that when a new Chief Justice is to be appointed from England we are to request the Secretary of State to send an officer on less pay than the puisne judges? That is why I venture to say that the proposition leads to nothing but a *reductio ad absurdum*.

"I have said that I shall be only too willing to discuss with the honourable member or any honourable member who wishes to do so, the general propositions which he has stated in moving his resolution, but I venture to say that general propositions have no bearing on the specific proposal that has been put before the House. That says first, that when we promote an officer we should reduce his pay, and secondly, that in the case of a very few exceptional posts for which we recruit on Rs. 500 and upwards we should reduce it also, which for the reasons I have given is not practicable. I would venture to ask the House to take the resolution as it is on the paper and vote against it"

Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, the only thing that I could understand from the reply of the Hon'ble the Finance Member was that 'when you have no case, abuse the plaintiff's vakil'. From the beginning to the end, the Hon'ble the Finance Member went on saying that this was absurd, that was absurd, this was impracticable, and the figures were not quite properly given. I would challenge the Hon'ble the Finance Member to correct me at least in two or three cases. It may be that I have misread the figures, but they are taken from the budget estimates, the Quarterly Civil Lists and other reports which I got from the library of the Council and studied them day after day. I was also anxious to know if the Government would say what they meant by 20 per cent reduction mentioned in their Government Order. From the speech of the honourable member it appears that it is impossible to reduce the pay of any post in any department, because everybody should be paid increased pay and not reduced pay. This pay is given not only to the existing members but also to new recruits. It would then be interesting to know as to what the Government meant when they said that in every department there should be, without possibility of explanations, 20 per cent reduction or something like it. Well, Sir, reading the proposition as

it is worded, it refers to present posts and not to present grades or anything like that. It is so difficult to define these words, i.e., what a post is and what an appointment is. What I did was that I took the cue from some of the honourable members of the Government themselves when they were discussing the budget. It was said that when a person is given a particular pay, he cannot be asked to receive a reduced pay, and even if the Council in some cases passes a proposition for reduction, he would be given what they call personal allowance. I have got some instances where personal allowances had to be given when such reductions of pay or establishments are carried on. But so far as the post is concerned, if a man is on a particular pay, he should get that pay, but when he goes to the next grade or when he is promoted to the next appointment above him, this proposition can come into operation. It is a very difficult proposition no doubt, but there is no reason why we should pursue this course for ever. The best way for us is to carry some such proposition as this, and I am not very particular that this proposition should be absolutely carried. It is better to accept its principle, as otherwise no retrenchment is possible. I have not suggested anything absurd at all As Mr. R. Srinivasa Ayyangar said there may be some difficulties created in the Government departments where various grades have been given effect to, and it is to meet such possible difficulties that I put in those words 'with such modifications and conditions as may be necessary'. I knew that the Government would not, even if this proposition is unanimously carried, give effect to it completely. They would have to modify it. I want to enable the Government, in accepting this proposition, to give effect to its principle. There may be loopholes in it, and advantage should not be taken of them and the proposition must not be opposed absolutely. Therefore, Sir, as far as the principle is concerned, there is not any *reductio ad absurdum* from beginning to end. I am afraid that the Honourable the Finance Member's speech has not satisfied me that there is anything absurd in my motion or in my speech."

Mr. O. TANIKACHALA CHETTIYAR:—"Sir, I beg permission of the House to move the amendment of which I have given notice. The motion of Mr. Venkataramana Ayyangar would remain exactly as it stands, that is 'that this Council recommends to the Government that the sanction of the Government of India and of the Secretary of State be obtained to fix the salaries of all appointments now carrying Rs. 500 or more at two-thirds of the present rates in the case of all those who may be hereafter appointed or promoted to those posts with such modifications and conditions as may be necessary'. The amendment I propose to move is to add at the end, the words 'subject, however, to the reservation that the European members of the services employed in India may be paid an overseas allowance of one-third of the present rates of salary for their respective appointments'".

The amendment was read out to the House, and no member having objected to the moving of the same on the score of want of notice, the Hon'ble the President granted permission for its being moved.

Mr. O. TANIKACHALA CHETTIYAR:—"Sir, I am much obliged to you and to the House for your kindness in allowing this amendment to be moved now. My friend, Mr. Venkataramana Ayyangar, has already addressed the House as to the grounds justifying such a proposition being moved, and he has also appealed to the House that this should not be treated as a party question, but as one affecting the interests of the country. I join with him in making that appeal, and I have no doubt that the appeal would be responded to. We have previous knowledge of the same sentiments expressed by my friend, Mr. Srinivasa Ayyangar, on the

opposite side of the House, and resolutions to the same effect have been moved by members sitting on this side (Right side) of the House, such as my friend Mr. Gopalakrishnayya, suggesting reduction of salaries over Rs. 200 a month. Therefore I do feel that in the consideration of this question all considerations of party politics will be set aside, and what is in the best interests of the country will be kept in view.

12-15 p.m.

"Sir, this proposition is not a new thing which has been started for the purpose of reducing the salaries of highly paid European or Indian officers. This was one of the planks on which the Congress was carrying on agitation, and I cannot express myself better than to reproduce the words which that great statesman of India whom everybody claimed to be their head, the late Mr. Gokhale, used in the year 1911 when moving a resolution to enquire into the causes that led to the great increase in public expenditure. All those considerations which weighed with him when moving that resolution are now put in a substantive form in this proposition. The meeting of the Imperial Legislative Council was on the 28th of January 1911. This is what he said, Sir: 'My lord, my third suggestion is that there should now be a more extended employment of the indigenous Indian agency in the public service. In this connexion I am free to recognise the necessity of paying as a rule the Indian at a lower rate of payment than the English an who holds the same office. I think this is part of our case. If we insist on Indians being paid at the same rate as Englishmen we cut away a large part of the ground from under our feet. Except in regard to those offices, with which a special dignity is associated, such, for instance, as Membership of Executive Councils, High Court Judgeships and so forth, where of course there must be strict neutrality, even as regards pay, between the Indian and the Englishman, there must, I think, be differential rates of payment for the Indian and European members of the Public Service (if Mr. Gokhale was living at the present day he would have included Ministers in this category of Executive offices). 'What is however necessary is that care must be taken not to make such distinctions galling. Instead of the present division into Provincial and Imperial services, or instead of laying down that the Indian should be given two-thirds of what the Englishman gets, I would provide a fixed salary for each office, and I would further provide that if the holder of the office happens to be an Englishman, an extra allowance should be paid to him, because he has to send his wife and children to England, and he has often to go there himself. These have to be recognized as the exigencies of the present situation, and they must be faced in the proper spirit. I should, therefore, have a fixed salary for each office; and I would then throw it equally open to all, who possess the necessary qualifications, subject to the condition already mentioned, that an English holder of it should get an extra allowance for meeting extra expenses. Then, when you have to make an appointment, you will have this before you. An Indian pay, say, Rs. 500 a month—an Englishman pay Rs. 500 plus an allowance, say of Rs. 166. If you then are really anxious for economy, you will have to take the Indian, other things being equal. So that the *raison d'être* of this proposition has been most clearly set forth by one of the greatest statesmen of our country.

"Sir, this agitation which has been carried on has borne fruit, and during the ten years that have elapsed a large number of appointments have been given to Indians, and it is but right that the argument which was then advanced that Indians should be employed in a larger measure, because by so doing you will be lightening the burden on the people, should be extended now, and you cannot now refuse to give effect to that ground on which higher appointments were sought

and have been given. That this principle is also recognized by the British Government can be illustrated by the fact that to those Indians who sit in the Council of the Secretary of State a higher salary is given; whereas the European who is resident there gets only £1,200 per annum, to Indians such as Sir Sankaran Nayar who has gone there, on the same ground that he has to maintain a family in India and in England a higher salary is being paid, and if I am not mistaken it is £1,800. Likewise the same principle is applied in another instance. I am speaking here, of course, subject to correction. Mr. Chadwick who, while in India, was paid a particular salary is now being paid less because he happens to be residing in England and in the Secretary of State's Council. So the principle is being recognized; the question is, is there a necessity and to what extent we shall apply this principle? I have had certain figures worked out from the Civil List that was issued about six months ago and I find that we are spending on services where the salaries are a thousand and upwards Rs. 92$\frac{1}{3}$ lakhs and upon services where the salaries are from Rs. 500 to Rs. 1,000, Rs. 37$\frac{2}{3}$ lakhs; roughly or approximately it comes to Rs. 130 lakhs. I have had also the figures analysed to see how much of this sum for salaries of thousand and upwards is paid to Indian officers and I find it is Rs. 14$\frac{3}{4}$ lakhs and those Indians who are paid Rs. 500 and upwards up to thousand receive Rs. 23$\frac{1}{4}$ lakhs. This principle is applied not on any consideration that the Indian is by any means inferior to the European in the same post, but on considerations of family expenditure and requirements which have to be taken into account in the case of the European. We find that we shall be able to save at least 13 lakhs of rupees if it was given effect to now and Rs. 13 lakhs is not a paltry sum. Sir, many of the crying requirements and demands and requests for increase made by subordinate officers are met by the plea of want of funds. If therefore you are able to release at least 13 lakhs of rupees, it will be a welcome addition for the relief of those who really need the relief. It will be said no doubt that the prices of things have gone up and therefore at this time you cannot reduce the salaries. That applies particularly to the low-paid men. But to those who are in a higher standard of scale of pay, the rise in price would not affect them prejudicially. My own belief is that there must be a considerable amount of saving by those who are drawing higher salaries. Any retrenchment that might be proposed and carried out would only affect the savings which those people might make but would not prejudicially affect their minimum requirements.

"Then, Sir, there is the other question. In the same way that these officers ask for increase from time to time they must also subject themselves to the process of reduction in their salaries if the requirements of the country, if the requirements of the State and the requirements of the people over whom they exercise authority demand it. It has been said that nearly two-thirds of the revenue derived in our province is spent on the various services. Then it only leaves one-third of the revenue for various purposes of improving the education, sanitation, irrigation and various other requirements. Therefore so much money that you can release from payment of the services is a great retrenchment.

"As regards the objection which I have heard the Hon'ble the Finance Member urge that this proposition is not very clearly and properly worded, I daresay the time will come when the principle is accepted and when the application is made of it these things may be looked into. The other day I was put the question 'Are you going to have effect to this resolution straightway to all or only to those who may be entertained in the future?' I believe the answer is to be found in the proposition of Mr. Venkataramana Ayyangar which is the first portion of the

amended proposition I am moving. It is said there, 'In the case of all those who may be hereafter appointed or promoted to those posts'. I wish to make it clear that no one by reason of the application of this principle shall be made to suffer and to get less than what he is getting at the present day. All that I say is that when his further promotions are due, this principle will be so applied that he will not on any account get less than what he is drawing. By giving effect to it a saving may be made. With these words, I move this amendment for the acceptance of the House."

Mr. T. A. RAMALINGA CHETTIYAR :—"Mr. President, I have very great pleasure in seconding this amendment and also the resolution as amended. My reasons for supporting the amendment are two; one is that it makes for retrenchment directly and the other is that it leads indirectly to the policy that the services ought to be generally Indian and the appointment of Europeans will be justified only if there is a necessity for it. The very fact that if a European is appointed to any post he will have to be paid one-third more than the salary of the appointment if held by an Indian will make it necessary to consider the question whether a European is necessary at all. Unless and until a case is made out for the special appointment of a European to any place, no European will be appointed to these appointments. Therefore, Sir, I take it that one of the results of accepting the principle contained in this amendment will be to lead directly to the appointment of only such Europeans as are absolutely necessary, whether it be for the technical qualifications possessed by them or whether it be for any other special reasons like that. Ordinarily appointments will not be open to Europeans. That will be the natural consequence of the acceptance of the principle of this resolution. So, Sir, mainly on that ground and, as I said, also on the ground that the acceptance of this principle will lead to retrenchment and saving of a large amount of money, I have great pleasure in seconding this amendment.

"As regards the resolution as amended, I beg to submit that the view taken by the Hon'ble the Finance Member is not the proper one at all. All that the resolution attempts to do is to express the sense of the House with regard to the high salaries that are being paid. True it is that it is not possible in the resolution to lay down principles that will directly and accurately apply to each appointment and it will not be possible to refer to each service and the scales of pay that are attached to each service. No doubt in applying the principle to the services, some changes will be necessary. For instance, in one service the pay may be Rs. 300 to Rs. 600. An officer may be in the initial stage of Rs. 300 and we may not be able to make retrenchment, but as we go on we may be able to do it. What the present resolution attempts to do is to show the sense of the House with regard to the pay that is sanctioned and that in the opinion of this House the salaries have been raised unnecessarily high and that they now consider that ordinarily about two-thirds of the present salaries will be what is necessary. That is what the resolution enunciates and not that it lays down that the salary of a particular post should be reduced by a particular figure. The general sense of the House as enunciated in this resolution will be that one-third reduction will be possible and that with regard to each service the matter will have to be considered in detail. That is the object of the latter portion which says, 'with such modifications and conditions as may be necessary.' That recognizes the difficulty that there will be in initiating a policy like this and that is why this limitation has been made and it is not at all for the purpose for which the Hon'ble the Finance Member said it was introduced. It was not the object of the mover or

the object of this House to ask the Finance Member to enunciate a resolution for their acceptance or draft a resolution or amendment or anything like that for the House. The object of the limitation was only to show that each department and each service should be dealt with as its conditions and the salaries attached to it deserve. It may be that some modification will be necessary in dealing with particular appointments or services. It is only to safeguard that that limitation has been introduced.

"So far as this resolution is concerned, there cannot be any difference of opinion at least on the side of the non-officials. It is an eminently satisfactory resolution and it commands the support of all of them. Well, during the budget session, last March and April, I think most of the members raised their voice against the very high scales of salaries that have been fixed for the several departments. Almost every department came in for some criticism or other, and I am sure the Government would have been impressed with the volume and strength of the feeling expressed in the matter. What will be necessary is for the Government to take these scales of salaries into consideration again and probably with the help of some non-officials to examine the scales at once and see what reduction can be made in these scales.

"With regard to the provincial services as well as with regard to the imperial services, as I said, the feeling has been very high indeed. So, if
12-30 p.m. the Government want to be responsive at all, I think it would be necessary for them to take this matter into consideration and see what they could do in this direction.

"Sir, as has been referred to by my honourable friend, it was said in March last that His Excellency the Governor was going into all these matters and it was even said that the proposals of the heads of departments for a 20 per cent general reduction will be placed before the Finance Committee before they were considered by His Excellency the Governor, and that, if possible, these proposals of the heads of departments will be placed before His Excellency the Governor with the opinion of the Finance Committee. Unfortunately, Sir, there has been a difference of opinion with regard to this between the honourable members who were presiding over the Finance Committee and it was thought by the Hon'ble Mr. Knapp that it was unnecessary to consult the Finance Committee with regard to these proposals. So, the proposals were sent direct to His Excellency the Governor for consideration and the Finance Committee was not consulted with regard to these questions before the proposals were sent to His Excellency, or at any time afterwards. Last session, as stated, a number of resolutions were moved asking for the appointment of a committee to go into all these questions and they were all put off on the assurance that the Finance Committee will go into all these. Well, Sir, that promise has not been fulfilled. So, ever since March or April, we have given expression to this grievance that the charges with reference to the salaries of the officers have been unduly raised and a very heavy burden has been thrown on the shoulders of the people of this Presidency, and no opportunity has been given to the Finance Committee to consider these increases in the salaries even after a promise was held out to that effect. So, Sir, this resolution only enunciates what we have been agitating for ever since this Council has been formed last year, viz., that this undue rise in the salaries in all the departments of Government without reference to the Council should be reconsidered, and, as I have said, it only shows that in their view the increase is too much by one-third. So, what we can do in response to the public opinion will be to work out a reduction of the salary

charges by one-third with the help of a committee by going into every department in detail. I only hope that the Government would take that view and not oppose it, since it is only in accord with the promise that they themselves held out.

"With these words, Sir, I have great pleasure in seconding the amendment moved by Mr. Tanikachala Chettiyar."

The Hon'ble the PRESIDENT:—"It would be convenient at this stage if the honourable mover, Mr. Venkataramana Ayyangar, would indicate what his wishes are with regard to the amendment moved by Mr. Tanikachala Chettiyar. Is it his intention to accept that amendment so far as he is concerned, or does he object to it? He need not make a speech just now giving his reasons."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I do not make a speech at all, Sir, but with a view to continue the happy spirit with which Mr. Tanikachala Chettiyar moved the amendment, I very gladly accept that amendment."

The Hon'ble the PRESIDENT:—"Then, does any honourable member object to that amendment being made in the resolution? That is the question. I am putting that to the House. If any honourable member objects to the amendment, it will be my duty in due course to take a division upon that point, and if, upon that division, the amendment is passed, then the original resolution will stand amended and the resolution as amended will be further discussed. If, however, honourable members are agreed upon accepting the amendment, it means that they would at once allow the discussion to proceed upon the amended resolution. There will be only one vote in that case, that is upon the amended resolution. The honourable mover who moved the original resolution has said that he accepts the amendment. The next question is, do other honourable members accept the amendment, or does any one object to that amendment? (After a pause). No honourable member having objected, I take it that it is the unanimous wish of the House that further discussion should proceed upon the resolution as amended. Hereafter there is only one resolution before the House, viz.—

'*That this Council recommends to the Government that the sanction of the Government of India and of the Secretary of State be obtained to fix the salaries of all appointments now carrying Rs.* 500 *or more at two-thirds of the present rates in the case of all those who may be hereafter appointed or promoted to those posts, with such modifications and conditions as may be necessary, subject, however, to the reservation that the European members of the services employed in India may be paid an overseas allowance of one-third of the present rates of salary for their respective appointments.*'

"That is the resolution which will have to be discussed and voted upon. Probably, it would be convenient if the Hon'ble the Finance Member now tells us what the attitude of the Government with regard to the amended resolution is. Of course he is not bound to do so."

The Hon'ble Sir CHARLES TODHUNTER:—"I should prefer to reserve my remarks to the next stage."

The Hon'ble the PRESIDENT:—"Certainly."

Mr. S. SRINIVASA AYYANGAR:—"Mr. President, I have very great pleasure in supporting this motion which has been brought forward by Mr. Venkataramana Ayyangar and practically supported by Mr. Tanikachala Chettiyar and I do feel that if we pass this resolution, this is the one real step that we shall be taking for the purpose of laying down a new policy in connexion with this Reformed

Council. The time has certainly come to inaugurate a policy of retrenchment. Members of this House distinguished themselves in connexion with the budget debates some months ago, but if they do not vote for this resolution, I do not believe that the spirit which they displayed at the time of the budget debate was a spirit which continues to animate this House. I do hope, therefore, that in the spirit in which Mr. Tanikachala Chettiyar made his remarks, viz., in a non-party spirit, all those members of this House who can afford to accept this resolution will accept it. I do think that there is one point of view which may perhaps influence some members in considering this question. They may think that the Indians would feel it a sort of slur if they were made to accept lesser pay; they may think that the existing Indian members in the service may perhaps disapprove of such a course of action. But I think we are here as representatives of the inhabitants of this province for the purpose of safeguarding the interests of the community at large and not for the purpose of looking at one aspect of this question rather than at another. I know that every family has contributed one member or more to the Government service and if, therefore, this resolution has been brought forward and is supported by this House, it may be taken by the Indians that certainly there is no spirit animating this House that their prospects should to any extent be jeopardised. The real point of view is that, if you want, as Mr. Tanikachala Chettiyar said, quoting Mr. Gokhale, if you want to increase the Indianization of the services, there is no help for it but to use the economic lever for the purpose of seeing that the Indianization of service is sooner effected than later. And if you want to use that economic lever, the only way in which you can do it is to show that the Indian agency is cheaper, and substantially cheaper, than any other agency, and, therefore, the highest kind of patriotism would require on the part, not only of the members of this Council, but of the Indians in the service and of the Indians who want to enter Government service, to allow this self-denying ordinance to be passed and not to imagine that any preferential treatment to Europeans was involved in this proposition.

"In the second place, I think we must equally realize that, in addition to the Indianization of the services, we must guard against the increase of taxation, and, if the present scale of pay continues and if the various items of expenditure, as they come on, continue at the present rate, it is impossible to say that the finances of this province can be managed without increase of taxation; and, as I am perfectly certain that the whole of this province is for no increase in taxation, and as I do hope that this House represents the views of the province in that respect, I do think that it is necessary for us not to continue the policy which the Government in the old days maintained of testing efficiency by high salaries.

"In the third place, the point of view that I wish to urge is that you have got to make it possible for the European members of the service also to agree to this. I feel perfectly certain that the European members of the service see that the Indians are equal to them in efficiency and experience and are willing to take a lower salary, and I feel that some time at least in the new order of things, they will agree to forego the preferential treatment which this resolution concedes. They will feel themselves put upon their honour and will realize that Indians have got a right to expect the same scale of pay as is offered to the Europeans.

"Then again, there is one matter upon which perhaps a few words should be said. There is an opinion prevailing that, unless an Indian is paid a high salary, he is not likely to do his duty. If that is the opinion which is responsible for the present policy in the administration, I beg to differ from it. I do not see

how, because you receive a higher pay, necessarily your work is better, or you are more diligent, or you are more pains-taking. It depends upon the question of your getting a proper pay. Once you get a proper pay, all else is more or less luxury, more or less pay which you save for the benefit of your family. I do admit that up to a certain amount you will have to agree that people should be encouraged by prospects of promotion to bestir themselves in their official activities and to discharge their duties punctiliously and scrupulously, but you cannot really go on increasing the pay as we have been in the habit of doing. And the result has been the enormous disproportion, which brings me to the real point at issue, the enormous disproportion of pay between the higher services and the lower services which is not particularly conducive to contentment in the services, which is not, therefore, conducive to efficient service, which is not conducive to the general prosperity of the country at large. You must have a unified service, and you must not have this enormous gap between the higher services and the lower services that there is. No doubt this is a new spirit, but we are in an age of reconstruction, and I do hope that, in the new order of things, the Members of Government in this matter at least may see eye to eye with us, seeing that we do not speak only from the opposition side, but that members of the party which supports the Government also speak to the same purpose, and I should be surprised if, even after this new experiment of responsible Government which is being tried, the Government objected to this resolution which has been supported by some of the leaders of the party which supports the Ministry in this House.

"I therefore venture to think that there is no necessity for me to speak at great length on this subject. All the arguments that can be advanced, statistically and historically, have been very clearly given by Mr. Venkataramana Ayyangar and have been forcibly restated by Mr. Tanikachala Chettiyar. It would be simply idle for me to go again into the history of the matter; because the history of many of these things is a history of futilities and I do not think that any useful purpose will be served by it. We are now face to face with new problems and this new Council has to meet these new problems in the new spirit of democracy which is dominating us and in the new spirit of economic readjustment. It must pass this resolution unanimously and not be swayed by antiquated ideas of prestige or power or efficiency or rank being tested by high emoluments or by such other morbid sentiments, which some Indians have who think that unless they get the same pay as the European gets, they are not equal to the Europeans. Let them call themselves equal to Europeans in all other matters. But the fact that they are getting less pay than the Europeans does not matter. I, therefore, hope that this resolution which has been moved in the spirit which has been referred to by my friend Mr. Tanikachala Chettiyar will meet with the acceptance of this House. I am going to watch with interest how this resolution will be dealt with by the Government and by the various members of this House."

12-45 p.m.

Rao Bahadur T. BALAJI RAO NAYUDU:—"I have great pleasure, Sir, in supporting this resolution. I think, except for the matter of publication in papers and for record, no speeches are at all necessary on this subject, except by the Government Members. My conviction is that every one in the House will vote for this resolution, if discussion is closed at once and votes are taken. I am quite positive that every one, except perhaps the Government Members, will vote for this resolution, because it is a matter that has been constantly brought before this Reformed Council. Every one urged that there should be retrenchment in all

possible ways, that the travelling allowances should be reduced, that salaries should be reduced and so on. It is, therefore, doubtless that not only every member of this House, but the country at large is in full sympathy with this resolution. Even an ordinary ryot, who pays Rs. 10 tax and who is a voter, when we talk about taxes, puts the question, 'what about the salaries'? So it is a settled question that, unless it is thrown out on some technical objection or other, every one of this House is prepared, except perhaps the Government Members, to carry it. All the previous speakers have given out the reasons fully. Only one point I wish to submit to the House. The Hon'ble Sir Charles Todhunter stated that the wording of the resolution, as put forward by Mr. Venkataramana Ayyangar, leads to some difficulties. But I do not quite understand what the difficulties are. He says that if this resolution is accepted, then the giving promotion means give promotions, but reduce their salaries. That is not so. The officers will be told that after such and such an year, say after two or three years, their salaries will be so much. They know what their salary will be after a certain time. The first-grade Deputy Collector will understand that his salary will be Rs. 700 and not Rs. 1,200. With that idea he will take up the appointment. He is given a distinct understanding that the pay of the several grades will be reduced. Moreover there were a number of suggestions or resolutions brought forward already about this question of retrenchment. I think effect was not given to them at all. Evidently, as my friend Mr. Tanikachala Chettiyar said, it does not appear that the Finance Committee is going to be consulted at all about the question of salaries and it is not yet known what His Excellency the Governor is going to do about reduction. This resolution, as it is, does not at all affect the European agency, for whom we all feel there is a necessity of giving more pay—one-third more—because as was already stated, Indians serving in England are getting more pay than the Europeans. It is, therefore, quite reasonable that the Europeans serving in India should get more pay than the Indians. Of course, as Mr. Srinivasa Ayyangar said the feeling that the Indian is not equal to an European because he is getting less pay should be forgotten for the reasons given by him. Even the matter of abolition of the Board of Revenue, of which we were talking so much, has ended in nothing. There was a committee appointed and perhaps its business ended with the reduction of a few clerks and peons. If the Government views this question in a spirit opposed to that of the Council, it is the Government that will be put to difficulty and not the Council; because we now see there is a prospect of losing a great part of the abkari revenue and the Mappilla business is costing crores of rupees. It is, therefore, incumbent on the Government themselves to see how they can find funds, and in doing so, that they are backed up by the Council and by the country at large. The resolution suggests that the salaries of the Indian officers may be reduced; and I do not see for a moment why the Government should find it difficult to accept this proposition and give effect to it in a way they think best."

Mr. S. T. SHANMUKHAM PILLAI:—"Mr. President, it is almost a settled fact, admitted as well as asserted by the Hon'ble the Finance Member during the discussion of the budget that, unless either retrenchment is effected or taxation is enhanced, it is impossible to carry on the Government of the country. We all know that the burden of tax already presses heavily on the neck of the tax-payer and if we now add to it, it will break down. The only course which we can follow is the retrenchment of salaries. A case of great necessity has been made out. It is proposed to apply the pruning knife beginning with the grade of officers drawing salaries of Rs. 500 and above. That is quite reasonable. Steps should be

taken to carry out the proposals contained in the resolution, and the sooner this is done, the better for all concerned. The question must be looked not from the point of view of the officers holding the appointments, but from the point of view of the public, from the point of view of the Government and the administration and from the point of view of the tax-payer of the country. For these reasons I support the amended proposition."

Mr. K. GOPALAKRISHNAYYA :—" Mr. President, I rise to support the resolution as amended. Honourable members are aware how at the time of the discussion of the budget and also on other occasions, the policy of the Government has been criticised by every one of the members of this House, how the administration has been made top-heavy and how, in a haste, all the public services of this country have been made disproportionately expensive and how in support of the objections raised by the Government Members on those occasions, certain questions were raised. It was said at that time that the Government Members were not responsible for giving effect to the recommendations of the Public Services Commission. Of course, we know how the report of the Public Services Commission is an antiquated document and how all the recommendations contained therein have not been given effect to. There is no use, Sir, brushing aside the question. There is no use saying that it is too late in the day to curtail the salaries of the officers who have been already granted those salaries; but I think, Sir, the time has come when the Government should cry halt on a policy of this kind. The Government should certainly take sincere and honest interest in a question of this sort and they must also remember how the country is feeling, how the subordinate services are feeling. The subordinate services are feeling that the high paid servants are enjoying all the benefits, while their interests are neglected. To my mind, Sir, it looks, according to a saying in Telugu that 'the bullocks toil and moil and produce gram for being eaten up by horses'. Sir, that appears to be the state of affairs at present. I do not mean any insinuation to any particular officer. That is the feeling of the country. If these feelings are not to be respected, there will be a great amount of discontent in the country and we must find some means or other to get out of this difficulty. Of course, at the very outset the Hon'ble the Finance Member took some technical objection as to the real application of this resolution. He said that it might not be practicable for some technical reasons to put into force the recommendations contained in this resolution. It is no doubt what we could expect from a member of the Government. He always looks on the side of technicalities. Does he suggest any means by which we can get over these technicalities and honestly try to suggest a method by which the objects of the honourable mover of this resolution can be attained for instance by the appointment of a committee and thus put forth sincere efforts to give effect to the recommendations contained in the resolution? We all know, Sir, it was a bad policy on behalf of Mr. Montague when he increased the salary of all the gazetted officers and also the I.C.S. officers. This is a matter which has been threshed out at the time of the budget discussion and it is no use now saying that it is too late in the day and that we cannot go back upon that policy and curtail the salaries of the officers. Unless the Members of the Government and other highly paid Government servants show some spirit of sacrifice and show their readiness to accept a lower salary, the lower paid subordinates will never rest contented. Their cry has been a cry in the wilderness. Unless we show some sincerity of purpose in this matter and unless some practical methods are devised, it is very difficult to get out of this chaos. There will be no contentment in the country and certainly the Government must be prepared to accept this resolution."

Mr. S. ARPUDASWAMI UDAIYAR :—" Mr. President, Sir, I fully sympathize with the objects of the mover and the seconder and all the honourable gentlemen who have spoken in support of this resolution that retrenchment should be resorted to and applied to the higher services with a view to avoid fresh taxation. I also sympathize with the desire expressed by many of my honourable friends here that there should be an Indianization of the services. I endorse the words of my friend, the previous speaker, that this Indianization should probably be sooner than later. But still, Sir, I have one difficulty. My honourable friend the mover says first in his resolution, that this resolution will apply to those who may be hereafter appointed. I have no objection to that, Sir, and I think nobody will have any reasonable objection to restrictions in the matter of the scale of pay being imposed upon appointments to be created hereafter, or even to those gentlemen who ought to be appointed to those posts after a certain period. If my honourable friend had said that there should be a kind of time-limit of three years or five years after which nobody would be entitled to expect a promotion, I should certainly warmly endorse his view. We know that the Public Services Commission was appointed for determining and revising the scale of salaries, that certain specific recommendations were made, that those recommendations were considered and that certain conclusions were arrived at. We had also in accordance with those suggestions a scale of fees drawn up. When a thing has been put into operation, when a thing has become a *fait accompli*, I think it is quite fair that we should not go back upon what has been done without giving sufficient time for the aspirant to know that after some time he will not be entitled to certain promotions, but that in the interval the promotion that he has been eagerly looking forward to will not be interfered now, and that the reduced scale will come into operation only after a certain period. Evidently, there are many who, in the natural course of events, have looked forward eagerly to these promotions and increments which they thought they were entitled to, because of the kind of contract, as it were, or the kind of agreement, which has been entered into between them and the Government, that at certain intervals after they were appointed to those posts, they would be entitled to some increment and certain promotions. Now to say all on a sudden that they would not be promoted or given the increments attached to those posts is, I think, not quite justifiable on grounds of equity. If my friend had laid down and fixed a certain period, then those who are at present employed and who naturally look forward to promotions will understand that they will not be entitled or justified after that period in expecting those promotions. But to bring the rule into force suddenly would certainly operate most prejudicially. So, on this one ground, Sir, that tacit pledges and agreements have to be respected, that on faith and trust and not on opportunism should statesmanship be built up, and administration based, I think the House will do well to consider whether they could proceed so very expeditiously on a matter which is really of very serious importance. As regards the other things that have been said, I do not pause to consider the question whether one set of officers is more efficient than another. Nor do I see anything wrong in the proper valuation of the work of the lower services. These are matters which are far less serious than this great and grave issue, viz., our suddenly going back on what has been done and approved by applying this measure immediately, without even allowing a certain period. So, on this one ground, I fear I have to oppose this resolution."

1-0 p.m.

Mr. K. P. GOPALA MENON :—" Mr. R. Srinivasa Ayyangar in supporting this amended resolution stated that this is a resolution which in principle affords great co-operation with the Government. I really appreciate the sentiments with

which he stated that. It must certainly be admitted that certain resolutions which my friend Mr. R. Seturatnam Ayyar moved yesterday for the increase of pay to peons, dalayats, clerks and some others were met by the Honourable Member in charge of Finance on the ground that it would amount to an additional 6 lakhs or even 11 lakhs so much so that certain other resolutions tabled with the same object had either been withdrawn or were not moved. Ever since the time of the budget discussion, we have been always trying to influence the Government to somehow or other give relief to these low-paid officials. I very distinctly remember my Honourable friend Sir Charles Todhunter's remark about robbing Peter to pay Paul. When such resolutions were brought forward and when on statistical considerations the Hon'ble the Finance Member told us that money was wanting, here is a proposition which supplies the ways and means to improve the condition of the people in low ranks. I therefore certainly say that a resolution of this nature is the resolution which in effect shows where all of us could co-operate with the Government. Looking at the state of affairs now, what we see is what I call an arithmetical increase of the pay of the subordinate staff. The clerks, the peons, the dalayats and all these people I can certainly say get only an arithmetical increase. When you go to the higher ranks you see that persons of the stamp of deputy collectors, munsifs and sub-judges getting what they did not expect with a lump sum to boot. You must certainly concede that if rice sells at four measures to the deputy collector it sells at four measures equally to the peon. It is an irony of circumstances that we must allow such things to exist. I would therefore certainly say that at least to give, or attempt to give effect to the requests made by the members of this House to meet the condition of the low-paid servants of the Government without in any way affecting those who get higher pay, a resolution of this kind must certainly be carried and I am sure Government also would accept it. In effect, this resolution only says that persons who get Rs. 500 and upwards must get two-thirds of what they get now. I am sure—private or personal considerations apart—there is no one who can say that a deputy collector getting two hundred a year or two ago cannot get on with the same amount now. I would therefore submit to the consideration of the Hon'ble Sir Charles Todhunter that we as representatives of the people and as citizens come and say that our Indian officers—some of them might be our relations and friends, we do not care for them as such—need not have such fancy pay at present. The state of the country is such that we could not continue the old state of affairs. The demands require our attention and they are reasonable. Even in this session we had demands to which there was absolutely no demur. Unfortunately in Malabar the condition is such that we have to appoint a High Commissioner and his staff and all these officers have to be paid. The exigencies and emergencies require them. It is for this purpose that I say, reduce the pay of these high-paid officials. In this view I am sure every one in this House whether Brahman, non-Brahman or anybody is agreed."

Mr A. T. PALMER :—"I feel like singing the Te Deum over this resolution. I believe this is the happiest and the most important of all the resolutions that have been brought before this House. I do not think, Sir, that racial questions should arise out of this resolution. The racial question has absolutely nothing to do with it.

"It is scandalous, Sir, to think that one-third only of the revenues of this country should go for the welfare of the land whereas two-thirds of it are absorbed by the services."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*) :—"Does the honourable member mean to suggest that the superior services are taking two-thirds of the revenue?"

Mr. A. T. PALMER :—"Sir, I welcome this resolution, because the country is in bad need of industrial and other developments. We want money, and retrenchment is the order of the day. Unless something is done in the matter, I think this Council has no right to exist. (Hear, hear.) I also say, Sir, that I welcome this resolution for another reason, the attractiveness of Government service has vitiated the very vitals of the Hindu society. (Hear, hear.) The shadow of Government services seems to follow everybody and everywhere ; and in all forms of education whether it is technical, whether it is veterinary or whether it is agricultural, every man is anxious for Government service. The young man in this country has no other aim, no other thought but to enter into the Government service. I believe this is a disastrous thing for the welfare of this country. Bright intellects and great men have been carried away by the glamour of Government service and those who could have done yeomen service to the land in other ways have been entrapped by the Government. I think, Sir, that something must be done for removing this great attractiveness in addition of course for the other reason of retrenchment."

Mr. T. C. SRINIVASA AYYANGAR :—"I heartily support the resolution principally on the ground of economy. A large quantity of the revenues of the country is absorbed by the services whether superior or inferior as salary and travelling allowance. I do not know whether when the budget discussion comes next year we will not be faced with a huge deficit and this Council will not be called upon to levy fresh taxation to make both ends meet. Under these circumstances it is absolutely essential to see whether we cannot cut down the swollen expenditure upon the head of the salaries of big officials. My friend, Mr. Arpudaswami Udayar, said that there is a great deal of equity to be considered in this connexion. He said that several of these officers will naturally expect promotions in course of time. But he has only forgotten the equities involved in taxation and calling upon the poor tax-payer of the country to pay more than he does at present. If that had been borne in mind, he would not have advanced that argument. It is unnecessary to labour the point. The resolution speaks for itself and I hope every member of this Council will give his hearty support to this resolution."

The Hon'ble Sir CHARLES TODHUNTER :—"Sir, I should like to begin by expressing my gratitude for the broad-minded way in which this matter has been discussed, for the avoidance of any racial question and for the avoidance of even the Brahman-non-Brahman controversy. (Hear, hear.) I fully recognize the seriousness of this great question, because it *is* a big question. What is proposed is that we should reconsider the decisions arrived at, not by ourselves, but by the Secretary of State—decisions affecting the whole of India and arrived at after prolonged discussion of the proposals of a strong Royal Commission. No one can dispute that to reverse such a series of decisions would be a very serious matter indeed.

"And it was for these reasons, Sir, that, when I spoke on the main resolution, I confined myself to the effect of that resolution. I pointed out
1-15 p.m. that the effect of that resolution was to bring forward two proposals, each of which involved a *reductio ad absurdum* that this House could not possibly support. I laid stress on this point in the hope that some honourable

member would come forward with practicable propositions—by way of reasonable amendment to this proposition which I say is impracticable—and I indicated that it was not the business of the Government to make an impracticable resolution practicable. But I regret to find that we are still faced with the same situation when we add the amendment proposed, because it leaves the main proposition exactly where it was, and I am afraid must result in the same *reductio ad absurdum*. Sir, I venture to say that the proposition, even as it stands amended, is not one that is practicable.

"I am not quite sure whether, under these circumstances, I shall be in order if I take up a challenge to correct the honourable mover in certain of his figures.

"But with your permission I will do so. I have already indicated that he has not quite correctly quoted the Government Order regarding the reduction of expenditure. That order was not an order to all heads of departments to make an immediate reduction of the cost of their departments by 20 per cent. What happened was this. At the time of the budget debate we promised a full enquiry into the matter. We had repeatedly asked for proposals for reduction before. But heads of departments had simply replied that no further reductions were possible. For the purpose, therefore, of ascertaining which items of expenditure in each instance were the least necessary we insisted on their telling us what they would do without, if they were compelled to carry on their departments on four-fifths of the present allotment, It was never the intention to make a drastic reduction of one-fifth in all departments alike without reference to the necessities of each, and we are now examining the proposals made in which the departments have shown us how they would carry on if such a compulsory reduction were ordered.

"The honourable member has also said that the result has been only the reduction of a few peons, and another honourable member has made a similar remark in regard to the enquiry regarding the reduction of the Board of Revenue. I can assure them that they are mistaken in this respect and would invite the attention of the latter honourable member in particular to the fact that the proposals involve the abolition of one of the Secretaries of the Board.

"Again, the honourable mover is mistaken in thinking that the pay of the tahsildars has not been increased. The pay is to be Rs. 200 rising by increments to Rs. 300."

Mr. C. V. VENKATARAMANA AYYANGAR (*interrupting*) :—"I find only Rs. 150 in the Quarterly Civil List brought up to 1st July 1921."

The Hon'ble Sir CHARLES TODHUNTER (*continuing*) :—"In the next place, he referred to the question of salaries in England and illustrated his point by referring to the salaries of the Ministers of the Crown. I am not quite sure that this illustration is altogether relevant. If he will consider, for instance, the case of the Minister who is in charge of the Post Offices, he would find that the salary of the Minister is only two-thirds of that of his subordinate at the head of the department. And in this connexion I would like to invite his attention to the way in which the salaries of the departments in England have been increased. In their case the increase was not, as in the case of the salaries fixed by the Public Services Commission, based on a consideration of a change in conditions for a period of twenty years, but was directly and solely due to the increase in the cost of living as a result of the war. An article I have here shows that the increase amounted in some cases to as much as 150, 160 and even 200 per cent, and that the cost of the British Post Office has risen from 15 millions to 46 millions. I do not wish to

suggest that a similar increase should be given in this country, but I do not think that the honourable member will find much support for his argument in a scrutiny of the salaries of the services in England.

"Then, again, he referred to the fact that the salaries of High Court Judges had not been increased as though they had been left out of the general increase. I think, if he will examine the orders carefully, he will find that no officer receiving Rs. 3,000 or more has had his salary increased.

"In the next place, the honourable mover and some other honourable members have laid stress upon the statement that out of the total sum of 17 crores spent by the Government of Madras more than two-thirds have been spent on salaries, and they have asserted this as though by salaries they meant salaries of superior officers. Now, in the first place, it is not correct to say that two-thirds of the total expenditure of the Presidency is spent on the services. The total expenditure on services is 650 lakhs out of 1,700 lakhs; and out of this 650 lakhs, the amount spent on the superior services is only 150 lakhs. Nor, as I have already indicated in my memorandum introducing the budget, is it correct to say that the bulk of the increase in salaries has gone to the superior services. I gave some figures there relating to the Revenue Department which I have now had taken back to the year 1890-91. The result is that the increase that has taken place in the last thirty years in the case of the inferior services averages 123 per cent, in the case of the subordinate services 88 per cent, in the case of the Provincial services 27½ per cent and in that of the Imperial services only 13 per cent. I do not wish to insist upon these percentages as being fully applicable to all cases because the percentage must vary from year to year according to the state of recruitment and other circumstances. Thus, if you take the case of the Civil Service and take the total of the salaries drawn by all the members of it twenty-five years ago and the total of the salaries drawn by all the service now and divide it in each case by the number of officers, you will find that there has been an increase from an average of Rs. 1,546 to an average of Rs. 2,060, and if you apply to the latter figure the proposal of the honourable member to reduce it by one-third, you would reduce the average to Rs. 1,373. In other words, the effect of the proposal would be to reduce the average salary of officers to 10 per cent less than they were drawing a quarter of a century ago.

"In the next place, Sir, it has been stated that we have not fulfilled our promise to discuss this proposal with the Finance Committee. I think there must be some misunderstanding about this. The whole matter was discussed at a preliminary stage and we are going to lay the reduction proposals before the committee as soon as they are ready. Meanwhile I have requested members to give me any specific cases they can in which they consider the increase given has been too large.

"The honourable member, Mr. S. Srinivasa Ayyangar, has said that the principle we ought to follow is that once you get a proper pay everything above that is luxury. I would venture to invite his attention to the fact that the principle which we have had laid down for us is the principle enunciated by the Public Services Commission, viz., 'that Government should pay so much and so much only to their employees as is necessary to obtain recruits of the right stamp and maintain them in such a degree of comfort and dignity as will shield them from temptation and keep them efficient for the term of their office.' The honourable member says that that principle is all right, but that the application of it is wrong. To ascertain whether this is so or not, I think we should have to examine carefully the family budgets of some of the people affected. There seems to be

[The Hon'ble Sir Charles Todhunter] [17th November 1921

an impression that they are making large savings. If I remember rightly, the Public Services Commission examined some witnesses in this connexion and a leading banker gave evidence to the effect that the savings of members of the services were extraordinarily small.

"In conclusion, Sir, I would remind the House that there is a resolution shortly coming on for discussion asking them to examine the question of corruption in public services. That question has already been examined in more than one Council and, if I remember rightly, it has been shown that one of the means which has been effectual in reducing the corruption which undoubtedly used to exist has been the increase in the salaries of certain of the services. I hope, therefore, that the Council will remember that there is nothing so expensive as cheap supervision and will consider how far the reduction in corruption in Madras has been due to improvement in salaries before they take the step they are now asked to take in the direction of reducing them."

1-30 p.m.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, I confess to a feeling of disappointment at the narrow construction, which the Hon'ble Sir Charles Todhunter has placed on the wording of this resolution. The Council wishes broadly to lay down a principle with regard to appointments in the Provincial and Imperial services. These words 'Rs. 500 or more' are the cause of the trouble. If these words in this resolution are taken generally to apply to the Provincial services and the all-India services and other appointments over Rs.500 with reference to all of which this resolution lays down a general proposition, that, in the case of Europeans and Indians, the pay should be two-thirds in the case of Indians and the full pay such as has now been sanctioned in the case of Europeans, I do not think there is any difficulty in understanding this resolution. But if, on the other hand, my honourable friend understands appointments carrying Rs. 500 and more are those appointments which are outside the cadres of these Provincial and Imperial services but special appointments, I admit there is some difficulty. I do not think the object of any honourable member in this House is to take out of the scope of the resolution the Imperial services and the Provincial services where the initial salary is below Rs. 500. Therefore, I wish first of all to impress on my honourable friend that what we in this House mean by this resolution is that in the case of the Imperial services whose initial pay may be less than Rs. 500 and in the case of the Provincial services whose starting pay may be less than Rs. 500 it is intended that this resolution should equally apply to both services and also to those special appointments where the starting pay is Rs. 500. I do not know what my honourable friend's real difficulty is in understanding this resolution in this way. This is the sense in which, so far as I can understand, the Council intends to press this resolution."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*) :—"My difficulty is that, as I have already twice said, the resolution as worded applies only to persons who are appointed or promoted to posts on Rs. 500 or more."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*) :—"I am not at all dealing with the question of promotion. I am dealing with the words 'Rs. 500 and more'."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*) :—"The resolution is that in the case of all those who may be hereafter appointed to posts on Rs. 500 and more the pay is to be fixed at two-thirds. I say that that can only apply to posts the initial salary of which is now Rs 500 or more. Thereby all the ordinary services are taken out of the scope of this resolution."

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Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*) :—"I knew that was my friend's objection. That was the very reason why I gave notice of an amendment, that is, to substitute for the words 'Rs 500 or more' the words 'all-India Imperial services and the Provincial services.' That is the reason why I wish to make it clear that it is not the object of this resolution, either of the mover or the seconder, to confine this resolution to those special appointments where the initial pay is Rs. 500 and more but to make the resolution applicable to all appointments whether in the Provincial service or in the Imperial service or appointments which were started on Rs. 500 and more, all classes of appointments. The principle that this resolution wishes to lay down is that the pay of an Indian should be two-thirds and the pay of an European should be the full salary which has now been sanctioned by the Secretary of State. If that is my honourable friend's difficulty, I propose to press that amendment as he says that he would be tied down by the exact words of the resolution. But so far as I can understand, I am certain that every honourable member who has spoken on the resolution does include all-India services and also includes in this resolution every provincial service whatever may be its category. Therefore, if my honourable friend says that most of the services will be outside the scope of this resolution I am afraid he is not at all understanding the sense of this House."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*) :—'I venture to submit that we are not discussing the sense of this House but the resolution before the House."

Mr. T. BALAJI RAO NAYUDU (*interrupting*) :—"There is no doubt at all that the Hon'ble Sir Charles Todhunter considers it to be the minimum pay, but if it is taken to be the maximum pay the doubt is cleared."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*) :—"Sir, I beg to propose that these words 'now carrying Rs. 500 or more' be taken out and the words 'in the Imperial and Provincial services' be substituted. I also propose to omit the words 'or promoted'. Therefore the effect of my two amendments is to remove the objections which the Hon'ble Sir Charles Todhunter has raised. The Hon'ble Sir Charles Todhunter said that it would be iniquitous to stop the promotion of those who have been already recruited to the services. On account of contracts having been entered into with the Secretary of State it would be difficult to deal with the services in this way. It is not desirable to promote discontent among the already discontented services. I agree to this general proposition, and I think it is perfectly right that we in this Council should not be unjust to the officers in those services who have been recruited on certain special condition by the Secretary of State and therefore any proposition that we wish to bring forward should only apply to future entrants. Therefore there would be, no doubt, two grades of salary in the same service. I think this is not a logical world and we must put up with certain amount of illogicality. Even in the salaries of public services there are many anomalies. My amendment is this: For 'now carrying Rs. 500 or more' I propose to substitute 'in the Imperial and Provincial services' and to omit the words 'are promoted'."

The Hon'ble the PRESIDENT :—"Before we proceed further I would have to inquire whether any honourable member objects to the amendment."

Mr. A. RAMASWAMI MUDALIYAR :—"They may be put separately to the House."

Mr S. SRINIVASA AYYANGAR :—"You have got the discretion to suspend the Standing Order, Sir."

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The Hon'ble the PRESIDENT :—" Yes ; I know."

The Council adjourned for lunch at 1-45 p.m.

The Council reassembled at 2-30 p.m. after lunch.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I do not intend pressing the amendment of which I gave notice before the adjournment of the House before lunch. I understand the difficulties which the Hon'ble Sir Charles Todhunter has pointed out in regard to the exact wording of the resolution. But whatever may be the exact wording of the resolution, I am sure I am echoing the feelings of most members of this Council when I say this. Firstly it is not intended that the salaries of any of the officials whether European or Indian who are now drawing Rs. 500 or less should be affected in any manner whatsoever. Many times it has been stated in this Council that these higher salaries are out of proportion to the present financial resources of this province, and it is not suggested that the salaries of any of those who now get Rs. 500 or less whether European or Indian should be affected. The second point is this. It is suggested in this resolution that the salaries of officials, whether Imperial or Provincial or in any special service and whether the initial salary is less than Rs. 500 or not, should be reduced, the reduction pay being, in the case of Indians, two-thirds to the full pay of the sanctioned scale, the difference between the one and the other being regarded as oversea allowance in the case of Europeans. I may assure the Hon'ble Sir Charles Todhunter that he will not be right in saying that this resolution means that all Provincial services and all Imperial services would be outside the scope of this resolution."

2-30 p.m.

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*) :—" Sir, I rise to a point of order. I appeal to the protection of the chair. I venture to submit that we must interpret the resolution by the wording of the resolution and not by anything else."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*) :—" I am aware of it, Sir, but I am certain that my honourable friend would not confine himself to the actual language but would certainly have to consider everything that has been stated in this House and it is in that sense I have withdrawn these amendments and I have already stated the principles underlying resolution. In support of it, I need hardly refer to this principle of oversea allowance which has been raised by many witnesses before the Royal Commission on the Public Services It is true that on account of the agitation on the part of the public services and on account of the public opinion at the time, equality of salaries was conceded by the Royal Commission. But honourable members are also aware that in the Public Services Commission of 1886 this principle of difference between the indigenous services of this country and the services imported from outside was considered and a proportion of two-thirds of the full pay was recognized in the constitution of the Statutory Civil Service. Therefore it is not a new principle at all. And again in the case of the salaries of the Members of the Council of India an oversea allowance of one-third of the pay has been recognized for the Indian members, £1,200 for European Members and £ 1,800 for Indian Members. Then it is within the recollection of honourable members of this House that in the case of the salaries of Ministers this principle was recommended by the Joint Committee but when this was urged it did not then receive the acceptance of this House. I must therefore congratulate my honourable friend, Mr. Tanickachalam Chetti, for advocating this principle now in this resolution. After all the principle has been accepted in the past in the case of our services. There should be no objection

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whatever and I do not understand how my honourable friend refers to a review of the family budgets. Does he mean to suggest that he wants to look into the family budget of the members of the Executive Council or does he suggest that the family budget of the Director of Public Instruction or the Director of Industries should be scrutinized ? It is impossible to decide this question on family budgets in cases of this kind ; we must go on a definite principle and the proportion that is to be fixed is two-thirds, the other one-third in the case of European officials being considered as oversea allowance. This proportion of pay cannot be elucidated any further by family budgets, for it was accepted by the Royal Commission in 1886, and again by those who gave evidence before the Public Services Commission in 1912. Every member of this House is unanimous in pressing this resolution for acceptance."

The Hon'ble Sir LIONEL DAVIDSON :—" Sir, it was not my original intention to intervene in this discussion at all, and on the merits of the case I hardly feel disposed to do so; but I understand that my honourable colleague, Sir Charles Todhunter, is being invited to accept and act upon principles which have been enunciated in the course of this debate—not with too great lucidity—but which are not necessarily conveyed by the terms of the resolution before us. I suppose what is meant is that the Government should, with certain modifications, apply the general principle that is still to be found in article 63 of the Civil Service Regulations, namely, that the Indian incumbent of certain classes of posts, posts ordinarily filled by members of the Indian Civil Service or by officers of the Indian Army or to which appointment is made by nomination in England or with the specific approval of the Secretary of State,—I cannot recall the exact wording but I think that is substantially a complete category—shall, in the absence of special orders to the contrary, only draw two-thirds of the pay assigned to a European incumbent. I presume that is substantially the principle which it is now desired to apply to future incumbents of higher posts, that is to say, posts carrying a pay of Rs. 500 or more. Now, Sir, if that issue had been brought clearly out in the resolution, or if an amendment clarifying the resolution had been moved after the due period of notice, which, under Standing Order 60, is two days, we should have been in a position to discuss the principle at once, and the position of the Council and of the Government would have been made perfectly clear by acceptance or rejection of the resolution or the amendment. But, Sir, I must raise a very decided objection to the implication that if the Government accept a resolution they are bound by things said in the course of the debate which are not covered by the terms of the resolution. That is a position which I do not think the Government can possibly take. If it is desired that such consequences should follow, the normal procedure, Sir, is, I venture to submit, for the mover to say that if the Government will accept such and such a principle, then he will withdraw the resolution, and trust the Government to give effect to the principle. I have not heard to day any invitation to my honourable colleague, Sir Charles, to examine the feasibility of applying this general principle to the Provincial and Imperial services in Madras. It is quite evident from the discussions which have been going on that the suggested modifications would be exceedingly difficult to work out. It is quite evident again that the spirit of the resolution cannot be given effect to by a stroke of the pen. There would be a great deal to work out and something in the nature of a committee to examine the issue would clearly be needed. Now we have already got a committee of this House in the shape of the Finance Committee, whose natural duty it would be to examine the feasibility of giving effect to the principle of which we have heard so much in the course of the

discussions to-day. I am not entitled to speak authoritatively on this matter; but I expect that if my honourable colleague, Sir Charles Todhunter, were asked whether he would consent to such an examination being made, he would be quite willing to give a definite assurance to that effect. If this is the thing about which the whole House is concerned, the obvious method of securing an examination of the principle commended in this debate is for the mover to withdraw the resolution on an assurance from my honourable colleague that the feasibility of applying the principle will be duly examined."

2-15 p.m. Mr. C. V. Venkataramana Ayyangar then rose to reply.

Mr. T. C. TANGAVELU PILLAI:—"I rise to a point of order, Sir. The resolution before the House is the one moved by my honourable friend Mr. O. Tanikachala Chettiyar, and so he is the person who has the right of reply and not Mr. Venkataramana Ayyangar."

The Hon'ble the PRESIDENT:—"The resolution moved is that of the honourable member, Mr. Venkataramana Ayyangar. The honourable member, Mr. Tanikachala Chettiyar, proposed an amendment to the resolution and the same was accepted by the mover and also approved by the whole House; it has become part of the original resolution. Under the circumstances the right of reply is that of the mover of the resolution, Mr. Venkataramana Ayyangar, and not that of Mr. Tanikachala Chettiyar."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I point out, Sir, that the honourable mover has replied before the amendment was moved."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, I replied to the speech of the Hon'ble Sir Charles Todhunter, but now various other speeches have been made, and therefore I want to speak now."

The Hon'ble the PRESIDENT:—"The right of reply cannot be exercised twice. It is true that, after the honourable the mover had exercised the right of reply, a number of other honourable members have spoken. But that is a contingency which every honourable member has to face; *per contra* there is the contingency that, if the mover does not promptly reply, the closure may be brought forward at any moment, and then he would run the risk of not replying at all. It is always possible that, after the mover has replied, other honourable members may speak on fresh points. In such a case, what the mover should do is to ask for my special permission to reply once again. It is open to the President to allow an honourable member to speak more than once. In the present case what the mover should have done was to have told me that he had already exercised his right of reply, that other honourable members spoke after his reply and that he wanted my special permission to speak once more on the resolution, and then it would be for me to dispose of the request."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I most humbly request you, Sir, to permit me to reply once more on this resolution. I replied once before, but it was before the amendment was brought and adopted by me"

The Hon'ble the PRESIDENT:—"I now allow the honourable member to speak once again."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, I want to say only a few words and they are primarily to thank the Hon'ble the Finance Member for

having accepted my challenge. He told us that I was wrong on two points, firstly in regard to the provisions of the Government Order and secondly in regard to the pay of the Prime Minister and the Ministers in England."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"I venture to say, Sir, that I accepted his challenge on more than two points."

Mr. C. V. VENKATARAMANA AYYANGAR (*continuing*):—"I was dull enough not to understand in that speech anything more than two points. As regards the pay of the Prime Minister in England it is £7,500, and it has been raised recently. That is equal to about Rs. 7,500 in India. I stated that the Prime Minister in England, who is practically ruling the whole of the British Empire, got only £7,500 a year. It is too much to suppose that anybody here should get high pay. I may take only one other point from the speech made by the Hon'ble the Finance Member, namely, that the Civil head in the Postal Department in England is paid £3,000."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"£3,750, Sir."

Mr. C. V. VENKATARAMANA AYYANGAR (*continuing*):—"He stated that the Minister got only £2,000."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"£2,500, Sir."

Mr. C. V. VENKATARAMANA AYYANGAR (*continuing*):—"I therefore expected a reply as to what the head of the department in India was getting."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"Rs. 3,500 a month, Sir."

Mr. C. V. VENKATARAMANA AYYANGAR (*continuing*):—"Again, Sir, a good deal has been said about the spirit underlying this resolution. It was stated that this was a legislative movement. There is a good deal of difference between a legislation and a resolution. One honourable member stated that even in the case of resolutions we should not refer to the speeches made therein. But I may say, Sir, that very often when doubts arise in the matter of any Acts, the speeches in the legislature are referred to, for they are supposed to be more clear. As regards the other suggestion of the Hon'ble Sir Lionel Davidson, I may say, Sir, that the words 'with such modifications and conditions as may be necessary' clearly go to show that the Government may consult the Finance Committee. We have every respect for the Finance Committee. Therefore it would be well for the Government to accept this resolution and place it before the Finance Committee I need not tell the House as to what the effect would be if I withdraw this resolution. If we ask the Government whether it would be feasible they are sure to say that it would not be feasible to apply the principles of the resolution. It is quite open for the Government to accept this resolution and then leave to the Finance Committee to examine the feasibility of applying these principles to particular cases. That is what we are asking for in this resolution to-day. Therefore I commend this proposition for the acceptance of the House and implore even the Government not to vote against it but to accept it and then to deal with it as fairly as they can."

The Hon'ble Sir CHARLES TODHUNTER:—"Sir, there is only one thing that I wish to say and I have already said it twice before. This resolution is not one that we could act upon without the sanction of higher authority and what we are asked to do is to obtain the sanction of the Government of India and the Secretary of State to two propositions, one to reduce the pay of every officer promoted and the other to reduce the pay of certain special officers recruited to

posts on Rs. 500 and above. That is all that this resolution means and we cannot make it mean anything else. I have already said that I am quite ready to enquire into the general questions raised and that I am quite ready to ask the Finance Committee also to inquire into them. I will go further and say that the Finance Committee is already doing so. With your permission, Sir, I will read a few sentences from the proceedings of the Finance Committee, which is composed of members elected by this House. The proceedings took place on the 5th April immediately after the close of the budget debate. The Committee sat at once and when the question of the method to be adopted in making inquiries into economies was being examined, one member of it, Mr. T. A. Ramalinga Chettiyar, agreed to make an analysis of the constructive proposals made in the course of the budget debate."

Mr. S. SRINIVASA AYYANGAR :—"Sir, I think the Hon'ble Sir Charles Todhunter is referring to a paper which has not been placed before the House. I think Government members should not refer to papers which have not been made accessible to the members of this House."

The Hon'ble Sir CHARLES TODHUNTER :—"I submit that, if we are never to refer to anything that has not been placed before the House, that is placing a very large restriction upon our debates. In fact, it might involve the laying on the table of any statute from which one proposes to quote. Again, I have been quoting somewhat extensively from an article in an English magazine. Does the honourable member suggest that I should not be allowed to do that without placing the magazine upon the table?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"May I draw your attention, Sir, to the ruling that you have already given on such matters? When the Hon'ble Sir Lionel Davidson was quoting from papers which were not placed before this House and which were not communicated to the members, and when I took objection, you ruled, Sir, that it was necessary for the purpose of debate for the Government to lay on the table of this House all the papers that may be referred to and that the Government had no right at all to read from papers to which the members had no access."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*interrupting*) :—"At the same time I brought to the notice of the Hon'ble the President before the ruling was given, that on that day—as it is in the present case for instance—the honourable member was only reading about what happened. It is not the case of a public paper or document that he is making use of. It is a paper containing the events of what had occurred in the Finance Committee. I do not know where the question of reading from a paper comes in."

The Hon'ble the PRESIDENT :—"I remember the ruling that I gave."

The Hon'ble Sir LIONEL DAVIDSON :—"It was with regard to the Ayling Committee Report, Sir. I accepted your ruling."

The Hon'ble the PRESIDENT :—"Then the Hon'ble Sir Lionel Davidson wanted to quote from the report of the Ayling Committee and objection was taken on the ground that the report had not yet been placed on the Editors' Table and that the honourable members on the other side would be at a disadvantage. I then ruled that, that being a public document, it ought to have been placed on the table of the House. I then ruled that, if the Government wanted to rely upon it, it must be placed on the table. The proceedings of the Finance Committee are practically proceedings of this House. If proceedings of committees

of this House could not be freely referred to in debate, then it would certainly lead to considerable inconvenience. I quite see that, whenever proceedings like that are passed, it would be to the advantage of the House if they are placed early on the table. I am not prepared to say that, because the proceedings have not been actually placed on the table, a member of the Government should not quote from the proceedings of a committee of this House. I presume that the proceedings have been printed and copies communicated to the members of the committee. It is open to members of the committee to rely on them, and other honourable members should insist on the proceedings being placed on the table."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—"Sir, may I read the passage occurring at page 309 of MAY's *Parliamentary practice*? It runs :—

'Another rule or principle of debate, may be here added. A Minister of the Crown is not at liberty to read or quote from a despatch or other State paper not before the House unless he be prepared to lay it upon the table.'

"The only condition is that the paper should be laid on the table."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I should like to ask, Sir, whether the laying of the papers on the table means laying them on the table when they are read."

The Hon'ble Sir CHARLES TODHUNTER :—"If I may resume, Sir, a great deal has been said about the spirit of this House; but so far as I can understand the spirit of this House it is that enquiries should be made in this matter. Now I cannot accept the resolution, but I am quite ready to accept the spirit of the House. I am not only ready to accept it but we have been acting upon it. We began on the 5th April. A great deal has been said in the course of this debate of our having failed to take action upon the opinions expressed in the course of the budget debate. On the 5th April, immediately after the budget debate, one member of the Finance Committee undertook to make a précis of all the chief suggestions that have been brought forward in that debate. At the very outset of the précis, he began by laying stress on the question of salaries. That précis was presented to the Finance Committee in June and then referred to the departments. It is now being enquired into and will come before the Finance Committee again. So far as the spirit of the House goes, we are acting on the spirit of the House entirely, and all we say is that we cannot accept a resolution which compels us to fine people who are promoted and to reduce the pay of a certain small number of high officers."

Mr. O. TANIKACHALA CHETTIYAR :—"Sir, I am afraid that the answer that has been given on behalf of the Government will not satisfy me or those of my persuasion. It has been stated on behalf of the Government as a dictum that the speeches that are made here cannot be looked into to find out the intention of the resolution; but the resolution itself must be in such a cut and dried language and should contain all that is intended. But then at the same time another member of the Government stated that the spirit of the House was accepted by the Government and nothing is said as to the spirit of the resolution. I want to know whether the Government is prepared to accept the spirit underlying the resolution, namely that the salaries paid to higher officers over and above Rs. 500 would be curtailed so as to relieve the people. That is the spirit of the resolution. Of course we cannot expect private members to bring any resolution which will deal with the requirements of the various services in one proposition. If it is conceded on behalf of the Government that the spirit underlying this resolution, namely retrenchment to the extent

3 p.m.

of about a third in respect of salaries over and above five hundred will be effected and any details as to how that retrenchment has to be effected and in which of the services, may be examined by the Finance Committee, I am perfectly willing to leave it there. But if it is merely said that the Finance Committee is looking into the matter, that Mr. T. A. Ramalingam Chettiyar has undertaken to find out and make an analysis of what had been said in the course of the budget debate and the services in which the Council would like to have reform introduced, I cannot agree—it does not require Mr. Ramalingam Chettiyar to do this. What Mr. Ramalingam Chettiyar undertook to do is to prepare an index and he has done it. It has been circulated to members of the Finance Committee. There it has ended. I am not going to leave the matter perpetually at that stage. What is it that is accepted? Is it the spirit of the resolution or the spirit of the House? If it is said—'You cannot have the same rule for all the services. Different service will have to be treated in different ways. Those who are in the deputy collector's cadre have to be treated in one way, and those who are in the cadre of the district munsifs are to be treated in another way. Let the Finance Committee consider this aspect'—then I can understand.

"Again, Sir, in the course of the discussion it has been said that we must pay the highest regard to the recommendations of the Public Services Commission, and that the resolution is contrary to the spirit of those recommendations. Whenever it suits the officers of Government to consider that document as *sacrosanct* they do so. But may I point out that there are some other matters in respect of which the Public Services Commission in the year 1916-17 made recommendations which have been treated as dead-letter, in respect of which Government got the sanction of the Government of India and the Secretary of State by means of private correspondence and confidential communications to give the go-bye. For instance, I may refer to the recommendation of the Public Services Commission which stated that recruitment to the extent of one-half of the deputy collectors might be made by means of selection. That recommendation has not been given effect to. In regard to the appointments of district munsifs, again there is the recommendation that the appointments might be made by the Government, and for that purpose they say that the Act—the Civil Courts Act—might, if necessary, be amended. This recommendation has not been given effect to. When that subject was under discussion in this Council we were told that in accordance with the sanction of the Government of India and the Secretary of State secured by means of private correspondence and confidential communications this recommendation had not been given effect to. Should the recommendation as to the increase of salary only be treated as *sacrosanct*? I am not prepared to accept such a contention.

"Then again in regard to the reduction of establishments, when some arguments were advanced, we were told that the matter was being looked into by His Excellency, it was also stated to be so before the Finance Committee by the Hon'ble Mr. Todhunter—and it is recorded in the proceedings. In a later meeting of that Committee when we asked what had become of these proposals, and the statement which was promised to be placed before the Finance Committee, the Finance Member had changed, and the Hon'ble Mr. Knapp stated that it could not be placed before the Committee. I am glad to be assured by the Hon'ble the Finance Member that it will be placed before us. When there is so much difference of opinion as between two successive Finance Members, how can we place reliance upon anything which is not reduced to writing or crystallized into resolutions? Are they merely to consider the spirit of the House? We do

not know what that spirit is. Is it retrenchment to the extent of one-third? If that is agreed to I am prepared to leave the rest to the Finance Committee."

The Hon'ble Sir CHARLES TODHUNTER:—"Sir, I did not ask anybody to take the report of the Public Services Commission as sacrosanct. So, I will not pursue that question further. As regards the statement relating to the Finance Committee, I have here among my papers—I cannot lay my hand on it at the moment—the Hon'ble Mr. Knapp's note on the subject. There is nothing to the effect that he was not going to place these proposals before the Finance Committee."

Mr. O. TANIKACHALA CHETTIYAR:—"Two members of the Finance Committee can bear testimony to my statement."

The Hon'ble Sir CHARLES TODHUNTER:—"The only reason I am aware of why the proposals were not placed before the Finance Committee was that proposals had not been completely received from all the departments. Replies had not been received from two departments, but I hope to have everything ready for discussion by the 15th December.

"Now, Sir, I have been asked to consider in speaking to the resolution before the House not the resolution itself, nor what has been called the spirit of the House, but what the last speaker called the spirit of the resolution, and he says that the spirit of the resolution is to make an all-round retrenchment to the extent of one-third. Now, I would ask whether it is a reasonable suggestion to the Government that they should pledge themselves to an arbitrary figure of this kind. As I have already pointed out, in many cases the reduction by one-third would mean a reduction below the salary drawn a quarter of a century ago. I do venture to ask does the House really wish the Government to undertake to reduce all salaries on Rs. 500 and upwards to less than what they were before the revision on the recommendation of the Public Services Commission? Do they really wish that we should go back to something less than the old scale?"

Mr. O. TANIKACHALA CHETTIYAR:—"I have made it clear that the application of this resolution will not in the slightest degree affect those to the extent of what they were drawing before revision was introduced. It is only with reference to what they may be entitled to under the present rules."

The Hon'ble Sir CHARLES TODHUNTER:—"I am not talking about the present rules at all. The honourable member has asked us to commit ourselves to retrenchment to the extent of one-third. If you reduce the salaries given under the recent revision by one-third, in many cases you will reduce the scale of salaries to a good deal less than that drawn before the revision. I feel sure that the House does not want to commit itself blindly to any such reduction. I am perfectly willing that the Finance Committee should enquire thoroughly into the matter and that, I hope, will satisfy honourable members without their committing themselves to a definite fraction the exact effect of which no one could possibly tell without calculation and enquiry."

The Hon'ble the PRESIDENT:—"Several honourable members have spoken, and some more than once, and it can hardly be said that they have not had full opportunity of laying their views before the House. There is one point, which is a matter of procedure, to which I must refer before I put the resolution to the vote. The Hon'ble Sir Lionel Davidson has pointed out that, when a resolution is passed, the House is committed to the resolution as passed, and not to the speeches made in the course of the debate. That is a perfectly correct view of the situation.

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What the House will now vote upon is the resolution put before it. The House will not be bound by the construction placed upon the resolution by the honourable members opposite, neither will it be bound by the construction of the Hon'ble the Finance Member. The House will be bound only by the language of the resolution.

"And that brings me to Standing Order 54 under which no resolution shall be admissible unless it is 'clearly and precisely expressed' and unless it raises 'a definite issue'. Well, if it is thought by any honourable member that this resolution as worded is not clearly and precisely expressed and does not raise a definite issue, that honourable member should have risen to a point of order at a much earlier stage, in which case I should certainly have considered the matter. Inasmuch as the resolution as it stands did appear to me to be expressed with as much clearness as most resolutions, to raise as much of a definite issue as most resolutions raise, I did not feel called upon to refuse admission.

"Let that pass. The Hon'ble Sir Lionel Davidson has mentioned a point to which I am bound to refer. Referring to the amendment of the honourable member, Mr. Tanikachala Chettiyar, it was pointed out that the two days' notice had not been given to the Government."

The Hon'ble Sir LIONEL DAVIDSON:—"What I had in view, Sir, was the amendment of Mr. Ramachandra Rao, which was not moved, and the general practice of introducing amendments in the course of discussions in this House for the purpose of correcting obvious discrepancies in the original resolution. The only amendment which was moved was the amendment of Mr. Tanikachala Chettiyar; no other amendment has been moved."

The Hon'ble the PRESIDENT:—"Does the honourable member contend that the Government should have had notice of that amendment?"

The Hon'ble Sir LIONEL DAVIDSON:—"No, Sir. I do not contend in the least that the Government should have had notice if you, in the exercise of your power, suspend the requirement of written notice and permit amendment to be moved without it. But I do think that much inconvenience is caused, not only to the Government, but also to a large number of members when, owing to the loose wording of a resolution as standing on the notice paper, it became necessary to propose amendments in the course of debate. Not only the Members of Government, but other members of this House as well, are not made aware, in sufficient time, of the precise wording of the amendment which is likely to be moved."

The Hon'ble the PRESIDENT:—"I have already referred to the question of clearness and preciseness. So far as amendments are concerned, only one amendment has been moved, viz., the amendment of Mr. Tanikachala Chettiyar. I must point out that this amendment was not admitted in the exercise of the discretion of the President. No honourable member objected to the introduction of the amendment on the score of want of notice. The question of the President's discretion cannot come into play when the House unanimously resolves to allow an amendment to be brought forward, notwithstanding want of notice.

"I only say this to correct a possible misapprehension. As President I have nothing to do with the merits of any question; but I have everything to do with procedure, and if the procedure is at any time being misunderstood, I am bound to warn the House as to what the correct procedure is. Now that I have done that I proceed to put the resolution to the vote."

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A poll was then taken on the resolution as amended and the Council divided as follows:— 3-15 p. m.

Ayes—77.

1. Mr. K. Adinarayana Reddi.
2. Dr. Appalanarasayya Nayudu.
3. Rao Bahadur V. Appaswami Vandayar.
4. Diwan Bahadur C. Arunachala Mudaliyar.
5. Rao Bahadur P. Balajirao Nayudu.
6. Mr. B. P. Devarajulu Nayudu.
7. Rao Sahib S. Ellappa Chettiyar.
8. Rao Sahib P. C. Ethirajulu Nayudu.
9. Mr. K. Gopalakrishnayya.
10. ,, K. P. Gopala Menon
11. ,, J. Kuppuswami.
12. Sir P. Tyagaraya Chettiyar.
13. Diwan Bahadur R. Venkataratnam Nayudu.
14. Mr. T. A. Ramalingam Chettiyar.
15. ,, O. Tanikachala Chettiyar.
16. ,, B. Munuswami Nayudu.
17. ,, A. T. Muthukumaraswami Chettiyar.
18. ,, M. Narayanaswami Reddi.
19. ,, C. Natesa Mudaliyar.
20. ,, V. Pakkiriswami Pillai
21. ,, C. Ponnuswami Nayudu.
22. ,, P. T. Rajan.
23. Rao Sahib A. Ramayya Punja.
24. Mr. K. Sarabha Reddi.
25. ,, S. T. Shanmukham Pillai.
26. ,, W. P. A. Saundara Pandia Nadar.
27. ,, R. K. Shanmukham Chettiyar.
28. ,, T. Somasundara Mudaliyar.
29. ,, N. A. V. Somasundaram Pillai.
30. ,, S. Somasundaram Pillai.
31. ,, A. Subbarayudu Nayudu.
32. Diwan Bahadur K. Suryanarayanamurty Nayudu.
33. Mr. A. Tangavelu Nayagar.
34. ,, T. C. Tangavelu Pillai.
35. ,, V. C. Vellingiri Goundar.
36. ,, Venkatachala Reddiyar.
37. ,, P. Venkata Subba Rao.
38. ,, W. Vijayaraghava Mudaliyar.
39. Diwan Bahadur P. Kesava Pillai.
40. Diwan Bahadur M. Ramachandra Rao Pantulu.
41. Mr. S. Srinivasa Ayyangar.
42. Rao Bahadur A. S. Krishna Rao Pantulu.
43. Diwan Bahadur T. Desikacharlyar.
44. Mr. S. Muttu anikkac ari.
45. Rao Bahadur T. M. Narasimhacharlu.
46. Rao Bahadur C. V. S. Narasimharaju.
47. Mr. K. V. Ramachari.
48. Rao Sahib U. Rama Rao.
49. Mr. A. Ranganatha Mudaliyar.
50. ,, K. Sadasiva Bhat.
51. ,, Sasibushana Rath.
52. Diwan Bahadur D. Seshagiri Rao Pantulu.
53. Mr. M. R. Seturatnam Ayyar.
54. ,, T. Sivasankaram Pillai.
55. ,, R. Srinivasa Ayyangar.
56. ,, T. C. Srinivasa Ayyangar.
57. ,, M. Suryanarayana Pantulu.
58. ,, C. V. Venkata ama a Ayyangar.
59. ,, T. Arumainatha Pillai
60. Rao Sahib V. C. Mascarenhas.
61. Mr. A. T. Palmer.
62. ,, G. Vandanam.
63. The Raja of Ramnad.
64. Sri M. V. Appa Rao Bahadur.
65. Mr. K. Prabhakaran Tampan.
66. Khan Sahib Muhammad Abdur Rahman Sahib
67. Munshi Muhammad Abdur Rahman Sahib.
68. Mr. Ahmad Miran Sahib.
69. ,, A. T. M Bavoti Sahib.
70. ,, K. K. Koya Sahib.
71. ,, Saiyid Ibrahim Ravuttar.
72. Muhammad Sadulla Badsha Sahib.
73. Khan Bahadur Muhammad Usman Sahib.
74. Mr. M. C. Raja.
75. ,, L. C. Guruswami
76. ,, M. C. Madara Pillai.
77. Rao Sahib P. Venkatarangayya.

Noes—15.

1. The Hon'ble Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. ,, Rao Bahadur A. P. Patro.
8. Mr. F. J. Richards.
9. ,, R. Littlehailes.
10. ,, E. Periyanayakam.
11. ,, A. Ramaswami Mudaliyar.
12. ,, G. W. E. Cotton.
13. Dr. P. Subbarayan.
14. The Rev. W. Meston.
15. Mr. M. MacDougall.

Neutral—1

Mr. S. Arpudaswami Udaiyar.

The resolution as amended was carried, 77 voting *for* it, 15 *against*, and one remaining *neutral*.

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Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, the resolution which I have the honour to move runs thus :—

'162. *That this Council recommends to the Government that the rules proposed to be issued under section I of the Madras Irrigation Cess Act of* 1865, *be not given effect to.*'

" In a message to this Council by His Excellency the Governor these rules were given and the scope of the rules is very wide and it may be said that they affect the whole Presidency in general except very few areas. The main object and aim of the amendment of these rules was said to be to secure the simplification of the existing system and to attain that end to do away with the differential system now in force. First of all the Council may be pleased to examine the nature of the first aim, namely the simplification of the existing rules. In this matter according to the existing rules, we have got two systems of rates, first the general standard of rates and secondly a standard of rates which have reference to special irrigation projects. We have got one general rate for the whole Presidency and a second rate with respect to particular irrigation areas like the Gōdāvari and Kistna deltas, the Rushikulya project, the Cuddapah-Kurnool Canal and the Periyar project. That this is not by itself a comprehensive one is shown by the exclusion of some other areas, the Divi Pumping Project area and the two tank systems of the Nellore district. The second aim of the proposed change is to do away with the differential rate. The differential rate may be explained to be one applicable to certain areas of this Presidency regarding Government land which is generally known as Ayam land. Here also the differential rates do vary with various districts. It is necessary to understand the scope of the proposed amendment to see where the differential rates prevail. As far as I can gather they are in force in the deltaic districts of Gōdāvari, Kistna and Guntur, the whole of the Ganjām district except the Goomsur taluk, in the Chingleput district, Kurnool district, a portion of Chittoor district, a portion of Anantapur district, the Coimbatore district and one taluk of Trichinopoly or Tinnevelly district. First of all the principle of differential water rates was introduced at the time of the resettlement of the Gōdāvari and Kistna districts about the year 1899. The main principle of the differential system is that the water rate to be levied is the difference between the wet assessment and the dry assessment Of course there is some varying degree as to how this difference is to be applied by the addition of a rupee or half a rupee according to the nature of the crop raised in particular areas. First of all the differential system was introduced with the object of equalising or introducing very equitable principles in the matter of the levying of the water-cess. The differential system has got a direct bearing upon the nature of the crop raised, the position of the land, the nature of the land, the source of irrigation system and also the drainage available, because when we take into consideration the wet assessment on any land, we have to take account of the main factors, the productive capacity of the land, the irrigation source and the irrigation system, whereas in the case of a fixed rate of assessment all the advantages of these equitable principles are not to be found. In the course of the various papers connected with this subject it may be seen that officers did complain as to the complex nature of the differential water-rate system. It is nowhere stated that the complaint is made by the ryot. It is a difficult thing for the officer to check the accounts and to verify whether the charge is properly made or not. For one who is not acquainted with the matter and who does not take sufficient pains to study the system it may be a difficult matter. But

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when the system is in working order for a number of years and when the system is well understood by the responsible officers I do not for myself see where there is any practical difficulty.

" One other reason that was assigned why this system should be done away with was that the ryot would be in the hands of the karnam. If that is really the case, complaints would have come from the ryots. The whole literature on the subject shows that the complaint did not really come from the ryot. Now we have to see how far the differential water-rate system can be done away with and a new system can be introduced. Regarding the classification of the irrigation sources for the levy of water-cess, I may say that we have got three classes; the special class which refers to irrigation projects like the Rushikulya project and the deltaic systems of the Gōdāvari and Kistna, the Periyar project and some others; and the general classes are again divided into two classes, the first class and the second class. In the case of the first class, the proposed rules say that all the irrigation sources are to be classed under three heads, first class, second class and third class. It says all irrigation systems that supply water for more than eight months in the year should be grouped under the first class. In this connexion the most pertinent point that is to be considered is what the necessity is for the grouping of irrigation sources that supply water for more than eight months in the year into a particular class.

" We know as a matter of experience that paddy, the most important crop, does not require water for more than five months in the year, and as long as the same land is made liable to pay for a second crop it is immaterial for the ryot that water is available for more than five months in the irrigation system, whether it is for eight months or five months. He only wants it for five months and the introduction of the special new class is unnecessary. Again, we have got a difference in levying water-rates according to the crops that are raised. In the past the main crops that were taken into consideration were the wet crops, dry crops that occasionally required irrigation, dry crops that systematically required irrigation and fourthly the dufasal crops that will be on the land for more than six months in the year. Instead of that classification, the proposed rules only want to have three classes, namely, the wet crop, the dry crop and the dufasal. That means it proposes to do away with two classes of dry crops, namely, the dry crops that occasionally require irrigation and the dry crops that systematically require irrigation and only want to have one flat item, viz., dry crops. Now they want to have this item in all cases where there was a differential system in vogue owing to the nature of the land. Of course, the main argument on behalf of the Government seems to be that the nature of the land has not much to do with the productive capacity of the land when irrigated. But it is a matter of experience to most of the members of this Council that the nature of the land has much to do with the productive capacity as well. At one time, previous to 1916, Government did admit that the nature of the land has much to do with the productive capacity. In G.O. No. 1664, Revenue, dated 20th July 1916, it was said, 'admitting that no exact gradation of water-rates to soil values, such as is attempted in the differential water-rate system can be achieved, it remains true in the opinion of His Excellency the Governor in Council, that on a broad view of the matter, the best sorts of land will under irrigation generally yield better results than the worst sorts of land and that any system of water-rates which neglects entirely to take account of this consideration fails in an essential particular.'

3-30 p.m.

"Now again going back to the question of differential water-rates, the wet assessment was fixed having much reference to the drainage facilities. During the resettlement of the deltaic portions of Gōdāvari, Kistna and Guntūr districts the assessment was fixed having regard to drainage facilities and irrigation sources, and it was classified whether drainage was good, defective, or very defective. Now, of course, we see that a statement is made in the proposed notification that defective drainage shall be taken into account in the case of the channels. But in this proposal of levying new taxes the main difficulty is regarding the point of drainage. It does not lay down the principles on which deductions are to be made. Are we to understand that it is left vaguely to the discretion of the district officers or are we to understand that the same principles that induced the settlement officers in fixing the assessment on wet land will also guide in making the necessary deductions? If we are to assume the latter, I think the Government partially still want to continue the differential system.

"Now I only want to deal with the financial aspect of the proposed changes. First of all the Government proposed in the year 1918 to effect a change almost analogous to this—I don't say identical with this—and a debate took place in the then Legislative Council and in pursuance of the debate Government promised to give time for the consideration and nothing took place for nearly three years after that. When the proposals were made Mr. Ramachandra Rao interpellated the Government as to the probable increase in the revenue on account of the proposed changes. The answer was that the information was not available. As soon as the new scheme for alteration was communicated to this Council I interpellated the Government to give us an account of what the probable change would be. The question was, 'to ask the Hon'ble the Revenue Member to state the probable revenue under the rules proposed to be issued under section 1 of the Madras Irrigation Cess Act of 1865 and placed on the Council table, as compared with the revenue under the existing rules.' The answer was, 'The probable revenue realzable under the new rules has not yet been accurately worked out pending the reclassification of the sources, but it is not likely to be appreciably more than what it is at present.' Sir, the question has been pending with the Government for the last three years and this is a question which affects the whole Presidency and the Government has not got before it the financial results that would follow and yet this Government proposes to issue these rules. Again, whatever be the information available to Government, I respectfully submit to this House as far as I have personally consulted laymen who are likely to pay out of their own pocket told me that they would be affected prejudicially by these rules. In order to have a rough idea of this I shall only request the indulgence of the House to take into consideration the proposed rates and the existing rates. The flat rate that is now in existence is Rs. 4 an acre under first class and the proposed rate is Rs. 6–4–0. Again, in special areas it is Rs. 5 and the proposed rate will be Rs. 6–4–0. I don't want to trouble this House regarding further details. But to all minds it appears quite clear that there will decidedly be an increase of revenue. I only want to point out that when most of the irrigation works already executed pay a substantial return of interest, I don't think this Government will be justified in enhancing the existing rates. With these remarks, I commend this resolution for the acceptance of this House."

Mr. K. Gopalakrishnayya:—"Sir, I second the resolution moved by Mr. Narasimha Raju. Probably it will be advantageous to the House if I take them back to the early forties of the nineteenth century, and state that in 1844

there was an agricultural depression and in consequence thereof there was famine in the Northern Circars and when Sir Henry Montgomery was appointed Famine Commissioner it was on his suggestion that the anicuts of the Gōdāvari and the Kistna were constructed. Because there was a fall in the Government revenue and the Government was unable to make both ends meet, the anicuts came into existence in the time of Sir Henry Cotton who was then the Special Engineer to Government So it was done partly with a view to enhance the revenue of the Government and partly also to relieve the agricultural distress in the Northern Circars, especially in the Gōdāvari and Kistna districts. At that time a portion of the Kistna district was part of the Gōdāvari district and my remarks will apply both to the Gōdāvari and Kistna districts and particularly to the latter. When the first settlement was introduced in 1866–67 the Government adopted certain principles as to how classification should be made and what benefits the ryots should derive. At the time of the resettlement, which was in 1899, the Government also adopted certain principles as to how this irrigation system is to be taken into consideration when they raised the water-cess. Now, earlier than that, when the Act VII of 1865, which governs the subject of the present resolution, was introduced, it was clearly laid down in the preamble of the Act that only under particular circumstances an increase of irrigation cess should be aimed at. The preamble reads thus: 'And whereas it is right and proper that a fit return should in all cases alike, be made, to Government on account of increased profits derivable from lands irrigated by such works.' Therefore it is laid down clearly in the preamble that it is only on account of the increased profits derived from land irrigated by such works that are constructed at the expense of the Government that there can be any attempt made by the Government to propose any enhancement of the irrigation cess. Whether the present proposal would be calculated to enhance the present rate of irrigation cess or not, of course, is to be examined by this House. The answer given by the Government to the question asked by Mr. Narasimha Raju, has been just now read out, and the Government considers that there would be generally no increase. But, Sir, how will it appear to a layman and also to every ryot who is connected with this affair, which will affect almost all the lands that are now brought under irrigation? The proposed rule No. 2 in the notification reads thus: 'Irrigation sources are divided into three groups for purposes of charging water-rate. Irrigation sources which can ordinarily afford a supply of water for not less than eight months in the year shall be placed in the first group; irrigation sources which can afford a supply of water from five to eight months shall be placed in the second group; other irrigation sources shall be placed in the third group.' In regard to the first group which is now proposed, that is, sources which can afford a supply of water for not less than eight months in the year, it is not clearly laid down that it includes lands which require water only for five months or for less than eight months. For instance paddy, as Mr. Narasimha Raju said, would require water only for five or six months, and not for eight months and yet it is in the first group. If the notification had clearly said that lands which required water for only five or six months would not be included in group I or II, certainly there would not have been much objection on the part of the ryots. But here it is clearly laid down that such sources which can ordinarily afford supply of water for not less than eight months should be included in the first group. Of course the rivers Gōdāvari and Kistna and other rivers like Paleru would afford water for eight or nine months, but many ryots do not require any water so long; generally the ryots who grow paddy on their lands will require water

only for five or six months. If the notification made it clear that it would have no effect on such ryots, there would be no grievance on the part of those ryots.

"But now, as it stands, as all these lands are irrigated under sources which can afford to supply water to all these for eight months, certainly all these lands come under the purview of the modified rule No. 2 and as such there will be enhancement of water-cess which, of course, under the present circumstances is not advisable for the Government to think of.

3 45 p.m.

"Then, Sir, Government will be pleased to remember that on several previous occasions there have been assurances held out to ryots and there have been inducements held out to them that the lands that were then dry ought to be brought under irrigation, of course by means of a system, which has just been referred to by the honourable the mover, what is called an inducement rate, the formula being W — D + 1 rupee; that is, wet *minus* dry *plus* one rupee. That one rupee has been put upon these lands in order to induce the ryots to bring their dry lands under wet cultivation, so that it may yield a revenue to the Government and also prove beneficial to the ryots. It was more or less an inducement rate. Well, under those circumstances the Government have gone ahead and induced the ryots to bring all their dry lands under wet cultivation, and of course they also adopted certain rules, and also certain classifications of soil with regard to the assessment on these lands. Now it is not advisable, Sir, on the part of the Government to think of enhancing the water-cess in the name of simplification in order to cancel the differential system of water-rates which are now prevailing in several parts of this Presidency."

(At this stage the honourable member was reminded that his time-limit was up).

Mr. K. GOPALAKRISHNAYYA *(continuing)*:—"Of course honourable members are aware that His Excellency the Governor, probably at the beginning of our August sitting, from that platform exhorted all the members of this Council to co-operate with him against the disorder that is prevailing not only in Malabar, but also in some of the deltaic portions in the Northern Circars. The honourable members are quite aware of the statement that was made by His Excellency the Governor from that platform. I am afraid, Sir, that certain acts of the Government are themselves responsible for the disorder which His Excellency is so anxious to quell. The levy of the *nazarana* of Rs. 25 an acre for inclusion under wet is very much felt by the ryots in the Northern Circars. Complaints were made of this in the presence of the Hon'ble the Revenue Member when he recently visited the Gōdāvari and Kistna deltas and he was thoroughly impressed how the ryots there were deeply affected by the imposition of the *nazarana*. It is only that, Sir, that has created to a large extent the unrest in the deltaic portion of the Northern Circars. If this inadvisable and unwise step of increasing the water-cess by means of the change in the rules under section 1 of the Irrigation Cess Act be now resorted to, you would be all the more enhancing, or rather accelerating the feelings of the ryots towards that unrest, and there is no use, then, Sir, asking the members of this Council to co-operate with the Government in order to allay that unrest. With these words, Sir, I heartily second the motion."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Mr. President, I wish, if I may, to repudiate the impression which seems to prevail that the notification in question which we are now discussing was designed by Government merely to throw additional burden on the tax-payer and thereby augment revenue. I will, Sir, assure the House that that idea was farthest from

the mind of Government. Those honourable members of this House who have taken the trouble of studying something of the past literature of the various systems in the matter of the collection of water-rates in this province, would have, I dare say, noticed that a number of systems were tried, given a fair trial, their effect on the general tax-payer examined, and when it was ascertained that the system was harsh, it was indefinite, it led to open the door for corruption, it was not easily understandable by those who were expected to pay money thereunder, Government had to abandon system after system. I think the differential water-rates, to which reference has just now been made, were introduced in the year 1906 in some of the districts in the presidency as an experimental measure. They were extended to a few other districts subsequently but I may tell the House that even when they were introduced as an experimental measure, they did not receive the blessings of the Board of Revenue, for, the Board of Revenue anticipated, and correctly indeed as subsequent events have shown, that the system, viz., the differential water-rate system, was neither scientific, nor rational. I believe I am correct in saying that the differential water-rate may well be regarded as a conundrum in itself which the best mathematicians might have to rack their brains over; and yet, what do we find? We expect the karnam, and the village officials in general, to work these rules in a way as to be absolutely unerring towards the tax-payer. I shall certainly not weary the House with an explanation of the various systems which were in operation, but I will merely show to them what this particular formula is which is regarded as differential water-rate. We have got three unalterable formulae in regard to the differential water-rate. The first formula relates to what we call the first crop lands. In every case the karnam is expected to serve a bill on the landholder after he has calculated, with reference to each particular formula, the exact amount that is due by any ryot. The formula which is given to thekarnam is W — D + 1 R., while as regards the dry land, half of W — D + 1 R. and when it comes to the question of dufasal it racks the brain of every individual. The dufasal formula is W — D + 1 R, + half of W — D + 1 R, + half of D. I think it is obvious that with the best intelligence which even the higher grades of our revenue officials are credited with, when they go round for the purpose of verifying whether the demands that have been entered in the village registers against particular landholders are based upon a meticulous observance of this difficult formula, I can assure you that the best effort will be helpless. Therefore did the Board say, and rightly I think, while referring to this system, that they condemned the system on the ground that it afforded increased facilities for fraud and was complicated and perplexing to the ryots, and I take it that the House will echo the views which the Board of Revenue have expressed after I have read out the formulae which have to guide the karnam in the working out of these rates. Now, Sir, what is it that we are now trying to do? We are now trying to safeguard the interests of the ryot by installing a system, which absolutely negatives any unintelligent bill being presented to the landholder. It is perfectly hopeless to determine whether a particular individual has cultivated his land for five months, whether he has cultivated it only for one month, whether the supply has been perennial, or whether it has been occasional, whether a particular crop of paddy has been raised, and whether a soil is particularly fertile or so. Now, these are all such meticulous details which it is rather undesirable to leave in the hands of the village officials for determination, when to that determination is also added the responsibility of serving a bill on the ryot concerned. We, therefore, tried from the year 1913 onwards to arrive at a decision which would at once be easy for the officers of our department to

work, and readily comprehensible by those who are affected by it and yet make it difficult for any fraud to be practised thereunder.

"These were the three principles which prompted Government to devise a fresh scheme and eventually they evolved one as simple as its very designation goes to show and it is called the simplified water-rate system. I can at once explain to the House, Sir, why we claim for it the appellation 'simplified.' I have, I think, given to the House the almost jarring formulae which are now in vogue in regard to the determination of the water-rates and I ask the House to compare them side by side with the formulæ governing our future proposal. We merely took two factors into account and one is the availability of water in particular sources. We cannot say every source is equally rich. We have therefore decided to divide these sources into three classes; those of and over the capacity of eight months, those of and over the capacity of five months and those below the capacity of five months. These we shall regard as the cardinal principles for judging the levy of water-rate. Having decided that, it is our intention again to divide the crops into wet and dry. Under the wet crops we refuse to take anything else except paddy and when the classification of these sources has been completed, under the direction of the Board of Revenue, by the Collectors of the districts with the help and assistance, of course, of the Revenue Divisional Officers and Tahsildars, calculations will be arrived at as regards the kinds of water-sources, their classification under any of these three heads and the total extent of land which is irrigable thereunder. Then it will be merely a rule of the thumb for the village official concerned. He has merely to serve the bill on the ryot and say, 'my friend, your land is situated under class 2, you are raising paddy, you have to pay Rs. 4-4-0 per acre.' There is thus no serious responsibility placed on the karnam. That, therefore, I take it, may be regarded as the simplest scheme that human ingenuity could have devised. I am told, Sir, that the Government in so far as they have made up their mind to introduce the scheme should have been ready to quote the figures showing the probable income derivable from this source. I have already told the House and let me repeat that it was not merely financial consideration that prompted Government to introduce this scheme. While trying to introduce this scheme they did not seriously consider what its results will be financially. The income may be actually more or it may be less. We have yet to embark upon an investigation as regards the sources of irrigation available in this province, their division into first, second and third classes and the determination of the extent of land which is irrigable by every one of these three classes. It is only then we can put 2 and 2 together and be able to say that the total is 4. I have already explained that the Collectors have been given power to start the investigation of the classification of these water-sources under the direction of the Board of Revenue. That work has not yet been completed. I am not anxious for the results. I shall not now enquire what the figure is going to be as a result of it. All that I want is that this simplified water-rate shall be introduced for the benefit of the general tax-payer. However, my friend to my back has sounded a note of warning. He has told us that it was probably the indiscretion on the part of the Government for having claimed, as he calls it, a nazarana which, in my own phraseology, I call inclusion fee, that was responsible for the propogation, spread and continuance of the non-co-operation movement in the Northern Circars. I have known, Sir, that the non-co-operation spirit in the Northern Circars had begun to bear fruit much earlier than our determination to levy the inclusion fee.

4 p.m.

"He again warns me that any attempt on our part to introduce this new scheme might only be adding fuel to the flames. As I am not at all prepared to subordinate the conduct of the administration of this province to considerations other than those which, from the standpoint of the Government are regarded as being conducive to the welfare and happiness of the people, I shall not be very much alarmed by these warnings. But all the same, I thank him for the warning that he has given and I shall take great care to see that the non-co-operation movement is not increased on this account.

"In this connection I may mention, Sir, that I had the pleasure of visiting the northern districts in September last. Various representations were made to me on this very subject and I was requested to look into the matter, if I can, before giving final approval to the issue of the notification. And some of my honourable friends in this House, including the mover and the seconder and a few others who doubtless have the interest of the Northern Circars in their heart, had a talk with me both last month and this. Let me assure them that I have given my best attention to this question and the more I think about it, the more it seems to me clear that the system which we are now trying to introduce is by far better than the system which is now in vogue.

"However, it seems to me that the best way of convincing these gentlemen regarding the merits of the scheme which is now under discussion is to bring them together at a round table conference and show to them how things stand at the present moment and how they are likely to be under the projected scheme and ask them in all sincerety and seriousness to tell us whether the differential water-rate has really preference over the simplified water-rate which the Government have now the idea of introducing. I, therefore, consider, Sir, that if the House is anxious to examine this question a little more carefully than what they imagine we have done, I certainly have not the least objection and I am perfectly willing to appoint or summon to my assistance a small committee consisting of a few gentlemen who have already spoken to me and who I expect possess information on all these matters as also one or two of my own officials who are experts on matters like these. If they will sit together and examine the various schemes which have been in force in this province after the passing of the Act of 1865 to which attention has been drawn by my honourable friend behind me, they will probably dismiss one after another those schemes which have already been condemned by the Government. I also think that when they examine the differential water-rate system in the light of the proposed one they will consider that the latter is the better of the two. I confess that in the case of a few lands there may be a slight increase in the shape of water-rate per acre. But I will seriously contend, Sir, that the commercial value of every article must be taken at its present market value. It is true that the Rs. 4 water-rate which my friend Mr. Raju referred to as being the prevailing rate in some of the districts in this presidency was fixed so long ago as 1874. Well, to say that in the year of Grace 1921 the world has not at all progressed and that therefore the Government are not justified in asking a little more than what was demanded in 1874, is, I confess, a proposition which certainly cannot be accepted. My friend is quite aware that among the various schemes which we are now working—I will not refer to all the schemes—we have got one in the Guntur district which is called the Bhavanasi scheme. There what does the landlord pay us? There the landlord most willingly pays Rs. 9-6-0 per acre for water-rate. Not only does he pay it but he is willing to compete against his neighbour and we often find that we cannot supply all the water demanded. That probably may be

[The Hon'ble Mr. Habib-ul-lah Sahib] [17th November 1921

regarded as exceptionally favoured land in the province, being in the deltaic area where water may be weighed in gold. Take the case of one of the Ceded districts where things are quite the reverse and where cultivation is not very rigidly sought after. We have the Siddapuram and Venkatapuram projects. Even there we charge Rs. 9-6-0 per acre for water-rate. Considering all these things the Rs. 6-4-0 rate which we intend to fix as the maximum rate per acre cannot be regarded as so exorbitant, so depressing to the spirits of the landlord and so very extortionate as to hamper cultivation in the Madras Presidency. It is rather a gloomy picture. However, I stick to what I have said already. I am quite willing to appoint a committee for the purpose of going into this question and if that will meet the wishes of my honourable friend—as I have already understood from him that it will—I hope that without any further discussion on this question he will be good enough to say that he will withdraw the resolution. I will abide by the promise that I have made and proceed at once to appoint a committee. While appointing the committee, I may also assure my honourable friend Mr. Ramachandra Rao, who had also a talk with me on the subject, and others interested that as regards the exact terms of reference and the constitution of the committee, I shall seek such assistance from them as they may be pleased to offer to me."

The Hon'ble the PRESIDENT:—"I understand the Hon'ble the Revenue Member to say that the honourable mover is willing to withdraw the resolution. If so, it will be my duty to put that at once to the House. If, however, he is not prepared to withdraw just now and prefers to make up his mind at a later stage, I will allow the discussion to go forward."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, I have, no doubt, made up my mind as to what I should do. But still I think it is better to allow other honourable members who are interested in the matter to express their opinions."

The Hon'ble the PRESIDENT:—"I am bound to apply the Standing Orders. I heard the Hon'ble the Revenue Member specifically tell us that he understood from the honourable mover that he was going to withdraw the resolution. If so, I am bound to give the honourable mover the opportunity of doing so. It is perfectly open to the honourable member to say 'I do not propose to withdraw the resolution at present. I have not yet made up my mind. I may, after hearing a few more honourable members, decide what course of action I will take.' But I do not think it is necessary that he should tell me what will be the better course for me to adopt. If the honourable member wishes that the discussion should proceed, he can very well say 'I do not propose to withdraw the resolution now. I may do so later on'. He must say that in so many words."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I do not withdraw it now, Sir."

4-15 p.m.

Rao Bahadur T. BALAJI RAO NAYUDU:—"Mr. President, before I commence to say a few words I have to beg the pardon of the Hon'ble the Revenue Member if I say that his eloquent and forcible expressions and the very many arguments that he advanced in favour of the issue of this order have had no effect upon my mind whatsoever. I am a man who exercised the power of recommending this water-rate for several years as a tahsildar and imposing it as Divisional and Jamabandi officer. The formula W—D + 1 is such a simple one that not only the karnam and the munsif, but also even the poor Panchama ryot in our districts knows what it is. There is practically nothing

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difficult about it or there is no scope whatsoever for the karnam to dupe the ryot. It may be necessary that the formula should be done away with, and that there should be a settled rate of water charge. In these deltas as far as the settlement has been made there is the consolidated wet rate, which is far higher than the rest of the lands which are not classed as consolidated wet but are treated as dry. If the dry lands take water they are charged Rs. 5 per acre of paddy crop and lesser rates for other dry crops. Now what this order of the Government or the memorandum wants to do is to raise those rates by 25 per cent. To say that it is intended to secure a simplification of the existing system is not untenable. It is sought to abolish the system of differential water-rates. But the effect of it the Hon'ble the Revenue Member could not yet make out. It means a charge of several thousands of rupees on the ryots. I have worked up the accounts of three villages in the Ellore taluk. In the Muparavi village the present water-rate is Rs. 3,560-14-0. When the new system is introduced it goes to Rs. 9,124, the difference being Rs. 5,564. In the next village Ponugi the difference is Rs. 2,829. In the third village the increase would be Rs. 7,946. I worked up the figures of three villages only. Thus you see in the case of these three villages the increase will be considerable and it must be enormous in the case of the whole delta. Leaving that aside the whole of the zamindari villages are classified as dry and charged with Rs. 5 water-rate. They will all rise to Rs. 6-1-4. In the Nuzvid zamindari alone the water-rate is 6 lakhs of rupees. The increase for that one taluk will be another lakh and fifty thousand. The minor inams which are not classified as consolidated wet will have to bear this charge. That means for this one district there will be several lakhs of rupees increase. It cannot be said for a moment that this alteration is intended to make the water-rate imposition simpler to the karnams and the ryots. So this is a question of considerable importance to the ryots. I am not one, who is against the imposing of new taxes for we need not fear the extension of non-co-operation on this account. Non-co-operation is one thing and taxation is another thing. I would defy non-co-operation altogether. But if Government want to say that we want to collect the present market value of the water because there is an enhancement in the market value of the paddy let them do it on that ground but let them not say that they want to simplify water-rate rules and do away with some formula. Another difficulty is that if you raise the water-tax on these lands which are not classified as wet, the lands which are already classified wet will continue to pay the same old rate until the next settlement, so that the lands already classified will be at an advantage while the land not already classified will be at a great disadvantage. Though the object of the Government may be for realizing as much as they think reasonble in view of the prices, yet it must be in the way of reclassifying all the lands, when the time comes (i.e.), till the next settlement comes up. The men whose lands were classified as wet would escape and the men whose lands are not classified will have to pay 25 per cent. It would create enormous discontent. With these remarks I support the resolution."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Mr. President, Sir, the Hon'ble the Revenue Member appears to have been somewhat offended when my honourable friend Mr. C. V. S. Narasimha Raju did not withdraw the resolution without further debate."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"No."

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Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I am glad to have that assurance, Sir."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I do not quite follow how Mr. Ramachandra Rao was able to find out that I was offended. If I understand the word "offended" correctly, I should fancy that I betrayed some signs of displeasure."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I must say he said nothing to me. But unfortunately I happen to sit opposite to him. That is enough as an explanation. I was anxious to have an opportunity of talking about this matter not because I am anxious to talk on every subject that comes before this House, but I am bound to tell him, as a representative of the district which I have the honour to represent in this Council, that there is a genuine and a very very grave anxiety as to what the Government are going to do. I am not at all prepared to accept the line of reasoning as regards the simplicity of methods. I do not propose to go into it at present. I know the history of irrigation in these three districts. I have not heard any complaints as regards the differential system from the village munsifs or karnams. It is quite likely that some of the officials raised this difficulty. At the same time I am neither prepared to state that some of these objections are not well-founded. I do not want the Honourable Member to go to the other extreme and say that all that has been done has been wrong and that this new system is perfect. I do not at all accept that position. Sir, I wish to impress one other circumstance upon him. The present system has been in force since the introduction of the last resettlement about 20 or 25 years ago. The question of the classification of soils is one of very great complexity and in connexion with the resettlement operation, the resettlement officers, in settling the rates, have to take into consideration the facilities for irrigation, the exact position of the lands with reference to the head of the channel and so forth. Various other considerations went to decide the exact rate that was imposed upon those lands. Now my honourable friend wishes to brush aside all those considerations and wishes to have three sources. Those sources are defined by the rules. The first rule says, if the source supplies water for a period not exceeding eight months it may be classed as first class. May I ask the Honourable Member if the whole of the Godavari and Kistna deltaic area comes under this first class? After all the assurance that he has given that he has no intention of making revenue, I think that these questions have to be decided very very carefully. I personally believe that careful consideration cannot be given by the Collectors as it seems to be thought at present. This is the aspect of the question which I wanted to place before him. If the Honourable Member tells us that one of the points which will be referred to the committee will be whether this question of the introduction of the differential system of water-rates is or is not desirable or whether it is otherwise desirable that this matter should be held over till the introduction of the coming resettlement which will be in the course of three or four years, I shall be satisfied that this committe will be doing some useful work. This is one of the matters that should be referred to the committee. The next point is with reference to the zamindari areas The Honourable Member said that it will not make any difference in revenue. Three hundred thousand acres are classified under minor inams. In their case it is perfectly certain that the levy will go up. As regards the zamindari villages I think the extent is three hundred thousand acres. I am not certain of the figures. What is the position this committee is going to take

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with reference to this matter? At present the formula W—D+1 is a jaw-breaking formula. I wish to know what this committee will do. I am rather getting nervous about these committees. We had a committee to consider the question of the abolition of the Board of Revenue. It has fizzled out in a rather submissive manner. I do not wish at all to stand in the way of appointing a committee. All that I wish that this committee should do is to raise substantial questions and not merely endorse resolutions and conclusions that have been come to by the Board of Revenue, by Collectors and others in regard to the queston of differential water-rates. Therefore if he would decide or refer to this committee the fundamental questions whether the differential water-rate is applicable or is suitable for these areas and to what areas it should be applied as also how the question of classification of sources will be dealt with, if these large questions are tackled, this committee will be doing some useful work. I expect the Honourable Member who recently visited these deltas and who was in personal touch with the ryots will take up these questions and I do not think, as far as I am aware, that during his recent visit any representations were made to him about the difficulties of the differential water-rates by the ryots. Did any village officer complain to him? Did any ryot complain to him?

4-30 p.m.

"That is the crucial test, Mr. President. The Hon'ble the Revenue Member has told us of the difficulties of working a mathematical formula. It is all very well. But who is it that complained about the matter? But if it is going to worry us for not more than probably three or four years, where is the difficulty especially when nobody that is concerned has complained. That is the view I put before the Hon'ble the Revenue Member and I hope that the committee will lay stress on these fundamental propositions. I must point out that there is considerable dissatisfaction over this matter. Yesterday, it was said in connexion with the tour of the Hon'ble the Revenue Member to Bellary, that he was a harbinger of rain. May I say, Sir, that in the delta he would be regarded as the harbinger of taxation? They have already a sense of grievance in connexion with another resolution that was thrown out. I must therefore support the resolution."

Mr. P. VENKATASUBBA RAO :—"Mr. President, I rise to support the motion, coming from Guntur—one of the districts that is affected by the proposed change of the system of water-rates. I am glad to have the assurance of the Hon'ble the Revenue Member that the change is proposed, not with a view to increase the revenue. The Hon'ble the Revenue Member said that it is to simplify the existing system and to enable the ryot to understand the system and save him from exactions of the karnams. We come from the delta districts and we have not so far received any complaints from ryots of the intricacy of the system or the defects it has The system may be intricate; but still it is known to all the ryots. The Government may be justified, Sir, in changing the system if the change means less inconvenience to Government revenue officials. But the change should not be taken as an opportunity for possible increase in the land revenue. The latter portion of the speech of the Hon'ble the Revenue Member sounded a bit ominous. He said that the existing rates were fixed in the year 1880 and that the people ought to be prepared for a rise in the rates, on account of the rise in the valuation of the lands. I must protest strongly against that view because the irrigation works in the Northern Circars do amply repay the cost and the Government receive sufficient income from them. Thus we see there is no justification for any increase in the water-rates.

[Mr. P. Venkatasubba Rao] [17th November 1921

"One thing I want to point out, Sir, and that is I gather from the speech of Mr. Balaji Rao Nayudu, that he supports the view that the Government may increase the water-rate if they considered that the market value of the water was increased."

Rao Bahadur T. BALAJI RAO NAYUDU :—"What I said was that if the Government think that they have justification for raising the tax, let them say so. I never supported the view of enhancing the water rate but wanted to drop the question until the next settlement. This is what I meant."

Mr. P. VENKATASUBBA RAO :—"I am sorry I have misunderstood the Honourable Member.

"As the Honourable the Revenue Member has promised the appointment of a committee it will not be necessary for us to deal with this matter at length. But, Sir, I may point out that a great deal depends upon the appointment of a committee whose decision will command confidence. I do hope that the composition of the committee will be such as would give satisfaction to the mover of the resolution and in that case we may agree to the appointment of such a committee."

Mr. A. SUBBARAYUDU :—"Sir, I support this resolution. The Hon'ble the Revenue Member said that this is to avoid the corruption by karnams in the hands of illiterate ryots. I may say that it has not been so much of corruption in the case of the karnams, but we have grievances of corruption which the Government do not want to look into, and that is the Public Works Department corruption. That is the most important corruption the Government must take up first and not the corruption of two annas or three annas which the karnams possibly receive. There is another thing. Every ryot has a certain land to irrigate ; he knows how much he has to pay ; the kist system has been in existence for a number of years and the ryot has been paying for a number of years. If there is a change in the demand of the cess he would at once ask the karnam what that difference was. There can therefore be no possibility of fraud on the part of the karnams, except when they are willingly offered a few annas. The Hon'ble the Revenue Member says that it is a reasonable burden on the taxpayer. It seems to be his impression after his recent tour, that the people there are very rich. The truth is far from it and they are really very poor. The people are educated and civilised and appear to be rich. Up to 1910 the Government got from the Godavari delta system Rs. 620 lakhs accumulated profits and up to 1919-20 they got 880 lakhs. The rate of income is 19 per cent per annum in the previous case and 25 per cent for 1919-20 on the capital outlay. This increase of 25 per cent is a marked increase. And there is no reason why the Government should still insist on the tax-payer paying more than this 25 per cent on the total outlay which must be considered an ample profit by any commercial man. The Government made 620 lakhs accumulated profits in the Kistna delta and the present rate of profit is 18 per cent per annum on capital outlay. Perhaps 18 per cent is too small an yield for money spent. There are the other places, the Cauvery and other deltas where they get 10 to 15 per cent profits on their outlay except Cuddapah-Kurnool canal, the single exception, which yields no profit to the Government. If the Honourable the Revenue Member wants to root out the corruption he may do so, by all means. Only let him look first to the troubles of the ryots suffering by major corruption and then take up to minor corruption. The calculation is a matter for any mathematician to do to simplify the calculation at one glance but do not burden the ryots with extra-tax for the sake of simplification of accounts. I must therefore support the resolution."

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Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, I am only sorry that the Revenue Member as the supreme head of the karnams should be paying such a very bad compliment to them. As representatives of the people, we in this Council had no charge against them, and we believe that there is not the least possibility of any cheating either the Government or the ryot, in the matter of this computation of the water-rates. The land is there substantially and the term is there, and the thing is being checked by the revenue officer. It is not therefore possible to play any fraud, and he cannot say that the wet rates are these and so forth. May I ask if there is a single case where the karnam was found faulty or to be practising illegal methods? That has not been the case. When there was no complaint from the people and when the complaint was from the officials who do not care to master these details and say that it is impracticable, I do not think that we as representatives of the people can accept that. Again with regard to this system of water-rate, I respectfully draw the attention of the Hon'ble the Revenue Member to the opinion expressed by Sir Charles Todhunter as Collector of Chingleput when he said that this was one of the equitable methods of levying water-rates. The Hon'ble the Revenue Member said that the object of the Government is not to make this a source of revenue. But as I pointed out before, it results in the enhancement of the revenue. The Government want to make such an important change as increasing the rate from Rs. 4 to Rs. 6-8 and the special rate from Rs. 5 to Rs. 6-4. I have got some facts worked out for the whole Presidency.

"Again, under the new irrigation scheme, people are ready and willing to pay Rs. 9 and odd. I do not think water is hereafter to be measured at so many bushels per rupee. I do not think Government will ever assume the character of seller of water. The preamble to the Act clearly says that there should be a fit return for all the amount spent. I am aware the Privy Council said that increment can be made at discretion of the Local Government in this matter. But the discretion is expected to be used in consonance with the general principles of taxation. Of course the Hon'ble the Revenue Member has said that he wants to appoint a committee with the hope of convincing some of the members of this Council that the simplified water-rate system which is now being proposed will be acceptable. I have no objection to accept his proposal with the hope that the committee will induce the Government to change their view, provided they place all the necessary material before them. Clearly it is not the object of Government to increase the rate or treat this as a fresh method of taxation. I am sure the committee will try to convince the Hon'ble the Revenue Member and this Government that the proposed method is not an equitable one. With these words, Sir, and with the hope that the committee will be appointed I beg leave to withdraw the resolution."

4-45 p.m.

The resolution was by leave withdrawn.

Oriya to be the court-language of the Chatrapur division.

Sriman SASIBHUSHAN RATH Mahasayo :—"Sir, the resolution that stands against my name reads thus :—

'163. *That this Council recommends to the Government that Oriya be made the sole court-language of the Chatrapur division in the Ganjam district.*'

"The very fact that the Oriyas, after remaining under this Government for nearly 150 years or more, have through their representative to bring forward a resolution of this kind, shows what parental care this Government has bestowed

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all along upon a minority community such as the Oriyas. Sir, to many honourable members of this House the subject-matter of this resolution may seem to be not very important. But to the Oriyas it is everything. I have a language of my own, a script of my own, a literature of my own. I represent the majority in the district or in the division, and I do not know why another language should be imposed upon me in the courts and cutcheries. That is the point which this resolution raises.

"Till the year 1890, the Government was not pleased to declare Oriya as the court-language in any part of the district. It was after a very persistent demand of the Oriyas that the Government was pleased to pass an order, G.O. No. 2024, dated 15th December 1890, declaring, both Telugu and Oriya as the court-languages of the district of Ganjam. We thought, the Oriyas thought, that that would solve the question. What was the real effect of it? It was just the reverse. Telugu continued to be the court-language in spite of the Government Order. The Telugu officials form our intermediary ruling race. They used and imposed Telugu to the exclusion of Oriya, with the result that this G.O. No. 2024, dated the 15th December, remained a dead letter. And this fact was admitted even by Mr. Macmichael (now Member of the Board of Revenue) in a letter of his as the Collector of Ganjam, dated 12th July 1912. In paragraph 3 of that letter he admits: 'I believe that the only practical way to make the repeated orders of Government about the use of Oriya in the court effective is to recognize Oriya alone as the language of the court.' Well, I have the authority of Mr. Macmichael to show that the Government Order referred to now was not given effect to. Then there was agitation again and the Government in their Order No. 456, Judicial, dated the 5th March 1913, declared Oriya as the sole court-language of the Goomsur division. They said that Oriya shall be the court-language of the District Munsif's Court at Aska and also that shall be the court-language as well in every criminal court in the Goomsur division. This was ordered from 1914 and this partial remedy was applied in the case of one division. But in the case of the Chatrapur division, where similar conditions exist as in the Goomsur division, the old anomaly of using both Oriya and Telugu as court-language remains with the inevitable result that Telugu remains the court-language and not Oriya. I will also refer to another anomaly in the effect of this order. Part of Chatrapur division is under the jurisdiction of the Aska Munsif's Court. Now in their Order No. 456, Government have declared Oriya to be the sole language of the Munsif's Court at Aska. So far that part of the Chatrapur division whose people resort to the Court at Aska there is not any difficulty. I only want that the advantages that we have given in the case of one part of Chatrapur division, should be extended to the other part as well.

"Taking other things into consideration, in the whole Chatrapur division you have got no Telugu schools worth the name. Only in the official colony at Chatrapur you have a solitary Telugu school. There is a salt factory at Humma and people migrate there only as temporary residents. There is only a bi-lingual elementary school. There are no other Telugu schools. When such is the state of affairs I do not see any reason why Telugu should be imposed upon the Oriya people of Chatrapur division.

"Take the registration offices. There 99 per cent of the documents is in Oriya. What does that show? It shows that Chatrapur is entirely Oriya and there is no necessity, no justification whatsoever for imposing upon the Oriya people another language. It is these difficulties that make us determined to go away from this province. If you satisfy these things we shall at least feel that we would get justice at the hands of the Madras Government. But these difficulties being there, we being a minority community and our grievances not being heard every day, we are inclined to cut ourselves away from this province. The villager finds very great difficulty if a summons is issued on him. He must run some 10 or 15 miles to the nearest town, to have it read to him and that costs him something. The Oriya litigants suffer, the Oriya zamindars suffer and the Oriya ryots suffer. There are other difficulties as well. I do not see any reason why Government should withhold this favour such a parental Government as this. Under this new dispensation, under the Reforms Scheme, let us have at least this favour done to a minority community. I ask every member of this House to do this justice to us."

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Mr. M. SURYANARAYANA PANTULU:—"I am not well acquainted with the Ganjam district to the extent to which my honourable friend is. But all the same I know something about it. It seems to me that the complaint made in this resolution is a very reasonable one. Although the entire division of Chatrapur is Oriya-speaking tract, still that Telugu should be set up as the court-language seems certainly to be an anomaly and ought to be remedied. I know that after the Rushikulya project became a certainty, people living above the Rushikulya river desire that they should be tacked on to Orissa. It is quite possible that the acceptance of this resolution might mean that they may desire to be tacked on to Orissa. But it does not matter. If they think that their interests would be better safeguarded in Orissa province than in the Madras province I really do not see any objection to allow them to go to that country where their interests are hoped to be better taken care of. With these words, I second the resolution."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"This matter, Sir, appears to have a periodic motion and though the course sometimes has been erratic, it certainly comes and every time it has raised a fierce protest from the minority, viz., the Telugu population. Although my friend has said that the Government have left them in the cold for a long time, from what he narrated, from the various orders that this Government have been passing, it does not appear to me that they have dealt badly with them at all. The real difficulty which I feel is to discover what exactly is the grievance of the Oriyas, for Oriya is still a court-language. Likewise also Telugu. How anybody can impose Telugu upon persons who do not desire it, I am yet unable to appreciate. Take for instance a civil court where the Oriya population wants the proceedings to be in their language, the records to be in Oriya. No officer can possibly prevent any Oriya from presenting his plaint or application in that language. When an Oriya comes as a witness he will speak in his own language and the court will make its own arrangements for interpretation, if necessary. So also in a criminal court. With regard to registration the provisions of the Registration Act are absolutely clear. If the prevailing language of the district be Oriya, the registering officer is bound to accept documents in that language; he cannot demand the document to be translated. Only one reference was made by the mover, namely, the issue of summonses. Unless the officer was absolutely perverse, I am unable to understand why he should issue summons in Telugu to a person who only speaks Oriya. On the other hand, making Oriya the sole court-language may possibly affect the Telugu population who though in a minority are yet a substantial minority. From the figures of the recent census—I cannot say they are absolutely correct—I find there are about 40,000 Telugus in the Chatrapur division. With regard to the Berhampur District Munsif's Court which will be affected if Oriya is made the sole court-language, I understand that the litigants or the tract served by the court are predominantly

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Telugu or as numerous as the Oriya population. That is so far as that court is concerned. Here again I cannot say I am absolutely accurate ; that is the impression that I get from the figures. In 1918 when this question was considered, the Government went into it carefully with the assistance of the authorities who were concerned in this matter and came to the deliberate conclusion that no change was required. I am unable to see from the speech of my honourable friend that there has been any change since that date to warrant the Government accepting this resolution at once. I am willing to go so far as this. I am willing to have the question further examined after consulting the High Court and other authorities who may be interested in this question. If on these materials and on that further examination the Government considers that it is desirable—I won't say even necessary—that Oriya should be made the sole court-language we shall of course consider the question. At present with the materials supplied by the Honourable Member and the materials that I have got I am unable to accept the resolution now, more especially when I find that in 1918 when this question was raised we had a long telegram at the end of which it was stated by the Telugus protesting against any change 'great sensation prevails', I do not wish to accept the resolution and to affect the placidity of the place at present."

Sriman SASIBHUSHAN RATH Mahasayo :—"I am very thankful to the Hon'ble the Law Member for having held out the hope that he will examine the question further ; with that assurance I would like to withdraw the resolution. But before withdrawing my resolution let me say a word or two on the observations that the Hon'ble the Law Member has made. First of all, he has quoted figures from a census report which is not in our hands and about the accuracy of which we cannot be certain. He himself said that he quoted these figures subject to correction. He has not however stated the total population of the Chatrapur division."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"Sir, the figures show Oriyas 290,000 and Telugus 40,000 and I said that was a substantial minority."

Sriman SASIBHUSHAN RATH Mahasayo :—"That shows that the Oriyas are in the majority. And the substantial minority he speaks of is a minority that is Oriya—assimilating. Again, Sir, the Hon'ble the Law Member said that he could not understand how summonses were issued in Telugu to the Oriyas unless the presiding officers were perverse. Sir, I say it is the perversity of the officials that has led us to move a resolution of this kind in this House. We have perverse officials who are perhaps Andhra patriots and want that their language should prevail over ours, who want to encroach, so to say, upon our territory. In the Berhampur court the Hon'ble the Law Member said there were many litigants who were Telugus belonging to the Chatrapur division. I contradict that statement and say that the few Telugus are Oriya—assimilating. However, with the sympathetic assurance of the Honourable Member I am prepared not to labour that point further and to withdraw my resolution and I hope that the fate of this question will not be the same as the fate of Mr. Cotterall's suggestion in 1918 which was shelved and which was lodged without any reference to the public and though Mr. Cotterall highly recommended the declaration of Oriya as the sole court-language in the Chatrapur division, the Government were not pleased to do so and the recommendation did not see the light of day. I now hope that a better fate awaits my proposal. With these words I beg to withdraw my resolution."

The resolution was by leave withdrawn.

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Re-adjustment of the hours of teaching in the Law College.

The Hon'ble the PRESIDENT :—"I should like the honourable Member to explain to me, before moving his resolution, how he makes out that it concerns a matter of 'general public interest.' It relates to the hours of teaching in a particular college."

Mr. A. T. PALMER :—"Mr. President, as the question affects the weal of the students that belong to the public I thought there was absolutely no doubt on the point. It seems to me that it is a matter of general interest inasmuch as it is a question concerning the education of a great number of pupils of this land. Therefore it is that I bring forward this resolution."

The Hon'ble the PRESIDENT :—"I am very sorry that I am not convinced. We have to work the Standing Orders with reasonable strictness. The House expects me to do so. I am unable to see how the hours of instruction in a particular college can be deemed a matter of 'general public interest' such as is contemplated by S.O. No. 54. I must therefore rule that the resolution should not be proceeded with."

The following resolution was accordingly struck off the agenda :—

"164. *That this Council recommends to the Government that to facilitate the study of law, the hours of teaching in the Law College may be so adjusted as to make it possible for law students to earn their livelihood during the law course.*"

Revision of the courses of elementary education.

The following resolution was not moved and was therefore deemed to have been withdrawn :—

Mr. S. ARPUDASWAMI UDAIYAR :—

"165. *That this Council recommends to the Government that the following provision be made for primary education :—*

(*a*) *A first-grade course of three years—*

(1) *to be made compulsory for all children gradually according to the opportunities in the different localities ;*

(2) *to be given in the vernacular exclusively except in some places where some knowledge of, e.g., English weights and measures, is required ; and*

(3) *to include instruction in the following subjects according to a syllabus to be drawn up and approved :—*

(*i*) *An Indian Vernacular ; a knowledge of its Grammar and of those pieces of Vernacular literature commonly known.*

(*ii*) *Indian Arithmetic, the Indian fractional system and methods of computation and measurement.*

(*iii*) *Elementary Hygiene and the larger outlines of the physical Geography of India and particularly of the locality or district in which the school is situated and similar outlines of Indian History and of the British connexion, from a book written or approved for the purpose in catechetical form.*

(*iv*) *Agriculture ; its processes and implements, their purposes and utility ; simple notions of the commonest field botany and of the chemistry of the manures :*

or

Elementary lessons on the principles of weaving, dyeing, masonry, carpentry or any other industry or trade which the pupils of the locality may be expected to pursue.

(*b*) *A second-grade course of two years (neither compulsory nor free)* (1) *for children whose future calling or avocation may require some facility to talk English and a more extensive knowledge and training than that provided in the first-grade primary schools or who are destined to undergo a higher technical, commercial or secondary course, and* (2) *in which the vernacular remains the medium of instruction and English is taught only as a secondary subject.*"

Abolition of the Chirala Municipality.

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, the resolution that I beg to move reads thus :—

'166. *That this Council recommends to the Government that the municipality of Chirala be abolished and the area be constituted into suitable unions.*'

"This question comes up because the Chirala municipality was constituted some time ago and objections have been raised to that by the people time after time. There were two municipalities that were established at the same time, viz., Chirala and Repalle. The circumstances that led to the institution of both the municipalities were the same, namely, they were unions before and there was some plague or other disease and the Sanitary Commissioner seems to have recommended that it would be better to have a municipality instituted in each place. Somehow or other the Hon'ble the Minister seems to have satisfied himself that, so far as Repalle is concerned, the municipality should be withdrawn."

The Hon'ble the PRESIDENT :—" Order, order. We are dealing with Chirala."

Mr. C. V. VENKATARAMANA AYYANGAR (*continuing*) :—" I simply refer to Repalle, Sir, with a view to show that the reasons which induced the Minister to remove the municipality from there might also apply to Chirala. My object however is not to lay much stress upon that. The one chief ground that is published in the Publicity Bureau publication and other papers as to why Chirala should be a municipality is that the Sanitary Commissioner recommended it. I simply referred to Repalle because the Sanitary Commissioner recommended a municipality to Repalle also. The effect was that Chirala which was a union consisting of four villages was constituted a municipality. So far as two villages were concerned, Jaundrapetta and old Chirala, a mission lady-doctor of Jaundrapetta who has a hospital there and a girls' school wanted that they should be exempted. Therefore these two places have been excepted and the present municipality is less in extent as well as in population than the old union. Roughly speaking, the old union had a population of 18,000 people and the present municipality has got only about 14,000 people. All that I can say is that the intention of the Government was originally to make the whole union into a municipality and there is nothing reasonable at all to show why the two places have been separated. One great point that has been urged was that non-co-operators have got hold of this place and the people of this place are doing something with a view to support the non-co-operation movement and therefore they should not be encouraged. So far as that is concerned, I think it is a wrong point of view to say that non-co-operators had anything to do with this objection because the people of this place have over and over again applied to the Government, interviewed the Collector and the Councillor and the Minister and others and again went to all the Council Members with various papers in their hands to show that, so far as this union was concerned, this Council should give them remedy. Mahatma Gandhi himself who is the leader of Non-co-operation party has in his *Young India* stated that the question of non-co-operation has nothing to do with the question which is purely a local one. With

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the Council not helping them on the one hand and the non-co-operators having nothing to do with them on the other, they are really in a very difficult position, rather they are between two fires not to say between the devil and the deep sea. Whatever that may be, this Chirala union is a very small place. There are no doubt 3,000 and odd houses in that municipality but if we look into the union records there are only 111 of the first, second and third classes and only 385 of the fourth and the fifth classes, about 3,000 being petty houses unfit for being taxed. So far as Chirala is concerned it is not fit to be a municipality also. I want to call attention of the House to the fact that a bigger place like Bapatla, which has got a taluk office, a sub-registrar's office, two munsif's courts and a sub-court, a forest ranger's office and a divisional office of the Public Works Department, has no municipality. It is a well-known fact that Bapatla had plague when the Sanitary Commissioner visited the place. There are several other places like Ponnur which are much bigger and which contain a larger number of public offices than Chirala and yet they remain unions. Therefore it cannot be said that Chirala has got any other special reasons as to why it should be converted into a municipality. So far as the other two places of the old union are concerned, they have been formed into separate unions and what the people say is that the remaining two places also might be made into two unions if necessary so that more money might be collected.

"I can also say that, no doubt, the method adopted by the villagers might appear as if they are non-co-operators. On the other hand I should consider this as showing their strength of feeling in the matter and their readiness to suffer. If only I give a few cases of their suffering, it will really show that they are morally convinced that it should only be a union and that they are prepared to suffer anything if it should be converted into a municipality.

"To a question put by me a few months ago it was answered that this municipality contains about 15,000 and odd people of whom about 12,000 are outside the municipal limits. The remaining few hundreds may be stated to belong to the municipal office, the police, etc., and therefore we may say that practically during the whole cold season the whole village was outside the municipal limits undergoing various sufferings. That shows, Sir, that the people at any rate feel that this should not be a municipality and that it should be converted into a union. Their chief ground is that the Rs. 4,000 taxes under the union have now been raised to about Rs. 30,000 — I am giving figures subject to correction. And what is worse apart from the money collected, the expenses of the union which were only Rs. 2,000 before have gone up now to Rs. 14,000 a year for the municipality. Their chief grievance is the usual glamour of establishments everywhere. If we want a municipality then patronage must come and a number of people must come there and therefore the present establishment comes to Rs. 14,000, as against what was only about Rs. 2,000 at the time of the union. There has been a number of cases in which people suffered and showed that they are prepared to suffer to show their convictions. We include them as non-co-operators simply because they do all that. They show that they are prepared to suffer to any extent in proof of their convictions. I will only give one or two cases where I will show how they suffered. Twelve people including an old woman of about 80 years went to jail for not taking out trade licence."

A VOICE :—Civil disobedience.

Mr. C. V. VENKATARAMANA AYYANGAR (*continuing*) :—" It may be civil disobedience or anything. Probably many of the great prophets of old would be charged as non-co-operators and passive resisters if only we take history into consideration and see how for the sake of their beliefs many of them were even

burnt to death. However there are two ways of looking at the question, namely, as to whether the sufferings are for non-co-operation or whether the sufferings prove their firm conviction. They believe that their cause being just the Government might yield as they yielded in the case of Repalle.

"Now to come to the sufferings undergone by them. Three cartmen were convicted, one for three months and the other two for six months. One Vaisya was sent to jail for six weeks for not taking licence. Six people were convicted for six weeks each for non-payment of taxes or for civil disobedience. But, curiously enough, I am told they were not bound over and they were not sent to jail but were asked to appear whenever they were ordered to do so though the judgment is that they must go to jail."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*interrupting*):—"May I know, Sir, how all these are relevant?"

Mr. C. V. VENKATARAMANA AYYANGAR (*continuing*):—"They are quite relevant to show that the people are convinced that the imposing of a municipality is wrong and in these democratic days, we have nothing to go by except the convictions of people shown by their conduct. Forty people are being prosecuted for not taking out licences. In this connexion I request the House not to bring in the question of Brahman, non-Brahman here. Most of these people who are suffering are only non-Brahmans."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*interrupting*):—"The Honourable Member is bringing it himself; nobody has brought it."

The Hon'ble the PRESIDENT:—"Probably the Honourable Member does not want anybody else to bring it in." (*laughter*).

Mr. C. V. VENKATARAMANA AYYANGAR (*continuing*):—"The Honourable Member will kindly see that I am the first speaker on this resolution and therefore I cannot now refer to the speeches of others. I want to make this request to those who might speak after me not to introduce this question of Brahman and non-Brahman, because I will presently show that the whole trouble is to a certain extent due to a Brahman and not to a non-Brahman. We know, Sir, that non-co-operation began only very recently, but this objection against this municipality began in November 1919."

The Hon'ble Mr. P. RAMARAYANINGAR (*interrupting*):—"Do I understand the Honourable Member for Coimbatore to say that this resistance to the formation of a municipality began in November 1919"?

Mr. C. V. VENKATARAMANA AYYANGAR (*continuing*):—"I never stated 'resistance' but I stated that the objection to the municipality began in November 1919. This will show that the non-co-operation movement has nothing to do with this agitation against this imposition of a municipality. In fact this agitation began much anterior to the non-co-operation movement.

"I may also state, Sir, that among the members of this municipality there was a missionary gentleman. The municipal council consisting of a large number of members together with the European missionary recently passed a resolution and I believe in a meeting at which this European missionary too was present stating that this municipality should not continue and that it should be converted into a union. In consequence of this—I speak subject to correction—I understand that all the members including the European gentleman have resigned. I am labouring this point to such an extent because it has been over and over again stated that this objection was due to the non-co-operation movement. I say it is very unfair to connect this agitation with the non-co-operation movement. This has nothing to do with that movement but it has everything to do with a particular member, a Brahman gentleman who was nominated as union chairman in 1916 and who wanted this municipality so that he might become its chairman himself. The union was never consulted, but the district board, which was consulted in 1915, stated that Chirala should not be constituted into a municipality. Afterwards this Brahman gentleman became a member of the taluk board and of the district board and with a view to himself becoming a municipal chairman, he had a resolution passed by the taluk and district boards that Chirala should be constituted into a municipality. It is no wonder that Brahmans are accused of being influential and of getting things done to suit their own purpose.

"But so far as I am concerned I have absolutely nothing to do with the Brahman or non-Brahman question. If Brahmans deserve blame, I do not see any reason why they should not be blamed; all that I want to say is that it is wrong to say that the Brahman is at the bottom of this agitation against the constitution of a municipality. If a Brahman is at the bottom of the objection against a municipality, it is equally true that a Brahman is at the bottom of the imposition of a municipality.

"I am only saying these things to show that the people really believe that they are likely to be troubled very much and after all why should we insist upon a municipality being continued there? Are we not saying that we are representing the interest of the public at large? Is it right on our part to say with the old bureaucrat that we know everything, and that the people do not know anything? I believe the people who are there know everything, and if they insist that the union should continue, their feeling should be respected. And after all this municipality was imposed on Chirala by the previous Government. The notification and other things were all done by the previous Government. All that I wish to say is that even after the Minister had come into power there is no reason why he should continue the old policy.

"So far as taxation goes, the house tax in municipalities is higher than in the unions, but other taxes may even be levied in the unions also.

5-30 p m. The whole difference is that there will not be so much money spent in a union as in a municipality. All that the people want is that they do not want to pay a heavy price; they do not want to be saddled with a white elephant, a costly white elephant. By all means have a hospital, or anything you choose: but do not tax us with a municipality. I do not see any reason why a whole population of 15,000 people should show their conviction by living outside the municipal limit if they had no good grounds to do so. Month after month, practically the whole population including rich men, and for the matter of that a woman also, are prepared to go to the gaol. That shows how keenly they feel in the matter. It may be said that non-co-operators are at the bottom of all that. In the case of Repalle an opportunity was given to the people to show that they are not non-co-operators; if they paid a certain tax before a certain time they were told that the municipality would be removed. All that I say is, whether Repalle has paid the arrears or not, similar opportunity may be given to Chirala to show that this is not due to non-co-operation movement; they may be allowed to pay certain taxes preparatory to the removal of the municipality. There is no reason at all for continuing the municipality for ever.

"Another objection might be taken that there has been a little delay in raising objection to the municipality. In 1919 the people were asked to say if they had any objection to the system of municipal administration being introduced

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there. They said—'We have plenty of objections.' A large number of mahazars objecting to the municipality were sent.

"It may also be said that they paid the tax for the first half year. If they did so it was not because they liked the municipality. They wanted to pay the tax first and then put forth the objection petitions for the removal of the grievances, and they preferred 2,000 petitions Unfortunately nothing was done. If they paid the tax it may be to show that they were not non-co-operators, and not to show that they liked a municipality.

"From every point of view, I submit that there is a very good case made out for the municipality being removed. This should not be considered a party question. All that I can say is that in such matters we should no doubt take the Minister's advice. But when we feel that the Minister is wrong we will be entirely justified in saying that he is wrong. This will not be construed as a vote of want of confidence. If that be so I will vote in favour of Mr. Ramarayaningar. Probably I know him for a much longer period than many here. If there is any truth in our saying that we are the representatives of the people, we should respect the opinion and feeling of the people of Chirala".

Mr. P. Venkatasubba Rao formally seconded the resolution, and with the permission of the Hon'ble the President, reserved his speech till the next day.

The Council then adjourned at 5-36 p.m. to meet at 11 a.m. on Friday, the 18th November 1921.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Friday, the 18th November 1921, the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E., President, presiding.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Assistant Directors of Industries.

1083 *Q.*—Mr. M. APPALA NARASAYYA NAYUDU : Will the Hon'ble the Minister for Development be pleased to state—

(*a*) the nature of the work done and intended to be done by the Assistant Directors of Industries ; and

(*b*) whether any profitable industry has been started or is being worked by them ?

A.—(*a*) The Honourable Member's attention is invited to paragraphs 4 and 5 of the Administration Report of the Department of Industries for the year 1920-21 which will shortly be placed on Editors' Table after review.

(*b*) It is no part of the duties of Assistant Directors either to initiate or to work any new industry ; but they have collected a good deal of information with regard to potential lines of work which are under examination in the Department of Industries and by Government. The starting of a new industry involves as a rule a long period of preliminary enquiry and the question of whether it will prove profitable, involves a subsequent period of experimental working.

The average strength of the Brennen College, Tellicherry.

1084 *Q.*—Mr. A. D. M. BAVOTTI SAHIB : Will the Hon'ble the Minister for Education be pleased to state—

(*a*) the average number of students per year that were studying in the Brennen College, Tellicherry, in the high school and intermediate classes for two years previous to its being taken over by the Government ;

(*b*) the average strength of the abovementioned classes after the college was taken over by the Government ; and

(*c*) the number of teachers in the college before it was taken over by the Government and the present number ?

		School.	College.
A.—(*a*)	1917-18	668	60
	1918-19	606	55
(*b*)	1919-20	579	54
	1920-21	587	48

(*c*) Total staff for school and college—

1917-18	35
1918-19	32
1919-20	36
1920-21	36

The above numbers of teachers include pandits and munshis, drawing masters, gymnastic instructors and commercial instructor.

Transfers of sub-assistant surgeons.

1085 *Q.*—Mr. A. D. M. Bavotti Sahib: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(i) whether it is the fact

(*a*) that Sub-Assistant Surgeon Mr. Krishna Bhatji was transferred from Nellore district to Payyannur dispensary under the Chirakkal taluk board in Malabar,

(*b*) that his travelling allowance bill went up to Rs. 418 and odd to be paid by the said taluk board, and

(*c*) that the said taluk board has expressed its inability to pay the amount and resolved to address the Government on the matter; and

(ii) what action the Government have taken or propose to take in the matter?

A.—(i) & (ii) The Government have no information on the subject. Any representation which the taluk board may have to make will be considered by the Government in due course.

The export of cattle in the Presidency.

1086 *Q.*—Sriman Bisvanath Das Mahasayo: Will the Hon'ble the Minister for Development be pleased to state—

(*a*) the names of the ports of the Madras Presidency from which cattle are exported to other countries;

(*b*) the number of cattle that were exported from each of these ports in the years 1918-19 and 1919-20; and

(*c*) whether any attempts are made to discourage the export?

A.—(*a*) & (*b*) The attention of the honourable member is invited to the statistics published in table 17-A of the annual volume of the Sea-Borne Trade and Navigation of the Madras Presidency for the years 1918-19 and 1919-20.

(*c*) The question of restricting exports of cattle is under the consideration of the Government of India.

Order of the Collector of Ganjām to his divisional officers.

1087 *Q.*—Sriman Bisvanath Das Mahasayo: To ask the Hon'ble the Home Member whether it is a fact that the Collector of Ganjām has issued orders to his divisional officers to meet the District Superintendent of Police constantly or whenever the District Superintendent of Police tours in their respective divisions?

A.—The Government have no information.

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Mr. A. Ranganatha Mudaliyar:—"Will the Government try to get the information, Sir?"

The Hon'ble Sir Lionel Davidson:—"I see no necessity for calling for the information. It is a common-place that it is desirable for divisional officers and district superintendents of police to meet for discussion."

The strike and lock-out at the Buckingham and Carnatic Mills.

1088 *Q.*—Rao Sahib P. C. Ethirajulu Nayudu: Will the Hon'ble the Law Member and the Hon'ble the Home Member be pleased—

(*a*) to state the date of origin of the recent strikes or lock-outs at the Buckingham and Carnatic Mills and the number of labourers who struck work, or were locked out;

(*b*) to lay on the table a statement showing the date, the time of day and the locality of the recent fires in the mill area, the number of houses burnt, the number of persons probably affected, the caste to which they belong, the damage to property and person sustained in each of them;

(*c*) to state when the relief camps for Adi-Dravidas were opened, where they were located, the nature of the relief afforded, the authority or authorities who supervised the relief operations, the period for which the relief was afforded, and the total amount expended on this behalf;

(*d*) to state the date when free feeding at these camps was begun, and the date when it was stopped, the number of males, females and children of the Adi-Dravidas who were afforded this relief each day during which free feeding was given, the number of those that were employed in the mills and earning their wages or whose families were given free meals by the Government;

(*e*) to state the number of Adi-Dravidas who were supplied with clothing and the total cost of the clothing, and how many of these were occupants of the burnt houses;

(*f*) to state how many caste Hindus and Muhammadans who were rendered homeless by the recent fires were supplied with clothing and meals and how many camps were opened for these homeless destitutes;

(*g*) to state how many Adi-Dravidas and how many caste Hindus were arrested by the Police of G-3 station during the recent disturbances, how many knives and other dangerous weapons were recovered from them;

(*h*) to state the number of people (*a*) who were killed, (*b*) who were seriously injured, (*c*) who received simple injuries, and the dates on which they were injured or killed in the recent disturbances and the castes to which they belong; and

(*i*) to state what steps the Labour Commissioner took from the beginning of the strikes on behalf of the employees and with what result?

	Number of persons who went on strike.	Date of strike.
A.—(*a*) Carnatic Mills (Carding section) ..	600	20th May 1921.
Carnatic Mills (all other sections) ..	4,600	23rd May 1921.
Buckingham Mills	5,620	20th June 1921.

(*b*) A statement showing the number of huts burnt or houses destroyed with details as to castes to which they belong is laid on the table.* It is reported that an old Muhammadan was burnt alive in one of the fires. No information is available with regard to the other parts of the question.

(*c*) A relief camp was opened on 2nd July 1921 at Vyasarpadi. The sufferers were given food and temporary shelters were erected for their occupation. The operations were supervised by the Labour Department. Relief in the shape of rations either free or at reduced rates was afforded from 2nd July to 7th September 1921 and a sum of Rs. 12,495-11-5 was spent on this account. The shelters cost Rs. 3,099-13-0 of which part will be recovered on sale of materials. A sum of Rs. 2,885-3-0 was spent in purchasing sarries for the Adi-Dravida females, but this was met from private contributions.

No other camp was opened but provisions were sold at cost price to the Adi-Dravidas at the cheris in Swami Naicken cheri, Salai cheri, Ponnan cheri, Pachai cheri and Guduchetti cheri in the beginning of September 1921 when the bazaars were closed to them.

(*d*) Free feeding at Vyasarpadi camp was given from 2nd July to 2nd August 1921 to all the sufferers. After this period free feeding was given only to persons who had lost all their belongings and who were incapable of earning any wages. Four hundred and forty-six families consisting of 1,699 individuals were located in the camp. Of 700 wage earners 463 were mills hands.

(*e*) Four hundred and fifty-one Adi-Dravida females were supplied with sarries at a cost of Rs. 2,885-3-0. All these females had been occupants of houses which were burnt. As stated above this expenditure was met from private subscriptions.

(*f*) A sum of Rs. 100 was placed at the disposal of the Assistant Commissioner of Police for providing relief to persons other than Panchamas. No further assistance was asked for.

(*g*) Three statements showing the number of Adi-Dravidas and caste Hindus arrested by the Police and knives and other dangerous weapons recovered from them are laid on the table.*

(*h*) A statement showing the number of casualties is laid on the table.*

(*i*) The Commissioner of Labour on three occasions invited deputations of the men to discuss the situation with him. He had also a series of interviews with the management of the mills with a view to securing a settlement. The employees of the Carnatic Mills however refused to accept the offer of the management inviting them to return to work and to submit statement of their grievances and the employés of the Buckingham Mills rejected the advice of the Labour Commissioner and went on strike on 20th June 1921. On 8th July 1921 the Government announced that they would not intervene further in the dispute.

* Vide Appendix on page 1581 infra.

The Government and aided schools and colleges in the Northern Circars.

1089 *Q.*—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Minister for Education be pleased to state the number of Government and aided schools and colleges in Northern Circars and East Coast districts where religious education is imparted to students according to their individual religions?

A.—The Government have no information.

Rao Sahib U. RAMA RAO:—"Will the Government call for the information?"

The Hon'ble Rao Bahadur A. P. PATRO:—"It involves such a waste of time that it is not necessary to call for such statistics."

Irrigation project in the South Arcot district.

1090 *Q.*—Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR: Will the Hon'ble the Member for Revenue be pleased—

(*a*) to lay on the table a statement of irrigation projects in South Arcot district which have been investigated; and

(*b*) to state whether any of these schemes are going to be undertaken in the near future?

A.—(*a*) The Honourable Member is referred to the detailed statement laid on the Council table in answer to question No. 587 at the meeting held on the 2nd September last.

(*b*) The Government are unable to say when the projects under consideration can be taken up for execution.

Merkanam wet lands, Tindivanam taluk.

1091 *Q.*—Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR: Will the Hon'ble the Member for Revenue be pleased to state, with regard to answer No. 673, dated 12th October 1921, regarding Merkanam wet lands, Tindivanam taluk, whether the Government have called for the information?

A.—The Government did not consider it necessary to call for the information.

Improvements to the Vadavar and Viranam tanks.

1092 *Q.*—Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR: Will the Hon'ble the Member for Revenue be pleased to state, with regard to answer No. 184, dated 18th February 1921, regarding improvements to the Vadavar and the Viranam tanks, how long it will take to commence?

A.—The plans and estimates for the works are still under revision with the local officers. Proposals are however being made for the provision of funds for the works in the budget estimate for next year (1922-23).

B.A. (Hons.) Students in Madras.

1093 *Q.*—Mr. V. PAKKIRISWAMI PILLAI: Will the Hon'ble the Minister for Education be pleased to state what provision is made to accommodate inter-collegiate students of the B.A. (Hons.) course in the Presidency College and the Madras Christian College?

A.—The Government have no information.

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Reservation of seats in colleges for non-Brahman students.

1094 Q.—Mr. V. PAKKIRISWAMI PILLAI: Will the Hon'ble the Minister for Education be pleased to state what steps are being taken to give effect to the assurance given to Mr. T. C. Tangavelu Pillai and Dr. C. Natesa Mudaliyar regarding the reservation of seats in colleges for non-Brahman students?

A.—Orders in regard to the constitution of selection committees to assist Principals of colleges in the selection of students will issue shortly.

The staff of the Presidency College.

1095 Q.—Mr. V. PAKKIRISWAMI PILLAI: Will the Hon'ble the Minister for Education be pleased to state—

(*a*) whether it is a fact that out of 50 professors and lecturers in the Presidency College more than 35 posts are held by Brahmans; and

(*b*) how many posts are held by Indians in the Indian Educational Service in Madras; how many are Brahmans, non-Brahmans and Christians?

A.—(*a*) The answer is in the negative.

(*b*) The number of Indians in the Indian Educational Service is 23. Of these ten are Brahmans, five non-Brahman Hindus, one Jain, one Muhammadan and six Christians including Anglo-Indians.

The Bantanahal farm in Bellary.

1096 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Development be pleased to state—

(*a*) the number of sheep with which the Bantanahal farm in the Bellary district was opened;

(*b*) the number of sheep since purchased every year;

(*c*) the number of sheep sold from year to year;

(*d*) the number of births and deaths every year among the sheep in the farm;

(*e*) the present number of sheep in the farm; and

(*f*) the amount spent up to end of last year on the Bantanahal farm, including the seed farm subsequently attached to it on (i) buildings, (ii) establishment, (iii) clearing jungle, (iv) purchase of sheep and (v) other items, and how much of the sum so spent on each head may be taken to roughly represent the sum spent on the sheep farm as separate from the seed farm?

A.—(*a*) The Bantanahal sheep farm was started in the year 1917 with a flock of 74 sheep of which 65 were brought from the Hagari farm and the remaining 9 from the Nandyal farm.

(*b*) The number of sheep purchased every year since 1917 is as follows:—

1917–18	.. ..	130 local breed.
1918–19	.. ..	184 ,,
1918–19	.. ..	3 Shropshire rams from Scotland.

Since 1918–19 no sheep have been purchased.

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(*c*) The number of sheep sold and transferred to other farm is as follows:—

	Sold.	Transferred.
1917–18	3	Nil.
1918–19	13	4 to the Hagari farm.
1919–20	22	Nil.
1920–21	42	Nil.
1921–22	27	5 to the Hagari farm (up to date).
Total ..	107	9

(*d*) The number of births and deaths are as follows:—

	Births.	Deaths.
1917–18	37	32
1918–19	75	147
1919–20	171	139
1920–21	169	70
1921–22	17	55 (up to date).
Total ..	469	443

(*e*) The present number of sheep in the farm is 301.

(*f*) The amount spent up to the end of last year is as follows:—

	Sheep farm.			Seed farm.		
	RS.	A.	P.	RS.	A.	P.
(i) Buildings	7,799	0	4	6,642	2	10
(ii) Establishment	4,895	6	4	4,223	13	8
(iii) Clearing, etc...	10,238	0	0	16,221	15	9
(iv) Purchase of sheep	2,870	14	5	Nil.		
(v) Other items	8,831	6	5	9,016	4	9
Total ..	34,634	11	6	36,124	5	0

Exemption from assessment for raising food crops.

1097 Q.—Diwan Bahadur K. SURYANARAYANAMURTI NAYUDU: Will the Hon'ble the Member for Revenue be pleased to state whether it is a fact that the Board of Revenue informed Collectors that the exemption from assessment for raising food crops referred to in G.O. No. 191, Revenue, dated 24th January 1921, does not include exemption from water-rate?

A.—Yes.

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The Improvement to the Teki main drain.

1098 Q.—Diwan Bahadur K. SURYANARAYANAMURTI NAYUDU: Will the Hon'ble the Member for Revenue be pleased to state whether the proposals made by the Public Works Department, Southern Subdivisional Officer, Gōdāvari Eastern division, for the improvement of the Teki main drain have reached Government after scrutiny by the Superintending Engineer, 1 Circle?

A.—The answer is in the negative.

The number of Adi-Dravidas employed in the mills.

1099 Q.—Mr. O. TANIKACHALA CHETTIYAR: Will the Hon'ble the Law Member be pleased to state how many Adi-Dravida labourers were employed in each of the mills, Buckingham and Carnatic, at the beginning of May 1921 and what their number was at the beginning of October 1921?

A.—The Government have no information.

A memorial from the taluk head shroffs and deputy shroffs.

1100 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the Hon'ble the Member for Revenue be pleased to state—

(*a*) if the Government have received a memorial for increase of pay from the taluk head shroffs and deputy shroffs;

(*b*) whether the allegations made therein are substantially correct;

(*c*) whether the Government have passed final orders on it; and

(*d*) whether the Government have any intention of increasing their pay, and, if so, to what extent?

A.—(*a*) Yes.

(*b*), (*c*) & (*d*) The matter is under consideration of the Government.

Memorials from zamin village officers.

1101 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the Hon'ble the Member for Revenue be pleased to state—

(*a*) whether the Government have received any memorials from *zamin* village officers for increased pay, etc., and some of them have mentioned the fact that many of the village officers will resign their offices from some specified date if their grievances are not redressed;

(*b*) whether the Government have taken any steps to enquire if those village officers have a real grievance or not and, if so, with what result; and

(*c*) whether the Government have passed final orders on the matter; if so, to what effect?

A.—(*a*) Yes.

(*b*) & (*c*) The Board of Revenue has submitted proposals for the revision of the emoluments of village officers in *zamin* villages and they are under the consideration of Government.

The Government Technical examinations (Madras).

1102 Q.—Mr. P. VENKATASUBBA RAO: Will the Hon'ble the Minister for Education be pleased to state—

(*a*) when and with what object the Government Technical examinations (Madras) for a commercial diploma were instituted;

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(*b*) the total number of diploma-holders; and what encouragement the Government have given to such diploma-holders in the matter of appointments?

A.—(*a*) In 1893. The examination in commerce and Government technical examinations generally were instituted with the object of encouraging scientific and technical instruction and for the purpose of testing the qualifications of persons desirous of becoming teachers and employees under the Government, local boards and municipal councils, for whom a practical knowledge of the subjects is required.

(*b*) The Government have no information. Cases for any special encouragement have not come before Government.

The Institute of Commerce, Madras.

1103 Q.—Mr. P. VENKATASUBBA RAO: Will the Hon'ble the Minister for Education be pleased to state—

(*a*) when and with what object the Institute of Commerce, Madras, was started;

(*b*) the strength of the two sections A and B for the last two years at the beginning and end of each school year;

(*c*) the number appearing from B section for Government Technical examinations (Madras) and the number appearing from A section to the examination of the Accountancy Board, Bombay, with the percentage of passes in each case for the last three years;

(*d*) the total cost of the Institute; and

(*e*) whether there is any difference in the courses of study and the syllabuses of the A course and the advanced classes of B section, beyond the general educational qualifications?

A.—(*a*) The Institute of Commerce, Madras, was started on the 3rd September 1918. As regards the object, the Member is referred to the prospectus of the institute published on page 555 of Part I-B of the *Fort St. George Gazette*, dated 24th May 1921.

(*b*) & (*d*) The Member is referred to G.Os. No. 1388, Home (Education), dated 29th November 1920, and No. 1263, Law (Education), dated 9th September 1921, relating to the annual reports on the working of the institute for the years 1919-20 and 1920-21 respectively which have been placed on the Editors' Table.

(*c*) The Government are not in possession of complete information, but such information as is available will be found in the two reports placed on the Editors' Table.

(*e*) The answer is in the affirmative.

Government School of Commerce, Calicut

1104 Q.—Mr. P. VENKATASUBBA RAO: Will the Hon'ble the Minister for Education and the Hon'ble the Minister for Development be pleased to state—

(*a*) when and with what object, the Government School of Commerce, Calicut, was started and the number of diploma-holders from such school up to date;

(*b*) the minimum period required for securing a diploma in Commerce; the total strength of the school and of each section of it for three years, and the total cost of the school;

(*c*) whether it is a fact that students who have undergone the course in the school, have been found useful and efficient as correspondents and accountants in various firms, companies and Government offices and also as public accountants of registered companies; and

(*d*) whether it is a fact that diplomates of commerce and other students that have passed advanced grade Madras Technical examinations in book-keeping and accountancy, banking and theory and practice of commerce have been awarded temporary and permanent auditor's certificates under section 144 (2) of the Indian Companies Act, provided they had some practical experience?

A.—(*a*) The school was started on the 1st February 1895 with the object of providing instruction in commercial subjects for students desirous of receiving such instruction. The Government are not in possession of information relating to the number of diploma-holders from the school.

(*b*) The course of instruction is generally limited to a period of one year, but no minimum period has been fixed for securing a diploma in Commerce The total strength of the school for the years 1917–18, 1918–19 and 1919–20 was 182, 170 and 229 respectively and the cost of the school during those years was Rs. 9,910, Rs. 9,919 and Rs. 10,550 respectively. The Government are not in possession of the details relating to the strength of each section of the school

(*c*) The Government have no information.

(*d*) Yes; some of them were awarded certificates prior to 1920.

APPENDIX.

[Vide answer to question No. 1088 asked by Rao Sahib P. C. Ethirajulu Nayudu at the meeting of the Legislative Council held on the 18th November 1921, page 1574 supra.]

Statement I.

Number of huts burnt or houses destroyed in the disturbed area belonging to—

Adi-Dravidas	 412	Muhammadans	 66
Chucklers	 67	Corporation	 1
Castemen	 53		

Statement II (a).

Statement of cases in which Adi-Dravidas were charged from 28th June 1921.

Number.	Crime number.	Section.	Date of offence.	Number of persons charged	Result of proceedings.
1	87, 88 and 89/G-3.	148, 448, Indian Penal Code.	30th July 1921.	7	Only five convicted, two acquitted.
2	98/G-3	148, 324, Indian Penal Code.	5th August 1921.	1	Convicted.
3	131/G-3 ..	148, Indian Penal Code.	28th August 1921.	2	Do.
4	134/G-3 ..	147, Indian Penal Code.	29th August 1921.	1	Do.
5	104/G-1 ..	147, 436, Indian Penal Code.	30th August 1921.	5	Pending trial.
6	144/G-3 ..	148, Indian Penal Code.	31st August 1921.	1	Do.
7	108/G-1 ..	148, 379, Indian Penal Code.	1st September 1921.	8	Do.
8	133/G-1 ..	147, 436, Indian Penal Code.	18th September 1921.	3	Do.
9	134/G-1 ..	Do.	19th September 1921.	4	Do.
10	135/G-1 ..	Do.	Do	4	Do.
11	214/G-3 ..	147, Indian Penal Code.	3rd October 1921.	2	Do.
12	149/G-1 ..	147, 436, 280, 448, Indian Penal Code.	Do.	3	Do.
13	64/B-3	145, 147, 148 and 353, Indian Penal Code.	13th September 1921.	15	Convicted.
14	....	107, Criminal Procedure Code.	3rd October 1921.	7	Pending trial.
					Total number of persons charged, 63.

Statement II (a)—cont.

Statement of cases in which Caste Hindus were charged from 28th June 1921.

Number.	Crime number.	Section.	Date of offence.	Number of persons charged.	Result of proceedings.
1	Crime No. 63 ..	426, Indian Penal Code.	29th June 1921.	3	Pending trial. Warrants issued against 2. The third man arrested and bailed
2	..	107, Criminal Procedure Code.	30th ,, 1921.	20	Of these seven were arrested and tried, six were discharged and one was bound over for six months.
3	Crime No. 78 ..	110, Criminal Procedure Code.	16th July 1921.	3	All the three were discharged.
4	N.C. No. 401 ..	Section 75 III-88.	13th ,, 1921.	2	Fined Rs. 5 each.
5	N.C. No. 402 ..	Section 63 ,,	18th ,, 1921.	2	Acquitted.
6	N.C. No. 403 ..	Section 64 ,,	20th ,, 1921.	1	Sentenced to 1 month's rigorous imprisonment and bound over for three months.
7	N.C. No. 404 ..	Section 75 ,,	17th ,, 1921.	4	One was acquitted. Warrants issued against the other three. Warrants still unexecuted.
8	N.C. No. 408 ..	Do.	30th ,, 1921.	2	Fined.
9	N.C. No 409 ..	Do.	25th ,, ..	1	Do.
10	N.C. No. 410 ..	Do.	23rd ,, ..	1	Do.
11	114/G-3 ..	Section 147 ,,	23rd August 1921	1	Pending trial.
12	123/G-3 ..	147, Indian Penal Code.	25th ,,	2	Do.
13	131/G-3 ..	148, Indian Penal Code.	28th ,,	1	Convicted.
14	144/G-3 ..	148, Indian Penal Code.	31st ,,	4	Pending trial.
15	145/G-3 and 147/G-3.	436, Indian Penal Code.	31st ,,	5	Do.
16	108/G-1 ..	147, 379, Indian Penal Code.	31st ,,	1	Acquitted
17	149/G-3 ..	148, 324, Indian Penal Code.	2nd September 1921.	1	Convicted.
18	151/G-3 ..	324, Indian Penal Code.	3rd September 1921.	3	Pending trial
19	155/G-3 ..	324, Indian Penal Code.	5th September 1921.	8	Do.
20	189/G-3 ..	147, Indian Penal Code.	19th September 1921.	7	Do.
21	193/G-3 ..	147, 324, 147,	23rd September 1921.	1	Do.
22	149/G-1 ..	436, 380, 448, Indian Penal Code.	3rd October 1921.	8	Do.
23	213/G-3 ..	147, Indian Penal Code.	3rd ,,	4	Do.
24	219/G-3 ..	Do.	5th ,,	1	Do.
					Total number of persons charged, 86.

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Statement II (b).

Number.	Dated.	Weapon seized by the Police and from whom.	Remarks.
	1921.		
1	30th June ..	Seven swords from Muhammadans ..	Crime No. 64. Convicted.
2	2nd July ..	Two hoop iron swords, one iron rod and one spear picked up by Sergeant Jackson.	....
3	16th July ..	Two knives from Hindus	Crime No. 78. Acquitted.
4	17th July ..	Two swords from Hindus	N.C. No. 399. Convicted.
5	18th July ..	Two knives from Hindus	N.C. No. 402. Acquitted.
6	20th July ..	One sword from Hindu	N.C. No. 403. Convicted.
7	28th August ..	One hoop iron sword and a broken dagger attached to a stick from Adi-Dravidas.	Accused charged and convicted. Crime No. 131.
8	29th August ..	One knife from Adi-Dravida	Crime No. 134. Convicted.
9	1st October ..	One hoop iron sword from an Adi-Dravida, one dagger from a Muhammadan and a spear from a Hindu.	Crime No. 205. Under investigation.
10	8th October ..	One sword from Hindu	Crime No. 220. Under enquiry.

Statement III.

List of Casualties.

	Dead.	Wounded	
Police	2	6	
Military	..	..	
Castemen	8	90	*N.B.*—Thirty-seven were wounded by gun-shot and the rest by bombs, knives, swords, etc. The wounds other than the gun-shot wounds were slight.
Muhammadans	1	8	
Adi-Dravidas	..	34	*N.B.*—A few of the Adi-Dravidas were wounded by bombs and others by knives and other weapons.

II

APPOINTMENT OF A REGISTRAR OF PANCHAYATS.

The Hon'ble the Minister for Local Self-Government did not move the following resolution and it was therefore deemed to have been withdrawn :—

"*That this Council recommends to the Government that a Registrar of Panchayats to be paid from provincial funds be appointed under section* 37 (1) *of the Madras Village Panchayat Act*, 1920, *for a period of two years from* 15*th December* 1921 *for the whole of the area to which that Act applies.*"

III

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

166. *Abolition of the Chirala Municipality—cont.*

The Council then resumed the discussion on the resolution regarding the abolition of the Chirala Municipality, and Mr. P. Venkatasubba Rao, who had formally seconded the resolution yesterday, resumed his speech.

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Mr. P. VENKATASUBBA RAO:—"I gave notice of a similar resolution in the month of March in view of the threatened evacuation of the place. I expected that it would come up for discussion earlier but unfortunately it did not. Chirala and Perala, Sir, form a small town in the Guntur district situated about five miles from the sea. It possesses an excellent climate and a very good water-supply. For nearly forty years it has been working as a union. In 1915 the district board was moved to consider whether it would not be possible to convert the place into a municipality. The district board thought that the group of four villages forming the Chirala union were not proper places for the constitution of a municipality. The reason why the district board took that view on that occasion was that Chirala consisted of poor inhabitants who lived by weaving and dyeing and the place required no elaborate sanitary arrangements. The weavers live by weaving and the merchants supplying the yarn to the weavers. The merchants, no doubt, some of them, are well off and I think the number of houses liable to be taxed for a valuation of one thousand and more are few and there are fewer houses in the Chirala Municipality than in the neighbouring unions such as Bapatla and Ponnur. This would give the Council an idea of the wealth of the place. As regards landed properties, Sir, on one side of Chirala there is the barren sandy soil and on the other side there are the swamps, so that Chirala does not possess lands of high value and the people depend for their living on weaving and dyeing alone. On behalf of the Government it will be stated that Chirala is a very big trade centre. I do not know if a place like Chirala could properly be called a trade centre. The trade consists of foreign yarns and piece goods and Chirala supplies to its neighbouring villages its loom made fabrics also. This I believe has been done from time immemorial and is not a new development. That ought not to be taken as a point in support of the argument that the place is really wealthy. There are no other industries worthy of note. The Government intimated their intention of constituting the place into a municipality on the 16th of September 1919, and on that very day the people have sent their protest by wire about the undesirability of the union being converted into a municipality. Within the time allowed for objections several people have memorialised to the Government against the proposed change. Sir, the chief reason why it was found necessary to constitute a municipality in Chirala was because plague was imported into the place in 1918. Plague was imported not only to Chirala but Bezwada, Guntur and many other places in the district. In those days, no doubt, the district board and the taluk board were asked to express their views and as would naturally be expected, in the panic resulting from plague the boards decided that a municipality would be better for Chirala than a union. That is the reason why the taluk and the district boards that previously refused to constitute Chirala into a municipality have changed their view on the question. The revenue officers exercised all their influence to bring about the change in the view of the local boards. Previous to this, in the year 1915, Mr. Marjoribanks very strongly wrote against their conversion. I understand that the Sub-Collector has recommended to the Government for the abolition of the municipality. Ever since its inception the Sub-Collector has been the ex officio chairman and he felt that the place was unsuited for municipal administration. The District Collector, Mr. Robertson, also thought that the place was unfit to be a municipality but owing to other reasons he was not prepared to advocate the abolition of the municipality. What the other circumstances are I will briefly refer. After the constitution of the municipality some of the non-co-operators seem to have settled down there and made it their business to exploit the grievances of the people for their own ends They have

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created such a strong opinion that the whole town had determined not to work the municipality. Non-co-operation was only an effect, Sir, and not the cause. This alliance between the people of Chirala and the non-co-operators was on account of the real grievance the people were suffering from. Sir, as is usual at the time of the constitution of any place into a municipality the Government appoints one of its officers as chairman. The officer appointed to look after the municipality does not get sufficient time to attend to its proper working and leaves matters to the vice-chairman In this case the vice-chairman was asked to run the municipality with the help of a nominated council. In Chirala there are not many intelligent people to work the intricate Municipal Act The vice-chairman also was not a very enlightened person. So the municipality could not work properly and the people were suffering from the worst sort of oppression from the servants of the municipality. Very heavy fines were imposed and the people were prosecuted for innumerable nuisances. When the people were paying five thousand rupees for the total tax of the union they were obliged to pay Rs. 30,000 for the municipality, nearly six hundred per cent increased taxation. The weavers were also subjected to fines and annoyances. In short the administration was so conducted that it was absolutely impossible for them to live under it and that was the reason why subsequently people took that extreme attitude towards the municipality. The non-co-operators only helped the people in their agitation. For these reasons the people allowed themselves to be led by the non-co-operators and their association was only for getting rid of the municipality. It was only because of that they made a common cause. Chirala people are dealing in foreign yarns and Manchester piece goods and so they could not really be non-co-operators. They pay income-tax and revenue without protest. It will be said that people paid the municipal tax for six months and that meant submission to the municipality. Sir, how could they know the hardships and the burdens of a municipality unless they saw the difference between a union and a municipal administration? And that was why they paid the taxes for the first half-year. The institution after working was found to be thoroughly a curse. I am not here to condone whatever has been done by the people of Chirala; I felt they were certainly wrong in associating themselves with any political body. Their joining any political party was wrong and that may have weakened their cause to a certain extent. I am against giving it a political complexion even in the Council. But unfortunately people could not but be subjected to political influences; the politicians go everywhere and exhort the people so much; and is it any wonder that the people get themselves intoxicated with extravagant doctrines? The essential point is that it is an economic grievance. After the working of the municipality they came to the deliberate conclusion that it was really unbearable to go on and that abolition was the only solution of the problem. Then the municipal council resigned as a protest owing to the pressure of the people. A paid chairman was appointed after the supersession of the municipal councils. After the paid chairman took charge the people thought that the only thing that they could do was to tear themselves away from the place and avoid conflicts with the municipal authorities. I am informed that this evacuation will continue until the municipality is abolished. They may be wrong in evacuation but they felt helpless. It would have been wiser on their part to have done what Repalle did. Repalle formed an elected council and resolved that they should request the Government that the municipality should be abolished. The Minister for Local Self-Government promised to consider their request and did abolish Repalle. I can understand why the Government should take a different view on the Chirala question. But is it fair and generous on their part to remain

unmoved? People interested in the non-abolition of the municipality are really the non-co-operators and they do not want the municipality abolished. They want to see that somehow or other the Government should take a strong view and that the municipal administration should continue so that they may have a hold on the discontented people. They have succeeded and the people are to suffer. So, I request the Government to reconsider the matter either by the appointment of a committee or by themselves reconsidering the whole question. I would repeat that non-co-operation is not the cause but the effect of a genuine grievance. I hope members will take a sympathetic view of the question."

Rao Bahadur T. BALAJI RAO NAYUDU :—" Mr. President, though I have every sympathy for the residents of Chirala which place I have seen several times, taking their attitude towards law I am sorry I have to oppose this resolution altogether. The feeling in the country already is that the Government are afraid of non-co-operation. Probably the Government have their own reasons and think that the political leaders would set things aright. It may all be true. But the masses think that the Government are terribly afraid of the non-co-operation movement. Taking this as the basis, if we at this juncture comply with the wishes of the Chirala people, I suppose the result will be that all the small municipalities and unions especially will be closed. In Kistna, a number of unions have already resorted to the process of closing themselves by passing a resolution that they do not want the union and by the members jointly resigning themselves. The district and taluk board presidents are simply blinking as to what to do. The case is different in the case of the district and taluk boards. The collection of taxes for them is all book adjustment by the Revenue department. But in the case of the union they have to collect the taxes themselves. So after this impression now created is confirmed people will certainly say that they cannot pay taxes, they will close the business, union or municipality whatever that is. After this spirit of feeling has got abroad, I am quite against accepting this resolution.

" Besides, in this Chirala Municipality there is now a dispensary or hospital, a high school or a secondary school, which are naturally to be taken charge of by the taluk board. If the taluk board simply keeps quiet the hospital and the school will have to be closed. Further in the case of unions there is a good deal more difficulty about taxation, for it is the district board that dictates terms of assessment, while it is not so with municipalities. Mr. Venkatasubba Rao was telling us that the constitution of the council was bad, and that its servants were causing all kinds of hardship so that the people disliked the municipality. If a municipal council is properly constituted, if these very leaders of Chirala have elected the best of their men as councillors and elected one of them as chairman (of course they can very well ask the Government to give them the privilege of electing their own chairman) and if they employ their own men so far as paid officials are concerned and if the council is unanimous the municipality can levy as little tax as is absolutely necessary for its requirements. If properly worked, it is more convenient to work a municipality than working union where the president of the district board will go on dictating terms which may not be acceptable to the villagers. In these circumstances, I should think it very detrimental to the local self-government administration, if we press this resolution upon the Government or upon the Minister for the reason that it would be open to the people of the other municipalities to adopt the non-payment of tax and thus get rid of their municipalities. Of course there are grievances. As a member of the municipality

I have got a lot of grievances against my municipality. I felt at one time, and still feel, that my municipality had done injustice to me. I even threatened to non-co-operate with the council and to get that portion of the town expunged from the municipal administration. But, on cooler consideration I got convinced that individual grievances should not be the reason to disregard, or feel dissatisfied with, constituted authority, and Local Government ought to see how the administration can run to the best advantage of the people and need not be afraid of what one says. So I am strongly of opinion that this sort of boycotting by the townsmen of municipalities should not be accepted. If the people returned to their homes and stayed there for some time and paid taxes which are in arrears then I would request earnestly every one in the Council to abolish the municipality. Until that is done I am quite against accepting this resolution. With these remarks I oppose the resolution ".

Mr. B. P. DEVARAJULU NAYUDU :—" Sir, after what I heard from the honourable mover in support of this resolution I am constrained to say that a strong case has not been made out for requesting this Government to abolish the municipality which has come into existence after so much deliberation.

" The reason, Sir, that my honourable friend adduced, is that no Government
11-30 a.m. should impose a tax on people when they are unwilling to bear it, irrespective of the fact that such taxation leads to their benefit or not. To a certain extent this principle is no doubt true and sound. But considering it along with other facts it must be seen whether an adherence to this principle will be in the interests of the public. In this case, Sir, it is stated that this municipality has been created, not because of any necessity, but because some gentleman was interested in seeing that he should become the chairman of that municipality. That is, to my mind, Sir, the weakest argument that can be put forward in support of this. The proposal for converting this union into a municipality obviously issued from the union itself and subsequently unanimously accepted and approved by the taluk and the district boards. They must have discussed the situation and then only come to the conclusion that in the interests of the people and of the locality a municipality was under the circumstances necessary. I submit, Sir, that there must be very strong arguments and very strong reasons for asking the Government to upset the arrangement they had already come to.

" I see from some information that was published in the Publicity Bureau propaganda that this municipality consists of about 22,000 people according to the census of 1911. I submit that there are several other municipalities which have a less number of people than this municipality. There are also other municipalities which are not so much in advance as this municipality. If Chirala is such a flourishing centre of weaving and dyeing industries, if it is a centre which is likely to develop into something more useful and important not only to the people of Chirala but to the people of the district and the Presidency, I submit, Sir, in the interests of the public at large Chirala people must contribute their mite and see that Chirala itself and also the neighbouring places are benefited. I have often thought, Sir, that municipality is not a thing that is imposed upon a people as a punishment; rather it is a thing which is conferred as a privilege. In my district, in Proddattur, the people requested the Government to convert their union into a municipality, for they thought that they would get some conveniences or comforts by the conversion of the union into a municipality, for example, good roads, good lighting, protected water-supply and so many other benefits and conveniences

which unions do not ordinarily possess. It was stated that there was the Deputy Sanitary Commissioner's recommendation that this Chirala union should be converted into a municipality for the reason that sanitation was bad and that the union became a sort of nursery for breeding diseases and propagating and spreading epidemics such as plague, etc., to other places of the neighbourhood. If a place is so bad that it is not only harmful to itself but harmful to the people who are in the neighbourhood, surely this matter should not be left solely to the local option, but I think the Government has a right to step in and say that not only the interests of the locality but the interests of the people who are in the neighbourhood should be safeguarded. That is the right view I submit. I think the Government was perfectly right in not only safeguarding the interests of the people of Chirala but also the interests of the people who are in the adjoining villages, towns and districts. It cannot be said by the Chirala people: 'we will keep our house burning, you had better take care of your own houses and have water ready so that if your houses catch fire you may extinguish it yourself'. I think it is the duty of Chirala not only to safeguard its own interests but also the interests of the persons who are in the adjoining towns.

"Then, Sir, there is another reason which my honourable friend very forcibly brought to the notice of this House, that the matter of protest was not because of non-co-operation but because of a sincere courage of conviction. Many of the people of Chirala went out of this place and have suffered no ordinary suffering. Several of them individually have suffered by not submitting to the rules. He tried as hard as he could to draw very delicate distinctions between the ideas of courage of conviction and non-co-operation. The more he laboured the more he impressed me that it was not the courage of conviction here but something other than that, namely, the sprit of non-co-operation that was at the bottom of the whole of this unwholesome agitation. In that view I heartily join with the remarks that fell from my honourable friend Mr. Balaji Rao Nayudu that the Government, in such cases, in the interests of the public at large, should not vacillate but should take prompt action and see that such things are set right. Once such a vacillation is shown, certainly other municipalities will follow suit, and then, Sir, the question would become extremely difficult. So in the interests of the people of Chirala, in the interests of the people who inhabit the towns round about Chirala and in the interests of sanitation, about which I think my honourable friend the mover has not been able to satisfy us, at any rate those, who are strangers to that place like myself and who have not been in a position to know first hand the exact position of affairs. It does require a very strong case to upset a decision which the Government has come to after deliberate consideration of the pros and cons of the entire situation.

"It might be said that the question of sanitation was a common factor between Repalle and this place. No doubt the Government was pleased to consider the question favourably in the case of Repalle. It is asked why then should it not consider equally favourably the question with reference to this Chirala municipality? Because it was stated that in the latter case the question has been solely and entirely a question of sanitation and based upon the recommendation of the Sanitary Commissioner. It was also stated that there were several other places which were not converted into municipalities on account of similar recommendation. That itself shows that the conversion of this Chirala union into a municipality did not depend entirely upon the recommendation of the Sanitary Commissioner, but there were several other questions that had to be considered along with this. Therefore, it could not be stated that the same reasons which

weighed in the case of Repalle should apply to Chirala also. So, Sir, it seems to me that this is a question which affects not only the place of Chirala itself but several other places. So Government cannot but interfere and see that things are set in proper state. Therfore, Sir, though I am always opposed to levying taxation upon people who are unwilling to bear it, I am constrained to oppose this resolution in the interests of the Chirala people and the interests of the other people living near them."

Mr. R. SRINIVASA AYYANGAR:—"Mr. President, I had absolutely no desire to intervene in this debate; but certain remarks had fallen from the lips of my honourable friend Mr. Balaji Rao Nayudu, affording me justification to stand up and speak in favour of the motion before the House. The motion before the House involves, in my humble opinion, a question of vital principle. The question is, which element in matters of this kind is to prevail: whether it is the will of the people, viz., the popular will, or the will of the powers-that-be. I have not the slightest doubt that the vote of this House upon this question will favour us with a proper solution of the matter before it. It was said by Mr. Balaji Rao Nayudu, that even if the people of this municipality had a real grievance he would be absolutely unconcerned with it, for in his opinion it would be erecting a bad precedent to yield to the clamour and agitation started by or at the instance of these people. And he also added that the method employed or adopted by them was radically and fundamentally wrong, that if once the House makes up its mind to lend its ear to an agitation of this character it will be setting up a bad precedent with the inevitable result that the Council will be flooded with applications of a similar character from various other municipalities, which eventually will lead to a break down of the municipal system in this province. That was how I understood the drift of his speech. Now, so far as this matter is concerned, I am reminded of the old familiar proverb that the man who is severely beaten has a right not only to cry but also to abuse, in which case, it won't be proper on the part of the person who inflicted the wrong to refuse to make good the wrong or go to the rescue of the other feeling, himself chagrined more by the outcry raised and the abuse hurled by the other who is beaten. The question that legitimately arises for consideration is whether the grievances of these people are real and genuine or have been artificially set up and engineered by certain political wire-pullers. If the House is inclined to think that the grievances are real and genuine and that against their will and in practical opposition to their wishes, the municipality has been thrust upon them, then irrespective of the subsequent attitude of these people for the purpose of getting rid of this inconvenience, it is incumbent upon this House and it behoves us to take a considered view of the situation compatible with the dignity of the House forgetting the methods and means that might have been employed by the party anxious to get rid of what it considers to be a real wrong. I do not think that anybody will be justified in refusing relief to another if that other is really entitled to relief, simply by reason of certain technicalities or by reason of the fact that the remedy was misconceived or that the procedure that was adopted for the purpose of invoking the aid was either faulty or defective. We have to consider and decide cases on their own merits. But, if on the other hand, as some honourable members have told us, the whole thing has been engineered by certain wire-pullers and if the people have no real grievance, the whole thing is a dumb-show and make-believe, then that will be a very good reason for this House to take up a defiant attitude and veto the resolution. So far as the discussion has gone on, and from what I have read in the papers, it seems to me that the people have a real grievance in the matter. They

have suffered, they never wanted a municipality. As the honourable the seconder, Mr. Venkatasubba Rao, has told us, it would appear that in 1915, during the time of Mr. Marjoribanks, there was a proposal to convert this union into a municipality and Mr. Marjoribanks—then President of the district board—was not inclined in favour of constituting the union into a municipality. Somewhere about 1919 the idea was started again, and thereafter the council was brought into existence. I find that the councillors have in a body resolved to decline to serve on the council. What is the result? There is a municipality under the Act without the councillors, but I believe with a paid chairman running the whole machinery of administration. I ask in all fairness and in all humility, if it is a desirable state of affairs to keep out the entire body of people out of the municipal area? Is this democracy, I ask? A national council without an elective franchise exists there. Probably the Government may say, 'this is none of our business; we threw open certain seats, but instead of grasping the opportunity you yourself with pig-headed obstinacy retired from the field and would not co-operate with us; therefore it is your fault'. It may be or it may not be so. All that I submit is, whether it is desirable to force a municipality upon a people when the majority of the people are against it. I don't want to lay before the House the harrowing tales of suffering, reports of which have appeared in the papers. This much appears to be an undoubted fact, namely, that people with a determination to get the municipality out of the place have evacuated the place and chosen to lead a humbler life outside the ambit of the municipal area. Therefore, I think, in a case of conflict of this character, between a large number of people on one side and the powers-that-be on the other, whatever may be the inherent defect, or the wrong headed action on the part of the people, true statesmanship requires that the powers-that-be must be prepared to take a more catholic and more sympathetic view of the situation and go to the rescue of the people leaving in the background the question of prestige and with one stroke of the pen say: 'we here as representatives of the people and in charge of this department are prepared to condone you, we forgive you and at the same time we are generous and magnanimous; we respect your wishes in the matter and abolish your municipality'. That must be the correct attitude. With these words I beg to support the resolution."

Diwan Bahadur D. Seshagiri Rao Pantulu:—"I strongly believe in the principle that these municipalities should not be thrust upon the people who do not want them. After all, if we make a particular place a municipality, that is in consonance with the principle of self-government that we are trying to advance. To my mind it is unmeaning to say that we go against the people and yet we want to advance the cause of self-government. Now, I wanted to learn something of the merits of the case from my honourable friend Mr. Balaji Rao Nayudu, and I have been very sadly disappointed. He does not say what the merits of the case are. He does not say whether the people are wilfully setting up opposition or whether it is really to the advantage of the people that it should be constituted into a municipality. My friend says that he simply wants them to go back to their cottages in the villages and then move for the abolition of the municipality and then their complaint will receive some consideration at his hands. I am far from that attitude. If really the people cannot bear the taxes, if really the town does not require a municipality, I think we have no reason to press or thrust the municipality upon such a town. Now, after all it is not what you think to be good to the people that you should do, at any rate, that does not seem to be the principle on which governments are now acting. If the wish of the people is against a certain movement by all means let that movement be dropped. Now

again, I fully believe that the interference of the non-co-operators is not the cause of this complaint, but the fact, as Mr. Subba Rao has said, is different. People are against the town being constituted into a municipality. They memorialised the Government, they approached several boards who did not heed the complaint. Then there come those politicians who say: 'This is the result of your being under a Government which is not sympathetic; what is it that you gain by being under this Government? Nothing but additional taxation; here we shall give you relief: non-co-operate along with us'. That seems to be the attitude of non-co-operators. Non-co-operators can get a foothold there simply because these people did not get their grievances redressed in proper time. So that attitude must not be the attitude of the Council when they decide this question. If the Council believes that a substantial wrong has been done to the people and that there was no necessity for a municipality to be there, by all means let them abolish it. By abolishing the municipality we shall only be raising the prestige of the Government and thus showing to the people that, however wrong they may be, whatever may be their attitude, Government is prepared to look at it from the right point of view. The prestige is much more enhanced by redressing the wrong and doing what is only right. With these remarks I support the resolution."

Mr. C. Natesa Mudaliyar:—"Sir, Mr. President, I strongly oppose this resolution. I thank the Sanitary Commissioner for having suggested that Chirala should cease to be a centre for spreading infectious diseases in various parts of the presidency. It passes one's comprehension why so much effort is made for such a retrograde step. We all know that as civilization advances civic rights and sanitary needs are felt. Out of unprotected villages unions are formed and out of unions evolve municipalities. Each municipality is a self-governing unit, perhaps an attempt at the first step towards self-government on colonial lines which we are all aiming at. People elect their own representatives. These representatives have got control over the finance and the power to raise or lower the taxation. They lay themselves under an obligation to attend to the sanitary and other comforts of the people. Chirala is a great trade centre. It is the centre from where goods from Bombay are distributed to various parts of the Northern Circars. About 4,000 families of weavers are there, besides many rich merchants and others. The need for a municipality was felt and it was granted by the Government. Now comes the hand of the non-co-operators. They do not want anything from the Government. As the honourable mover accepted, the methods adopted were non-co-operation methods and many people went to jail for civil disobedience. It was these people that refused to recognise the village panchayats being appointed by Government. I hear, Sir, that these are having their own panchayats. The rumour goes that these people are forming Gandhi Sircar unions, and the rumour also goes that these credulous people are gloating over the idea that when the history of Gandhi's Swaraj is written, Chirala will occupy the first page. Sir, such attempts at anarchy should be put down with a firm hand. Independent of these rumours, taking a sanitary point of view, Chirala should be constituted into a municipality in its own interest and not only in the interest of the neighbouring places but also of the distant places like Madras."

Rao Sahib P. C. Ethirajulu Nayudu:—"Mr. President, Sir, I should like to place a few facts before the House and leave to them to decide whether it is desirable to abolish the municipality or retain it. Now, Chirala is a sanatorium; it is a favourite resort of officers, both European and Indian, for purposes of recreation and also for sport. The area of the town is two square miles, and the population according to the current year's census is 15,326. It would be a little less now,

for about 3,000 people have gone out of the town to live elsewhere. It is the centre of weaving and dyeing industries on a large scale. The merchants here have direct dealings with those at Ahmedabad, Bombay and Calcutta and import large consignments of English yarn and piece-goods from Manchester. The cloth manufactured here is exported to Rangoon, Singapore, Hyderabad and other distant places. Besides, it is the chief source of supply of cloth and other commodities to almost all the other important towns in the district. It will thus be seen that the trade activity here is generally intense. Hence, in common parlance, the town has got the appellation of 'second Bombay.'

"Chirala was a union for about 40 years, and during this period, it had to depend on other local boards for financial support. Its receipts were low being only Rs. 5,252–15–1, and had to maintain a hospital at an average cost of Rs. 7,150 each year. In the year 1914, a deputy sanitary commissioner inspected the town, found it awfully congested and seriously lacking in sanitary requirements, and predicted that if it was not made a municipality soon, some serious epidemic would break out and cause devastation. Accordingly in the years 1917 and 1918 there were outbreaks of plague which resulted in serious loss of life.

"It was after the visitation of plague that the then union chairman proposed the constitution of Chirala into a municipality. But he was not so very influential, as was alleged as to carry weight with the district board. I think that he was not even a member of the district board then. I do not know if he was a member of the taluk board but I hear he was not. The proposal was approved by the taluk board and district board. In arriving at that decision the president of the taluk board remarked: 'The taxes collected elsewhere are now being spent on hospitals, schools, roads, markets—, etc., in Chirala town, where the inhabitants can afford to look after their wants and there is no reason why they should not be made to attend to their own comforts. For the above reasons the taluk board strongly recommends the conversion of the union into a municipality.' It has again come up to the district board and the district board which first thought that the town was not quite ready to be converted into a municipality just three years ago now considered that it was quite desirable and recommended to the Government that it might be converted into a municipality. I may say for the matter of that, it is doubtful whether any municipality was ever really welcomed by the people. Everything in connexion with municipalities is ushered in by responsible people, but it may be that some of the people might have naturally objected to it. Though at the beginning there was some resistance on the part of the people as is generally the case in all newly constituted municipalities, they got reconciled themselves to the situation, participated in municipal affairs in right earnest and paid the taxes for the first half-year without any hitch. In the course of the second half-year they fell a prey to the glamour of an avowed non-co-operator and political agitator by name Mr. Duggirala Gopalakrishnayya, got themselves enraptured by his stirring and fiery speeches and in the long run imbibed principles of non-co-operation which launched them into lawlessness and revolt. Actuated by feelings of disaffection towards the Government, these people wanted to throttle the municipality and establish a 'Swaraj union'. To this end, they took recourse to the weapon of social boycott to the extreme point possible, and persuaded the councillors to resign their seats on the council. This was followed by the supersession of the Council and the appointment of a special officer. But before doing so, the Collector of the district and the Hon'ble the Minister for Local Self-Government, had to visit the place and call for a conference of the people to find out exactly

12 noon.

what the situation was. They represented that the situation was bad and that all their difficulties were due to the heavy additional taxation on account of the municipality and that great deal of agitation was going on. He, the Hon'ble the Minister for Local Self-Government, told them that if they really had a grievance, he would give the matter his best attention, and try to redress them and they gave him to understand that they did not want a municipality not even as a union as they did not wish to have any connexion with this Government. In this instance the newly formed municipal council might be wrong on account of the overzealousness of the newly appointed subordinates in furnishing them some figures which might not be really correct, and according to that information it was possible that they were rather heavily taxed. But there is one other contributing factor to this heavy assessment. In the course of that particular year there was a great boom in trade and very large business was done, so much so that even Government wanted to have half a share in the profits. People had to pay rents of Rs 50 and Rs. 100 for very small houses and godowns which could be got hitherto for Rs. 5 or Rs. 10. The municipality has to impose taxes and very naturally on such high rentals alone which the houses and godowns were fetching at that time.

"A week after the council was superseded, Mr. Gandhi also visited the place He told the people that the appointment of an official chairman by the Government in spite of the protest of the people and their proposal against the municipality meant violence, and in order to gain their end he advised them, to have recourse to non-co-operation and if they were diffident of carrying out the campaign without the least violence, they should take to the alternative method of evacuation. It is not an easy or convenient thing for so many people to evacuate. Here I may be permitted to say that Mr. Gandhi does not seem to know that under the provisions of the District Municipalities Act, a criminal prosecution instead of civil litigation, could be resorted to, against evacuators. The leaders then hit upon desertion and enforced it much against the will of the indigent by holding out the threat that the paid chairman would distrain all their properties if they stuck up to their abodes any longer, by distributing relief money, by exercising social boycott, and by defiling wells. As a result of all this, about 13 thousand of the population are living outside the town, some in sheds three miles off towards Ipurupalem, some close to the town beyond municipal limits towards Jandrapet, and others in the surrounding villages Vetapalem, Bapatla, etc. Some of the well-to-do merchants took houses in Vetapalem and Ipurupalem at exorbitant rates of rents and opened their shops. An idea of the expenditure incurred may be formed from the statement of a Brahman trader to the effect that for avoiding payment of a tax of Rs. 8 a year, he had to spend Rs. 100 for removing himself to Ipurupalem and making the requisite arrangements for running his trade. It is also admitted that the cost of evacuation could have enabled the people to pay their house-tax for at least two or three years.

"It is a trite argument of Mr. Gopalakrishnayya that if there was no real grievance, evacuation would not have been a success. To refute this, I submit that the one particular feature of this town is that the bulk of the poor classes mostly depend on Vaisyas for their daily sustenance. The movement is now one of Vaisyas, backed up by Congress funds and munificence of private gentlemen belonging to other towns, and themselves being rich and better off and united, are all powerful. During the time of the War and after, they made fabulous profits and now, owing to the present slump in trade activity, they engaged themselves in an insurrection against the Government. The fight is after all one political and

not economical as represented by the leaders. The troubles that these suffer are not of the body but of the mind. One incident which happened at the time when Mr. H. S. Shield, the Collector of the district, who visited the place in June last, will show that this movement has no economical basis. The people living in Ipurupalem sheds being weavers, Telagas, etc., are comparatively poor. When the Collector asked them to represent their grievances, they spoke of oppression by some of the municipal servants in the past and urged reduction of taxes. Thereupon he interviewed some of the leading merchants at Jandrapet, and it was here that the plea of poverty and the consequent inability to pay the heavy taxes of the municipality was urged.

"In one of the speeches, Mr. Gopalakrishnayya is said to have remarked that a domestic quarrel has developed into the battle of Kurukshetra. This aptly indicates that the Chirala movement, which began with spite towards the vice-chairman, Mr. Ravula Subbarao, has now assumed serious proportions. By the aforesaid statement he wants others to believe that Chirala, with its recalcitrant residents, represents, 'Pandavas', the Government and their representatives 'Kauravas' and he, 'Sri Krishna' has come to save 'Pandavas'. By analogies of this kind and apt quotations from the Puranas rendered more harmonious by his melodious tone, Mr. Gopalakrishnayya has been fascinating the people here who are mostly uneducated and ignorant.

"Since the 1st of April 1921 an amount of Rs. 5,309-15-6 has been collected, and none has been sent to jail for non-payment of tax. House-tax below 12 annas was remitted and the exemption announced by beat of tom-tom. The total demand of the municipality for the last year was roughly Rs. 29,000."

"It must be said here that there was also a windfall of Rs. 10,000 in the shape of toll revenue for this newly constituted municipality in the very first year alone which goes to confirm how important a trade centre this is, while other municipalities in the district, comparatively some 10 or 12 years older, don't fetch even now 70 per cent of this revenue.

[Here the gong was sounded to indicate the end of the speaker's time-limit but he was allowed to finish his speech.]

"A few words about the so-called prominent leaders will, I think, not be out of place. Vutukuri Venkateswarlu, a leading Vaisya of Chirala, is indebted to the extent of several thousands of rupees. By his active work in the field of non-co-operation he hopes to keep his creditors at bay. This is his ulterior motive. Before the commencement of this distraint he was interviewed and suggested some conciliatory measures to enforce the provisions of the Municipal Act. He heard what all was said and replied that they wanted 'Swaraj' and not 'British sovereignty'. Ravula Ramayya and Seshayya and Perala Nageswara Rao are Brahmans of Chirala of scanty means. They have made this movement a source of living. The people in the sheds are suffering immense trouble owing to frequent rainfall of late. They have lost faith in their leaders and are fighting for permission to come and occupy their houses. The leaders are holding them off and are even threatening them saying that disobedience would result in heavy fine and boycott. In spite of all this, some families have already come and occupied their houses. The movement has become both vexatious and obnoxious. It would be rather impracticable to prevent the poor people any further from returning to their homes.

"Chirala is a fit place for a municipality. Its conversion into one or more permanent unions is, I submit, an undesirable set back to progress. Besides, it will serve as a bad precedent and bring ruin to other municipalities which have

begun to totter. The Chirala movement is spoken of as an 'All India' movement, inasmuch as in it is involved the question whether the people who are resolute and firm should win the day or the Government. Setting apart considerations of prestige, I think it is just and proper to continue the municipality of Chirala and enforce obedience to municipal laws. Some of the ex-councillors are willing to serve on the Council if it is to be reformed. This is a happy sign.

"This impasse is not due to the self-determination of the people. This is all the work of rich and well-to-do people who have complete sway over the poor people. As I said before, it is not at all economical but it is only political, and I, coming from that district, may again repeat it. They say that they do not want a sanitary inspector because they have 'pig stys.' They do not want drainage because their soil is porous. They say they have springs and so they do not want 'water schemes.' It is for honourable members of the Council to consider whether under these circumstances it is necessary to maintain the municipality or abolish it. To my mind all these grievances are merely political and not at all economical. If this is abolished, other municipalities which are tottering will follow suit and it will be setting up a bad precedent.

"Lastly, I should like to impress upon this House once again that it is not due to the self-determination of the people but to others' domination over the will of this townsmen, that such an impasse was brought about. It is a tirade against the popular ministry who are in no way responsible for the introduction of a municipality into this town. In these circumstances, Mr. President, I oppose this resolution very strongly."

Mr. T. C. TANGAVELU PILLAI:—"Mr. President, I strongly oppose this resolution, but in doing so, I do not for a moment agree with my honourable friends who spoke just now and who said that this is all due to the hand of the non-co-operator. The influence of the non-co-operator was, I think, far too late to give them any help in this matter. This agitation was started in 1919 and honourable members will find that the agitation began when the municipality was created by the Government. It is the fashion now-a-days that for anything and everything, the non-co-operator is brought into prominence and is made much of. (Hear, hear). To my mind the non-co-operator could not in any way influence these people in their agitation for the abolition of the municipality. I am afraid that the reasons given by some of the speakers in support of the resolution are not very satisfactory, and the honourable mover and seconder have not made out a case for the resolution, and have not adduced sufficient reasons to show why this municipality should be abolished. There is also one other fact which I may mention, and it is that the Government has stood by silently and allowed the discussion to go on without giving any reasons for or against, or stating whether it is prepared to abolish the municipality or not The discussion is proceeding without our knowing that attitude. The Government may say that they will continue the policy of the former Government and will not go behind it. In the matter of the Chirala municipality, they must have had very strong grounds for the action they adopted. I for my part see that no case has been made out either by the mover or by the other speakers who spoke in favour of the abolition of the municipality."

Mr. S. SOMASUNDARAM PILLAI:—"Spare the rod and spoil the child, so says the proverb, and because Government was very lenient towards the non-co-operator it is no wonder if they would do worse things. Of course my friend Mr. Tangavelu Pillai said that it was not the mischief of the

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non-co-operator. I know it is the mischief of the non-co-operator. There are various kinds of non-co-operators, mercenary non-co-operators, genuine non-co-operators who are really anti-British and misled non-co-operators. All these mercenary non-co-operators are very busy in Chirala. These people now represent the people of Chirala who are made to represent nothing to the Government. So long as there is fire in the hands of the child, failure to chastise the child and take away the fire from its hands by the parents will end in setting fire to the roof. Sir, why do you go so far? Yesterday I was pressed by the non-co-operators to close my shop. I said 'No. Do your best. I will see what you can do. You want me to be disloyal by closing the shop on the day of His Royal Highness the Prince of Wales's visit.' So the non-co-operators are forcing weak-minded people and terrifying them. And what is the sort of mischief they make? They take some flags and other things and call themselves leaders and ask people to close the shops. But these mercenary non-co-operators will work for you if you pay them something. But there are misled non-co-operators who, believing the words of the people, act."

Diwan Bahadur M. Ramachandra Rao Pantulu (*interrupting*):—"May I know, Sir, whether this description of the various grades of non-co-operators is absolutely necessary for the discussion of this resolution?"

Mr. S. Somasundaram Pillai:—"In deference to the leader of the opposition or one of the leaders of the opposition, I shall leave it there, Sir."

The Hon'ble the President:—"The hon'ble member Mr. Ramachandra Rao has risen to a point of order to ask whether the discussion about the various grades of non-co-operators is relevant to the question of Chirala. I should say it is too late to attempt to steer clear of non-co-operation. I think, if I remember right, that from the time this discussion began yesterday we have been hearing a great deal more about non-co-operation than about the municipality of Chirala. I understand that the contention is that there is no real grievance but it is all due to non-co-operation, and the honourable mover himself said that that was going to be the contention put forward and he met it in advance."

Mr. C. V. Venkataramana Ayyangar:—"Quite so, Sir."

The Hon'ble the President:—"So the honourable member (Mr. Somasundaram Pillai) proceeds to classify non-co-operators and will presumably then connect them with Chirala. Is that not what the honourable member is going to do?"

Mr. S. Somasundaram Pillai (*continuing*):—"Yes, Sir. I was saying what the non-co-operators are doing in that place and in the surrounding places. Government is doing everything with good intentions. If a man wants to be inoculated for plague, he will not be willing to be inoculated, but he must be compelled. So a child will be unwilling to take medicine. Do you mean to say that the child will be quite willing? Certainly not. The parents know better. So the Government know better whether Chirala should continue to be a municipality or not. I believe the people are illiterate and uneducated and have no idea of the benefits conferred by a municipality. But they are misled by people who are interested in making disturbance. Certainly the illiterate people are misled by the non-co-operators. Of course, there are some non-co-operators who are which-way-the-wind-blows non-co-operators, and they are watching which side to join. If the wind blows strong on one side, they will go there, and we need not be afraid of such sort of non-co-operators. But the real non-co-operators are the mischief-making non-co-operators and they are rowdies. We should put them down with a

firm hand. I am glad that non-co-operation is gradually dying and the non-co-operators are coming to their senses. Sir, if we allow this agitation to have its own way, there will be some agitation again from some municipality or corporation and Sir P. Tyagaraya Chetti may be asked to go away. So we should not give room for this disease to spread. If they are allowed to have their own way, they will take courage and say, 'we have succeeded; what can this British Government do? Let us march on till we are successful or till we are defeated.' If the disease spreads, people who are discouraged non-co-operators will take courage again. It is quite impolitic to give room to these people. If there are genuine grievances we must hear them. This is a commercial town. Illiterate people live in agricultural villages and savage lives in forests. But only commercial people live in towns and such towns should be kept clean and sanitation should be improved in those places by making them municipalities. Even in big municipaties, when you go out your nose is spoiled in no time by the strong stench in the streets. Certainly without municipality they will become the hotbed of diseases. Under these circumstances, although I am far a way from Chirala and have only passed it while travelling, I strongly oppose this resolution."

Mr. K. Gopalakrishnayya:—"Sir, if we go more seriously into the matter, I think I should place before the members of this House a principle which they should bear in mind when they begin to solve a question of this nature. Honourable members are aware that we are on the threshhold of Local Self-Government which has been vested in the popular ministry in the administration of this country. I think I must bring to the notice of this House how the present parliamentary system that is so successful in England is a development on the popular institutions and local self-governing bodies which were prevailing in the various counties in England. It is only on the full development of the state of these institutions that the success of the present parliamentary system is based, and this principle has been accepted even by no less a statesman than Prince Bismark of Germany and also by Prof. Gniest, who was a theorist in these things. I think this House will bear in mind that principle that is being extended to India. It will be remembered that only in 1915 the old Congress was encouraging the development of self-governing institutions in India. When in 1915 on the recommendation of the Government of India the various Provincial Governments asked the several local bodies in their presidencies whether villages which are sufficiently populous containing a population of 3,000 should be constituted into minor unions, then the old Congress, Sir, never lost the opportunity of sending out its emissaries to various villages which contained a population of 3,000 to ask them to accept the principle of the Government resolution. Then several of our friends went out into the villages preaching them that they should come within the scope of minor unions and also bow to the restrictions that might be placed against them, and that they should also be prepared to tax themselves. Such kind of preachings was set on foot and the villagers were convinced and they accepted the resolution of the Congress. Of course, we have been trying from the beginning that we should develop our self-governing institutions. At the very outset, and it is for that purpose, that Lord Ripon whose glorious memory we all revere, did a great deal to advance Local Self-Government in that direction. It was he that first introduced local self-governing bodies in this country and since his time we are governing ourselves so far as local bodies are concerned. Now, this local and municipal administration is a transferred subject and is vested in our own Ministers. In this particular case, honourable members will bear in mind that the Hon'ble the Minister had paid a visit not only to Chirala but also to Repalle. In the case of

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Repalle, the Minister was pleased to abolish the municipality and in the case of Chirala he could not do it, because, the honourable mover and the seconder said, in this case the non-co-operator is at the bottom. It is not so. It is a point in favour of the Minister. He has no prejudices and it is only on the merits of the case he has judged."

Mr. P. VENKATASUBBA RAO (*interrupting*):—"I never said that the non-co-operator was at the bottom of the whole thing, but that non-co-operation was the effect and not the cause."

Mr. K. GOPALAKRISHNAYYA (*continuing*):—"I am sorry to have said so. It is a point in favour of the Minister; because he was able to see things eye to eye. When he personally inspected the Repalle municipality, he was convinced of the real grievances there. But in the case of Chirala, it will be seen by him that there was no real grievance. I may ask the honourable mover and probably also the seconder whether there is a real grievance and whether any people approached them to move a resolution of this sort in this House. Even supposing they approached, it was not heartily done, and I know that."

Mr. P. VENKATASUBBA RAO (*interrupting*):—"To the question, Sir, whether we were approached by any people, I may say I have been several times asked by the people to see what could be done on the matter when the Council met."

Mr. K. GOPALAKRISHNAYYA (*continuing*):—"It is not from the bottom of the heart that they asked for it; because I know that they do not want any service from this Council. You know, Sir, from the beginning the hand of the non-co-operator is at the bottom. That is my point. Because it was Chirala that first sent out an empty ballot box. According to that principle they are non-co-operating. They do not want any political service from this House. As such, if they really approached the honourable mover or the seconder, it was not with an impulse proceeding from the bottom of their hearts but it must be for some other reason which probably might have been miscalculated by my honourable friends.

"There is another point raised, 'why should a municipality be thrust against an unwilling people'? It has already been answered by Mr. Ethirajulu Nayudu. We know from our experience that if any restriction is attempted to be placed upon people who are never used to it, certainly they would be the first to object to such a thing being done. They do not generally understand the advantages that they may ultimately gain thereby. They think that by the mere imposition of a house tax, all their income would be taken away. Then again, Sir, we know that during the visit of Mr. Gandhi to Chirala, they raised some thousands of rupees towards the expenditure that had to be met at the time in connexion therewith. We know, whether poverty or riches, the municipal council themselves could impose such class of taxation as they could justly bear. There is no use of sitting behind and crying against this Council, against the Minister, by simply saying 'Oh, we cannot bear the burden of house tax.' If you are really earnest in having your grievances redressed, by all means do it by constitutional means, and not by the methods you have adopted. If you really have grievances and want to see them redressed, you can yourselves elect your own popular body and exempt, under the Municipal Act, such people as are not able to pay the tax. So, I say, such kind of things can be justified if really any grievances are to be set right.

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"Under these circumstances, Sir, I feel constrained to oppose this resolution."

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Mr. N. A. V. SOMASUNDARAM PILLAI:—"Mr. President, I beg to oppose this motion; but at the same time I want to make it clear that we should not be biassed because the non-co-operators are at the bottom of this. We are only concerned to see whether, on the facts and circumstances connected with the case of the Chirala municipality, there is real ground for asking the Chirala people to have a municipality or not. If, according to the policy laid down with regard to the Municipalities Act and the Local Boards Act, there are grounds for constituting Chirala into a municipality, we think it must be so constituted and we have to see that the municipality is maintained. On the other hand, if, as a matter of fact, we should find that there has been some mistake made, that there are no grounds whatever for making this Chirala into a municipality, then I think we must support the resolution and see that the municipality is abolished.

"Now, what are the facts connected with it? On the ground of policy, or on the ground of the importance of the place, or on the ground of the poverty of the people there, is there such a ground or not? Mr. R. Srinivasa Ayyangar said that the municipality ought not to be thrust upon the people if they are opposed to it. As a matter of fact, is that the case? Who are the people who are against this municipality? Who are the people whose wishes had to be consulted? The facts stated go to show, Sir, that so far back as the year 1914 the Sanitary Commissioner made a report that the sanitary condition of the place was very unsatisfactory and that it was, therefore, necessary that the Chirala union should be constituted into a municipality. The matter was taken up to the district board, but the district board then thought that the whole thing was premature and they were not prepared to sanction the proposal or recommendation made by the Sanitary Commissioner. The matter was dropped there. Then sometime after plague broke out. Plague not only found its way to the town of Chirala, but also it spread to the neighbouring places therefrom. Thus Chirala became the nursery of plague and it was thought very necessary that steps ought to be taken to maintain the town of Chirala in as good a sanitary condition as possible. Then the chairman of the union board of Chirala of his own motion made a proposal recommending that the Chirala union should be constituted into a municipality. The matter went up to the taluk board. The taluk board members, after consultation, resolved to accept the recommendation made by the chairman of the union. The matter was taken to the district board. There also they resolved to accept this recommendation made by the union chairman and accepted by the taluk board, and made a recommendation to the Government. The Government in November 1919 passed orders constituting Chirala into a municipality. Now, the people's representatives who sit in the union board, the people's representatives who sit in the taluk board, and the people's representatives who sit in the district board, these people have unmistakably expressed their wish to have Chirala constituted into a municipality. Are you to take the will as expressed by these bodies, the constituted bodies, or are you to take the views of persons here and there who would compare themselves to persons in the old *Bharatam*, or some other epic? I certainly feel that the will of the town of Chirala as expressed by representatives of persons competent to express it should be taken. Therefore, my learned friend on the opposite side, Mr. R. Srinivasa Ayyangar, is not correct in saying that it is an affair thrown upon these Chirala people against their will, and the people are quite unwilling to have this municipality.

"Then Mr. Seshagiri Rao said that the municipality ought not to be thrown upon persons who would not have it. I think this principle could not

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possibly be accepted for a moment. If we are to go by the opinion of the people in general, as in this case I think no municipality could possibly continue, or exist hereafter; for, no one would be quite willing. They do not understand the advantages that they gain by these municipalities, or unions, or taluk boards, or district boards. The only thing that attracts their attention is heavy taxation, or some petty annoyance that might be caused by a municipal servant. Therefore, if you take that alone, we could not possibly have any municipality. Of course, certain principles are laid down in the District Municipalities Act as well as in the Local Boards Act and we have to see whether there are grounds here to interfere or not.

"The town of Chirala seems to be an influential and important town. It is a town which is said to have an industry in weaving and dyeing, and contains very large number of people who take to this profession. The importance of the town can very well be judged from this one circumstance alone which was given to us by Mr. Ethirajulu Nayudu that the income which was derived from tolls in this year was Rs. 10,000. That itself shows the importance of the town and the number of people that are coming there for the purpose of trade, etc. Also, so far as the population is concerned, the population according to the census of 1911 was 18,680, while according to the census report of the year 1921 it is 15,326. At any rate, even here we may take it from this one circumstance that the reduction of the population between the census of 1911 and 1921, which comes to about 3,300 and odd, itself goes to show that there is something wrong with regard to the sanitation of the town, that the people suffer immensely in health and that is the reason why the population, instead of being higher in the year 1921 than it was in the year 1911, has actually fallen by about 3,300 and odd. There must be some ground for the reduction, and it cannot be that by the time the census was again taken in 1921, some people had gone to the *vanavasam*. That cannot be correct."

Mr. P. Venkatasubba Rao (*interrupting*):—"I think that the previous census, i.e., 1911 refers to Chirala consisting of four villages, while the present, i.e., 1921 census of Chirala speaks only of two villages Chirala and Perala and the inference is therefore wrong."

Mr. N. A. V. Somasundaram Pillai (*continuing*):—"Thanks for the information, but even then, there is a reduction in the figure. At any rate, this one circumstance goes to show that the sanitation and public health of Chirala town, or the old Chirala Union, was not as satisfactory as it should have been. Also, so far as the people themselves are concerned, of course no body can say that they are very rich. The question of riches or poverty must always be one of relative terms: what one man considers to be rich may be considered by another to be poverty. At any rate, from the figures published by the Publicity Bureau, we see that in the Chirala town about 32 persons are assessed to income-tax, the income ranging from Rs. 2,000 to 40,000. That itself is an indication of the wealth of the town. Of course, in any town or in any municipality, you cannot expect all people to be equally rich. At any rate, this shows the nature and the extent of the trade that is being carried on in this town. That is all the greater reason why we should take greater care with regard to public health and sanitation, the education of the people, the maintenance of hospitals and such other things."

(At this stage the honourable member was reminded that his time limit was up).

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Mr. N. A. V. Somasundaram Pillai (*continuing*) said:—"Therefore, sir, seeing that it has got the necessary qualifications to be constituted into a municipality, and because it consists of a large number of weaving and dyeing families, and also from the sanitary point of view, I think it is very necessary that the municipality ought to be continued. If not where can we find the necessary funds. Supposing it is again to be constituted a union, who is to pay the money? Why should the taluk board funds be devoted to the improvement of sanitation and maintenance of hospitals, etc., in the Chirala town?

"For these reasons, Mr. President, I would strongly oppose the resolution. Of course, I would ask the House that we ought not to be led away by the mischiefs done by the non-co-operators. If this resolution is rejected, it will certainly bring the people of Chirala to their own senses, and then they will realise that they have made a mistake and will come back to the town and resume their usual avocations."

Munshi Muhammad Abdur Rahman Sahib:—"Mr. President, Sir, in rising to oppose the motion brought forward by my honourable friend Mr. Venkataramana Ayyangar, I wish that it will be noted that I, not belonging to any party in the House, as a Mussalman who has worked in the district and well acquainted with the true state of things there, am actuated by the dictates of conscience to oppose this resolution. Chirala is the largest town in the Guntur district next to Guntur, Tenali taking the third place. According to the census of 1911, it had a population of 18,618 as against 15,326 in 1921. It has a flourishing weaving and dyeing industry and it is also one of the biggest trade centres in the district. When Chirala was visited by the Deputy Sanitary Commissioner in July 1914, he strongly commented on the insanitary condition of the town and strongly recommended the conversion of the union into a municipality as the only possible means of improving its sanitation, the resources of the union being quite inadequate for the purpose. In January 1915, when the matter was discussed by the then district board, it came to the conclusion that the proposal was premature and the Government did not therefore accept the recommendation of the Deputy Sanitary Commissioner. In 1917, plague broke out in a virulent form in Chirala and spread to all the neighbouring places in the taluk and even Ongole was infected. In 1918, the union chairman himself reopened the question and submitted a formal proposal for the conversion of the union into a municipality, which proposal the taluk board approved at a meeting held in June 1918. Meanwhile some of the rich merchants of Chirala strongly protested against the change and the question was again rediscussed at a special meeting of the taluk board in August 1918, and the taluk board by a large majority adhered to its original resolution. The subject was then placed before the district board in September 1918, and the board unanimously supported the proposal although three years before it had come to the conclusion that it was premature. The Government carefully considered the objections raised by some of the inhabitants of the place. The population of Chirala being more than that of 24 other towns which were already under municipal administration and Chirala being in every way a more advanced place than several of the municipalities, and the resources of the union being quite inadequate for the improvement of the sanitation of the place which was becoming a breeding place of epidemics and plague having already broken out in that place and was spreading also to the neighbouring places, the Government, after a careful and mature consideration of all these circumstances, formally constituted Chirala into a municipality in November 1919. The inhabitants of the place presumably accepted the decision of the Government, for there

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was no further agitation against the municipality until September 1920, when some non-co-operators took advantage of the natural reluctance of the people to pay additional taxation and revived the agitation against the municipality. Ten out of the twelve councillors resigned, and municipal administration was brought to a stand-still. The Hon'ble the Minister for Local-Self Govenment himself visited the place, discussed the situation with the leading residents of the place and made personal inquiries into their alleged grievances. He also offered to exempt agricultural cattle and land from municipal taxation. This should have satisfied the poorer residents but apparently under the influence of non-co-operators the offer was rejected. The agitation for the abolition of the municipality being fictitious, brought on by the intervention of a mischievous third party, it was decided that the town should continue to be a municipality in the interests of the public health; and the Government therefore decided to supersede the municipal council and appointed a paid officer to discharge the duties of the council and its chairman. If the Government had decided otherwise and restored the union, the question naturally arises as to how money has to be found for the improvement of sanitation of the town not merely in the interests of the inhabitants of Chirala itself but also of those of the neighbouring places. The poverty of the taluk board is well known as can be indicated in the following extract from the letter of the President of the Ongole Taluk Board, dated 23rd August 1918. Taxes collected elsewhere are now being spent on hospitals, schools, roads, markets, etc., in Chirala town where the inhabitants can afford to look to their wants and there is no reason why they should not be made to pay for their own comforts. For the above reasons, 'the taluk board strongly recommended the conversion of the union into a municipality.' It will be observed from all that is stated above that the point involved is not whether a municipality should be forced on Chirala, but whether the taluk board or the residents of Chirala should pay for the hospital and other conveniences which they enjoy and for the improvement of the sanitation of Chirala, which is an urgent necessity. Should Chirala and its rich merchants pay for those advantages to the town or should the poor ryots outside Chirala pay for them? This is the issue involved in this agitation for the abolition of the municipality.

"Again, the following taxes and tolls may be levied by the council:—

(1) a property tax;

(2) a tax on companies;

(3) a profession tax;

(4) a tax on carriages and animals;

(5) a tax on cars; and

(6) tolls on vehicles and animals entering the municipality.

"These are not compulsory as the council may levy any of these and under section 78 (3) the council can abolish any tax or reduce the rate of taxation. In the case of all taxes with the exception of the tax on companies, the council can fix the rate as low as it chooses. Hence, the council can exempt the weavers from all or any of the taxes and they may as well cut short the establishment as they choose.

"On the other hand, under the new Local Boards Act, a union board has no power whatever to levy a tax or abolish a tax or reduce the rate of taxation. It is the district board that decides what taxes should be levied within the union and at what rate they should be levied. The main difference between a union and a

municipality so far as taxation is concerned is that in the case of a municipality it is the municipal council that decides what taxes shall be levied, while in the case of a union it is the district board that decides it.

"Again, Sir, the municipality gets a substantial portion of the tolls which are paid mainly by outsiders coming into the municipality. Further, a municipality often gets a contribution from the taluk board towards the maintenance of a hospital. The Ongole Taluk Board has, as a matter of fact, promised to contribute half the cost of the Chirala hospital to the municipality.

"With regard to the economic condition of Chirala, it can be stated that, while as in other municipalities, the great majority of the population is poor, there are 32 residents assessed to income-tax as enjoying incomes from Rs. 2,000 per annum to about Rs. 40,000. In general, it may be stated, Sir, that the object of the Government in creating municipalities is to enable the inhabitants of towns to improve the conditions under which they live with respect to health, education, convenience and amenities and to gain experience in self-government.

"Sir, in conclusion, I have just a few words and I am done. The whole trouble of Chirala is due to the intervention of the non-co-operators and their false preachings which have stiffened the people who have evacuated the town and are suffering. These sufferings are self-inflicted and their attitude and obstinacy are suicidal and injurious to them. So long as they listen to non-co-operators and follow their advice, they cannot blame the Government. If the municipality at Chirala is abolished, many other municipalities will follow suit. Hence I strongly oppose the abolition as stated above. With these few words, I resume my seat."

QUADIR NAWAZ KHAN SAHIB Bahadur:—"Sir, I know a little of Chirala, having for some time served in the Nellore district not far away from that place. I have now had the opportunity of hearing some details as regards agricultural and industrial conditions there. Upon the merits I certainly think that Chirala deserves to be a municipality. All that is said against this is that people are not willing to have a municipality. Well, who are the people that are not willing to have the municipality? Some of the previous speakers have observed that their representatives had asked for it not once but twice. From my experience as a public servant, I can tell the House that not in one instance have people ever showed their willingness to any kind of taxation. During my tenure as an administrative officer, I think I had the opportunity of forming hundreds of unions and some municipalities also and I can assure the House that in not one single instance were people willing to submit themselves to the taxation involved in the formation of unions or municipalities. The whole trouble seems to be that in a municipality people will have to pay more taxes than in an union where they would get the income derived by the taluk board, or the contribution made by the taluk board. They want to enjoy at the expense of other people. Again what is the kind of opposition? I think there will be no end to such oppositions. The House must dispel from their mind all other considerations except the merits of the case and, as I have already said, on the merits Chirala is quite fit to be a municipality, and not to make it a municipality because some people are objecting to it would operate as an objectionable precedent. If this House is going to yield to oppositions of this sort, I think that before long it will find itself confronted with difficulties of a more serious nature. Whether these troubles are occasioned by the non-co-operators or not is a point altogether beside the question. On the merits and on the facts of the case, I think Chirala eminently deserves to be constituted into a municipality. With these remarks I oppose the resolution."

[Quadir Nawaz Khan Sahib] [18th November 1921

Mr. P. SIVA RAO :—" Sir, I rise to support the resolution. The only issue before us is an extremely simple one and it is this: whether the Government would be justified in imposing a form of self-government against the unanimous, persistent and emphatic wishes of the people—emphatic in the sense, I mean, that those wishes have been forcibly demonstrated to us by 15 out of 18 thousands of the population living outside the limits of this village. The other question that arises for our consideration would be whether we can justify the enforcing of a particular constitution upon a village or set of villages by the force of an executive order. These are the only two issues, Sir, to my mind, which are pertinent to this question. Attempts have been made to cloud or obscure the real issues in the case. The name of the non-co-operator has been dragged in. If you want to give him a bad name and then hang him, by all means do so. I am not a non-co-operator. I have been always a loyal co-operator. What has non-co-operation to do in the matter in question? I have taken some trouble to study the history of this question. This notification calling upon the inhabitants of the locality to state their objections, if any, to the formation of a municipality was issued in January 1919. I am speaking subject to correction. Then, with a unanimous voice, the inhabitants of the locality—it is in fact their voice which is to be the determining factor in a matter like this—raised a protest against the formation of their union into a municipality."

The Hon'ble Mr. P. RAMARAYANINGAR (*interrupting*) :—" It is not true, Sir."

Mr. P. SIVA RAO (*continuing*) :—" I said that I was speaking subject to correction. Now, Sir, so far as my information goes and to the best of my knowledge and belief the inhabitants of the locality raised a unanimous protest as soon as they saw the notification which called upon them to show cause against the formation of a municipality. Now, did we ever hear of the non-co-operation trouble in January 1919? As was well pointed out by the honourable seconder, it may be non-compliance with the wishes of the villagers that might have driven them to despair and into non-co-operation. This is another matter. Taking the origin of the whole trouble we see that it did not arise from non-co-operation and I may almost say that the boycott of municipal councils is not a plank in the non-co-operation programme started by Mahatma Ghandi. Did you ever hear, Sir, of non-co-operators petitioning Government or addressing any of the British Indian Legislative Councils for redress of grievances?"

The Hon'ble Mr. P. RAMARAYANINGAR (*interrupting*) :—" May I know, Sir, if Mr. Siva Rao is aware of any petition which the people of Chirala have presented to the Government?"

Mr. P. SIVA RAO (*continuing*) :—" I was told, Sir, that when the Hon'ble the Minister went to that place, some of the people waited a deputation on him."

The Hon'ble Mr. P. RAMARAYANINGAR :—" I ask him, Sir, if he knows of any petition presented to the Government."

Mr. P. SIVA RAO (*continuing*) :—" I heard that various memorials and petitions were presented to the Government.

" The people were never asked about this matter. We shall consider this matter in a dispassionate manner. Before the municipalities are formed the inhabitants of the locality should be consulted and asked to state whether they have any objection. We have long passed the system of

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18th November 1921] [Mr. P. Siva Rao]

patriarchal Government when the Government in their infinite wisdom could say that the people did not know their own interests and that they should protect them on their behalf. It was also said that we must be guided by de mocratic views and this Council was a democratic body. I ask, Sir, whether it is in consonance with real democracy—"

The Hon'ble Mr. P. RAMARAYANINGAR :—" I wish to have a piece of information from the honourable member. Is he proceeding on the assumption that we are going to introduce a municipality in Chirala?"

Mr. P. SIVA RAO :—" It has been introduced and we are now looking into the question whether it should be continued or not.

" Now, Sir, let us consider whether it was a request from the people that the municipality should be introduced. I am asked by some members of this House whether there is any distinct provision that the people should be consulted before a municipality is formed, and whether it was in the present or the old Act. I remember clearly that there is such a provision in the present Act and my recollection is that it was in the old one also. This recommendation for the formation of the municipality has come from an official - the Sanitary Commissioner or the Deputy Sanitary Commissioner. It was not accepted in the year 1915. One honourable member mentioned that the taluk board and the district board members were in favour of it. When the matter was considered by the municipal councillors they expressed their strong view that the municipality should not be continued. I may also state that one missionary gentleman of this Council whose name I do not remember—he cannot be mistaken for a non-co-operator—voted in favour of the abolition of the municipality."

Mr. G. VANDANAM :—" May I ask the honourable member to give me the name of the missionary?"

Mr. P. SIVA RAO :—" I think his name is Mr. Thomas. Does the honourable member want anything more?"

Mr. G. VANDANAM :—" I am satisfied with that information. That will do."

The Hon'ble Mr. P. RAMARAYANINGAR :—" But I am not satisfied with the information. I want to know in what connexion he voted like that."

Mr. P. SIVA RAO :—" My information is not so complete. But the Minister for Local Self-Government is the repository of full information in the matter and I am really unable to satisfy him with all the information he wants."

Rao Sahib U. RAMA RAO :—" That is no point of order at all, Sir."

The Hon'ble the PRESIDENT :—" Before we proceed further, let me explain that the only justification for one honourable member to intervene when another honourable member is speaking is to raise a point of order or to correct some palpable mistake. I have been allowing so far a few questions being put for the purpose of facilitating the course of the debate. But I believe one honourable member on the opposition side has drawn my attention to the circumstance that what the Minister for Local Self-Government wants is information and it is not a point of order. I must point out that the appropriate person to object to being questioned is the honourable member who is questioned. It is open to the honourable member Mr. Siva Rao to say that he prefers to go on with his speech as long as it is in order. He has however voluntarily allowed himself to be questioned and I see no reason to interfere."

Mr. P. Siva Rao :—" The missionary gentleman, Mr. Thomas, expressed his opinion against the formation of the municipality. And then all the councillors resigned by way of protest. Then the Government asked these eleven councillors that resigned their seats to show cause why they should not be superseded because they did not see eye to eye with the Government; they were considered inefficient and incompetent. The council then met again and protested against this action of the Government branding them with inefficiency. A system of dictatorial Government was introduced by the Government. And then a paid chairman was appointed for the council. I would ask the Government whom they are trying to benefit and what is the use of extending the blessings or the advantages of municipality over a depopulated and desolate place where no living soul lives and all of them have fled from the place. Is it any good extending the Municipality Act in cases where the people did not care to have it? The only person who is benefited is the paid chairman who is drawing a fat salary of Rs. 390. Reference has been made to the battle of Kurukshetra. I also have read that and there it is said that King Dharma Raja was mourning for the wholesale destruction and loss of life that took place during the great battle. He was lamenting that he had to rule over a dilapidated area where desolation and destruction prevailed. And I would ask the Minister for Local Self-Government to take the same view and see what is the use of enforcing the Act on a deserted village. I would ask the honourable member to retrace his steps gracefully and to tell the people that they do not deserve a municipality when they do not like it. I strongly support the resolution."

Mr. G. Vandanam :—" Mr. President, I have come from a neighbouring place which is one and a half hours' run by train from Chirala. I can therefore give some first-hand information on the point in issue. I am strongly in favour of giving the people a chance for self-determination, if they wish, in the matter of determining what sort of civic administration they should have. But we must see whether the people are capable of determining what is good and what is bad for them and whether they are in a position to say that such and such a form of administration is good. If this were the case, I would strongly support the claim to self-determination. A municipality was given to them and the chairman expressed his approval. The taluk board recommended the formation and the district board, after mature consideration, sanctioned it because they wanted to relieve the taluk boards of Ongole and Bapatla of the burdens which should ordinarily be borne by a municipal town on its own shoulders. This is a desire which came from the municipalities of the locality and from the taluk board and the district board. I, therefore, cannot understand the argument that the people do not want it. Again the District Collector or the Sub-Collector asked them what form of administration they wanted. They said 'we do not want any form of administration.' May I ask then if they want an anarchical form of administration instead of a municipality or union? In such a case, Sir, the Government ought to tell them what is good for them. The Chirala people have not shown that they have a determination for themselves in anything. Is it the determination of the people of Guntûr or of the Congress Committee? In this case, Sir, it is surely the determination of the Congress Committee, and if that is so, I would oppose the resolution with all the vehemence I can.

" Another thing, Sir, it is said that it is an economic fight. If that were so, the Panchamas who feel the economic pinch most must have fled from the place. To-day you see all the Malas still living there and it cannot therefore be a serious economic question. With regard to Mr. Thomas, I know a good deal about his views. He himself expressed it to me that if other people had not

influenced them, the Chirala people would have been quite satisfied to remain within the municipality. Instead of his views being heard, other people tried to thrust their views upon him. Is this doing justice to Mr. Thomas?

" Therefore, if Mr. Thomas were allowed to express his own views, I know surely he would appreciate if a municipality had been formed in that place, for the mission has been trying to do so much for the inhabitants of the place. It has built a hospital and it maintains an elementary school which, if circumstances permit, will be raised to a secondary school and it would like to have a municipality constituted there under the best of sanitary conditions. Again it was said that many people had left Chirala. Sir, there are some people in the world who must be helped against their enemies; there are others who must be helped against their friends and there are still others who should be helped against themselves. The Chirala people are among those who need to be helped against themselves. They do not know what is good for themselves. On account of their ignorance they gave us plague and we, at Ongole, had to leave the place and live outside Ongole for several months. The people like children do not know what is good for themselves and nobody can help those who cannot help themselves. Mr. Balaji Rao Nayudu suggests a compromise and says that if these people were to come to the Hon'ble the Minister and come to an agreement, it would be a good thing. Some time back I had an occasion to write a long letter to the Hon'ble the Minister requesting him to remove the grievances of the people and he very kindly volunteered to do so and requested the people to come to him. But then there was a telegram from the members of the Congress Committee to the people of Chirala saying: 'What is the use of determining your fate at the hands of the Minister? Do you recognize the authority of Government? Why do you go to him?' As a result all these people withheld from making any representations to the Hon'ble the Minister. I again requested him to lighten the burdens of the administration. He said: 'If the people of Chirala were fighting only for justice, if they wanted only economic relief, I am here to do anything for them. I shall request the president of the district or the taluk board to lighten the burdens of the people and I shall allow them to reduce their establishment to any extent. If they are fighting only for a name, whether it should be a municipality or a union, I should be the last person to treat with them. If it is a question of money, I am here to help them.' I ask, Sir, how can the Hon'ble the Minister go further? He said that he would meet them more than half-way. The Chirala people could have got relief if they had chosen to seek it at the hands of the Government. Again supposing they were given a union administration, where is the chance of their self-determination? The district board would collect their taxes. The people would not get relief that way from taxation. The relief is in their own hands; the chairman can remit any amount of taxation. If the fight were only an economic one, if it were only a fight for relief from distress, there are people who could help them in the struggle. They are going against the very principle of self-determination. They lost all chances of determining for themselves what sort, what amount of taxation they should be called upon to pay, when they refused a municipality. If it was only a question of giving relief, who would be more interested in it than the people of the district? I may inform the House that if Chirala were a municipality it would be one of the most beautiful towns; and if it is worked on sanitary lines, it would have every chance of becoming the summer resort of the district. From the record of daily temperature during summer it will be found that Guntûr is the leading town for temperature as well as everything else and many of us therefore go to spend our summer at Chirala. If the town were kept in a sanitary condition,

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how much more chances there would be for people to settle down there and improve the conditions of the town. So, it is to the interest of Chirala and to the interest of the people that the Government should be requested to retain and not remove the municipality."

Mr. A. T. PALMER :—" Mr. President, during the course of this debate one question has been raised involving an important principle, whether the Government can force on the people even a good thing and that question has been very well answered by my honourable friend, Mr. Vandanam. I was going to ask my honourable friend, Mr. Seshagiri Rao, what he would do if his little girl refused to put on a new dress."

Diwan Bahadur D. SESHAGIRI RAO PANTULU :—" If I treat my little girl as a little girl, I would force on her the new dress. Our contention is that our people are not children and we are for their exercising the powers of election."

Mr. A. T. PALMER :—" There are people, and people Sir, as Mr. Vandanam very correctly explained. There are people who know to determine for themselves and there are others who for instance do not know the value of a municipality. People in Chirala are especially people who are very good ; at the same time they are ignorant of anything good. I am acquainted with Chirala for the last 30 years ; I know Chirala when there was no railway there, when there was as now the hum of the warp and the woof everywhere. It is a beautiful town as Mr. Vandanam has said and a happy atmosphere seems to pervade the place. Under these circumstances I believe that the Government will do well to continue the policy which they have adopted. I have been asking my friends here to advise me on this point and I thought over it much. It is a very important question as it has become I think a question of world-wide fame and a great deal depends upon the right solution of it. It is not the prestige of the Government but it is the discipline of the Government that is involved here. My friend Mr. Siva Rao asked very seriously what would the chairman do in a desolate town. The chairman for the sake of discipline will sit and eat till the people come back. There were occasions in my school when there were no boys but more benches. I asked the teachers for the sake of discipline to sit there till the boys came back and it worked very well. So I would under the circumstances oppose the resolution."

The Hon'ble Mr. P. RAMARAYANINGAR :—" Mr. President, Sir, I am glad that this resolution has after all been taken for discussion. I really welcome the opportunity afforded to me to place before the honourable members of the House the Government view point regarding the unfortunate state of affairs at Chirala. Honourable members might be aware that for the past some time Chirala if not the whole of the Guntur district has been a fruitful field for exploitation by the non-co-operators. A situation as awkward as it is unwarranted has been created in connexion with the municipal administration of Chirala. Who brought about this state of affairs ? In spite of what the honourable mover has asserted, I have not the shadow of doubt that it is all due to the activities of the political agitators. Sir, the agitation over the question of Chirala municipality has raised a great deal of dust, no wonder if the vision of even the clear-sighted is clouded. Were it not so I am sure this resolution would not have been tabled for debate in this Council.

" Sir, with your permission I shall explain to the honourable members of the House what really happened in connexion with the administration of this municipality. My honourable friends Messrs. Yatirajulu Nayudu and Abdur Rahman Sahib, both coming from Guntur district, one the President of the District Board of Guntur and the other a president of a taluk board of Guntur, have placed

before the Council a lucid statement of facts. Sir, Chirala is one of the most important towns not only in the district of Guntur, but in the whole Presidency. It has thriving industries, the industries of weaving and dyeing. It is also a place of considerable commercial importance. In fact, the town of Chirala is not as represented by the honourable mover less important or less populous than Bapatla or Ponnur. The population of Bapatla is about 10,000 and odd and of Ponnur 8,000 and odd, whereas the population of Chirala is 15,325. That it is so can be easily verified by a reference to the latest census report. Sir, the town of Chirala is larger and more important than many of the existing municipalities and has all the urban characteristics. It pre-eminently deserves to be a municipality. Notwithstanding this, it continued to be a union. Why ? I dare say it is because of the wire-pulling of the wealthy merchants of the place. They feared that if the town was converted into a municipality they would have to pay more in the shape of property and profession tax. That is the real fact and that is partly responsible for the *impasse*. The non-co-operators taking advantage of the fact entered into an unholy alliance with the wealthy merchants at Chirala and brought about the regrettable state of affairs.

" Sir, the question of the municipalisation of Chirala was for the first time brought before the Government as early as 1914. Towards the beginning of that year plague of a virulent type broke out at Chirala and the Deputy Sanitary Commissioner who visited the town recommended that the place should be converted into a municipality. The Government however on consulting the district board declined to convert the union into a municipality because the move came from the Sanitary Commissioner, and not from the people themselves. But later on in 1918 the chairman of the union moved in the matter. He sent up

1-30 p.m. a formal proposal to convert the union into a municipality. The proposal was discussed in the taluk board and the taluk board passed a unanimous resolution to the effect that the place should be converted into a municipality. Just at that stage the wealthy merchants who were all the while before trying to avoid the municipalisation of the town raised objections. Thereupon the taluk board reconsidered the whole question in the light of the objections raised by these merchants and came to the conclusion that it was absolutely necessary to convert the place into a municipality. Then the question was taken up by the district board and that board too by a unanimous resolution advocated the conversion of the union into a municipality. It was suggested by the honourable mover that the district board passed this resolution influenced by the union chairman who wanted to become the chairman of the municipality. I am afraid, Sir, the suggestion is to say the least fanciful. The district board was then presided over not by a non-official chairman but by the District Collector. I cannot for one moment believe that the District Collector was influenced by this union chairman. In these circumstances when the matter went up before the Government they had to accept the proposal. The union proposed the conversion, the taluk board and the district board agreed to the proposal. They gave valid reasons why the union should be converted into a municipality. The Government thereupon issued a notification that the place would be converted into a municipality ; no doubt a few people objected. But their objection was, as I stated before, due to the wire-pulling of the wealthy merchants who were afraid that if the place had been converted into a municipality they would have to pay more taxes. The Government, after considering the objections decided to convert the place into a municipality and the place was accordingly constituted into a municipality in 1919. The municipality worked well for nearly a year. But

after the advent of the so-called non-violent non-co-operation movement, troubles began. These non-co-operators went about the town preaching that medical relief, education, sanitation, etc., were all tainted because they had been initiated by the Government—the Government itself being Satanic in nature. They advised the people of Chirala that they should not have these measures. As my honourable friends Messrs. Yatirajulu Nayudu and Munshi Muhammad Abdur Rahman Sahib pointed out, these non co-operators told the people that they needed no sanitation, no medical relief, because they had pigs for scavenging, a porous soil for drainage and surface current of water for protected supply of water and open air for medical treatment and some of the people believed that they had all these facilities and that there was no necessity for paying taxes. They easily fell in with the views of the non-co-operators. No doubt there were some people who thought that, in spite of what the non-co-operators preached, they needed a municipality. But they could not assert themselves because most of them happened to be debtors of the money-lenders of Chirala: so much so that by about September 1920 there was almost a deadlock in the municipal administration, as many as ten councillors having resigned. In some cases however the resignations were the result of coercion. I have recorded evidence to that affect. As soon as I took charge of the Local Self-Government portfolio, I visited the place, met many of the rate-payers and explained to them that after all a municipality, particularly under the new District Municipalities Act of 1920 was not so harassing as they imagined it to be. I explained to them that under the new Acts, the Local Boards Act and the Municipailties Act, a municipality was a decided advantage over a union. I told them that a union would be more or less an agent of the district board whereas a municipality would be a self-governing institution and that in the latter case the ratepayers elected their representatives to form the municipal council. In the case of a municipality it is left to the discretion of the people's representatives to tax themselves more or less, whereas in the case of a union that discretion is not given them. Besides the local needs of a municipality have preferential claims on the provincial finance as against those of union. I also pointed out that if the place was municipalised the conditions of the place would improve, the value of the landed property would rise and the rise in the value of the house property would more than compensate any excess taxes they might have to pay. Most of the people appeared to be convinced, but they could not assert themselves against their rich neighbours. Some of them told me that they were afraid to go against the wishes of the Vaisya merchants of the place from whom they had to take advances for purchasing yarn and dyeing materials. In the circumstances pointed out by them, I could not ask them to assert themselves against their money-lenders. It was a responsibility which I thought I could not take. This, Sir, was the state of affairs when I visited Chirala.

"Later on there was a complete paralysis of municipal administration. The municipality had therefore to be superseded and a paid chairman appointed by the Government. As soon as this was done the merchants of the place and the local non-co-operators co-operating together brought about the segregation in sheds. They induced the people to live outside the town limits. Of course the merchants by living outside the town limits could escape profession tax. The poorer people were induced to leave the town by payment of money. I understand that Congress funds are being liberally used in paying these people and that sometimes gentlemen interested in the non-co-operation movement are also distributing presents to these peoples to keep up the fight. No doubt people suffer by living in sheds. I sympathize with them in their sufferings. But the Government are not responsible for the suffering. Question has been raised by my honourable friend

Diwan Bahadur D. Seshagiri Rao Pantulu, the nominated president of the Gōdāvari District Board as to why a municipality should be inflicted upon an unwilling people. I quite appreciate my friend's liberal spirit which I dare say he will bring into evidence in his administration of the district board. But the question he puts does not really arise. It is based on two assumptions. The first assumption is that the Government are introducing a municipality where there was none before. That is not true. The second assumption is that the people are unwilling. Some people may be unwilling but most of them have no freewill to express. They are between intimidation and bribery. The demonstration against the municipality is a got up one. The people are not allowed to express their freewill. Thus the second assumption too is wrong. If the people really want a change in the existing order of things they have to make out a case for the change. The onus to make out a case for the conversion of the municipality is on the people if they want such conversion. So far they have not made out a case.

"Sir, the case of Repalle was cited in the course of the debate. If anything, the citation of that case only goes to prove the bona fides of the Government. There the people were able to convince the Government that there was no case for the continuation of the municipality. When I looked into the matter, I found that the place was constituted into a municipality in anticipation of the location of a district munsif's court in Repalle but for some reason or other the munsif's court was not located there and the place has not changed its rural character on account of the municipal administration. For these reasons without caring for the so-called prestige Government agreed to the substitution of the municipality for a union.

"Further, it was urged that under municipal administration people would have to pay more in the shape of taxes. But it is not a fact. Under the new District Municipalities Act, they need not pay any particular standard of taxes. It is open to the representatives of the Council either to reduce or to raise taxes. But on the other hand in the case of unions, the rates have to be fixed by the district board. The municipality therefore sits much lighter upon the people than the union. In these circumstances, their fears that they would have to pay more in the shape of taxes under a municipality are not well founded. Tha objection on this account fails. Sir, for these reasons I cannot accept the resolution.

The Council then adjourned for lunch at 1-45 p.m.

The Council re-assembled after lunch at 2-30 p.m.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I rise to make a few remarks on this question. This has raised an unfortunate controversy in this province and I join with the Hon'ble the Minister that this subject should have received such attention that it has. It has been the subject of controversy in the papers, and it has also attracted a certain amount of attention elsewhere. The discussion on the subject here has been thorough. And considering the fact that there are many honourable members who have the welfare of self-governing institutions at their heart it is not surprising that so many honourable members should have expressed their views. That is certainly a reason why I venture to make a few remarks even though I am not able to see eye to eye with many of those who have opposed this resolution. We can certainly differ in a matter as to what should be the policy of the Government in a situation as this and without approving of the activities of non-co-operators and without at the same time disapproving of anything done either by the Hon'ble Minister or the Department of Local Self-Government. Therefore, Sir, I consider that in this matter if any honourable member wishes to express his views it is certainly from a desire to

place his experience at the disposal of this Council and what he considers should be the policy of the Government in a situation such as this. Every honourable member thought that the question should be decided on the broad fact as to whether Chirala should be a municipality or not. In my opinion, Sir, that is not the question under consideration. That was decided some time ago. I am certainly in agreement with certain honourable members when they said that nobody is anxious to pay taxes. It is well-known that nobody is willing to pay municipal taxes. At the same time the point we have to consider is, having taken the step the Government have taken, what is the course open to the Government now? The honourable members, Mr. Vandanam and Mr. Palmer who live in the neighbourhood of Chirala, have expressed their views on the question very clearly. Mr. Vandanam has no objection to self-determination, but maintains that in this case it was the determination of the Congress Committee; he would however have in this matter the self-determination of the Minister. My friend Mr. Palmer who enlivens the proceedings of this Council with wit and humour has said that the situation has arisen out of the obstinacy of the people of Chirala. And Mr. Palmer advises the Minister that he should be more obstinate than the people of Chirala.

"It seems to me altogether unnecessary to cover the whole ground taken in the course of the debate. I am willing to take the broad facts from Mr. Venkatasubba Rao who seconded the resolution and who assured the Council that the people have genuine grievances. There are difficulties in constituting municipalities newly cut of unions. Generally the assessments by the officials, or the official chairman are somewhat unduly high. The officials in the first stage of the municipalities are not over-considerate. Therefore, if a municipality is unpopular at its inception, there is absolutely no reason for any surprise. In the case of Chirala that was so from the beginning. The intervention of the non-co-operators did come only at a later stage. It has been attempted by more than one member to bring in the question of non-co-operation. But in the whole question, the only proper position will be the one taken by Mr. T. C. Tangavelu Pillai, that we should not consider that everything was due to non-co-operators. I think we must brush aside all that has been said on that score. I regret that outside people should intervene, if that be the case. The Minister himself has found the situation to be intolerable. He was forced to supersede this municipality, and there is no municipal council now sitting. I should like to know—and that is a thing which will determine my attitude—what is to be done at the end of the official year? The municipality has been superseded so to say. The Minister has to reconstitute it at the end of the year. So far as I can see, the successful working of a municipality depends on the co-operation of the people. After all the prosecutions, after all the agitation that has taken place, after all the bitterness that has been caused, I would seriously ask the Hon'ble the Minister whether there is the slightest chance of an elected council working in Chirala after the 31st of March 1922. Knowing human nature as I do, I feel very strongly that on account of the atmosphere that has been created, I am certain that it is impossible for any elected council coming into existence at Chirala for the next few years. I am sure even if the privilege of elected council is conferred on it nobody will stand for election. Even if anybody comes forward, on account of the feeling in the place, he will be boycotted. I am certain there can be no elected council, and I am equally certain that the success of the Chirala municipality depends upon its elected representatives. If there is to be paid nominated chairman and a nominated council would they be in the slightest degree prepared to impose taxation against the wishes of the whole people?"

The Hon'ble Rao Bahadur A. P. Patro interrupted and spoke something.

Diwan Bahadur M. Ramachandra Rao Pantulu:—"Very well, Sir, my honourable friend, Mr. Patro, himself was a municipal chairman. I am not bound to reply to his interruption. It seems to me that I never expected my honourable friend to be so simple as to assume that an elected council would come into existence after a few years of agitation, after what they consider to be a persecution by the Government. If so he is a very optimistic person; I wish his optimism may be justified. I am somewhat pessimistic, and I have reasons for pessimism in this matter. That is the determining factor so far as I can see. There can be no elected council, and a nominated council will be without any influence. A paid chairman, or a nominated non-official chairman would be equally unsuccessful. In these circumstances it seems to me that the only obvious course is to reconsider the matter and to constitute Chirala as a union. If a union is not successful—it may also be a contingency—the Minister himself will have to see what could be done in the matter. I do not know whether in these circumstances even a union would be a successful affair; such a situation has been now created. So far as I can see as no elected council can succeed, I do not think I have any other alternative than to vote in favour of the abolition of the municipal council.

"I have only one word. Much has been made of the fact that the abolition would affect the future progress of local self-government. Whatever be the reason, the Hon'ble the Minister has abolished the neighbouring municipality. Has it in the slightest decree upset the arrangements for the progress of local self-government? I may assure the Council that I have been connected with local self-government institutions for years. I must say that the situation is not so hopeless that as soon as the municipality of Chirala is abolished all other municipal councils and unions are going to withdraw from the path of local self-government. I am not at all unhopeful that this example will stand by itself.

"On these broad grounds that the situation that is likely to arise cannot satisfactorily be dealt with I propose to vote for this motion. In doing so, I again say that I do think that it can have no evil consequence on the progress of local self-government which both those who support this motion and those who oppose it have at heart."

The Hon'ble Rao Bahadur A. P. Patro:—"Sir, Mr. Ramachandra Rao in his usual way of trying to avoid difficulties, and raising a difficulty where it does not exist (laughter), raised in this matter, an appeal, which I am going to reply to in my own way. He said, that I am very optimistic in thinking that after a certain time this municipality could be reconstituted. I happen to know the facts of this case a little because a few months back three of the Chirala people headed by a pleader of Bapatla came to meet me. One of them is Mr. Utukuri Gopalakrishnayya, a Bania gentleman of considerable wealth and influence. My friend Mr. Ramalingam Chettiyar was also present at the time when they came with their petition. I listened to the whole case, noted down in their presence what the actual condition of things was and the statement was again read out to them. We both came to the conclusion that it is not the question that they do feel that the taxes are heavy, it is not a question that they do not want a municipality, but it is a question of personal prestige. The grievance that they emphasised before us was that there was a union chairman, a Komati gentleman, for six years continuously. During that time all the Komati gentlemen were working in union with him. Soon after an outsider who happened to be an agent of some kerosene-oil company was appointed as union chairman, the friction began between him and the Komati, and thus naturally, there were

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two parties, one that supported the newly appointed union chairman and the other that supported the Komati gentleman. The Komati gentleman's cause was taken up by these Bapatla pleaders and the struggle went on till this unfortunate municipality came into existence. If one is appointed the chairman of a municipality he would like to run the whole municipality by one's friends, either nominated or elected. Certainly, Sir, this is the experience of many people. In the light of all these facts, I leave it to the members of this Council to consider what the origin of the whole quarrel in connexion with the Chirala municipality is. It is not that the taxes are heavy. It is not that Chirala town is unsuited for a municipality. But the whole genesis is that certain people in Chirala town were accustomed to have their own way headed by a member of their own community. When an outsider was brought in as a union chairman, quarrels and misunderstandings began. The influence of the wealthy citizens of Chirala began to assert against the other persons whom they considered nobodies. They say 'we are the tax-payers; we have got rights in the union; we are to bear the burdens but only sit quiet when an outsider, a kerosene-oil agent is brought in to manage the affairs of the union.' That is the whole problem. Therefore, if to-day you leave the municipality in charge of this Utukuri Gopalakrishnayya Garu as a party man, there will be no question whatever as to whether the municipality could be run or not.

"As Mr. Ramachandra Rao appealed to experience, I may give an instance in my own district. The Berhampur municipality was notorious for the epidemics of cholera and smallpox for their periodical visitations. People used to spend large sums of money for the propitiation of the goddess of cholera and smallpox. Every year festivals used to be held and sacrifices offered; the problem was intended to be solved by introducing protected water-supply and a tax was proposed to be levied by my late lamented friend Mr. Raghava Rao Pantulu. We were his lieutenants; we supported him and said that we must have water-supply. And would you believe it? All the wealthy tax-payers held meetings in every ward, sent protests, waited on the Collector in deputations and sent a deputation to the Government to represent to them that the whole town would be ruined if a system of protected water-supply was allowed to the Berhampur municipality and tax levied for the purpose. The result of that was that their protests were not listened to and we are now living in the happy condition of being free from smallpox and cholera, for the last twelve years. The very wealthy gentlemen, the very persons who protested against are now paying their taxes readily and municipal councillors are giving supplies to their houses. They are paying even a high rate, for when I was in charge of the municipality I levied a very high rate under instructions. They are paying that high rate as my friend the then vice-chairman would testify. In spite of the heavy rate imposed by me those very persons who protested against the introduction of the protected water-supply and the levy of water-tax are now taking water to their houses. Therefore, Sir, from my experience I am very optimistic in this matter of municipal affairs provided the factious spirit is put down. If the factious spirit is fanned by one person or another, whether they are extremists or moderates, whoever they may be, and if they begin to fan the fire, then there will be fire burning in spite of ourselves. But if we take strong steps in order to tell the people that this is to their own interests and if we impress upon them the necessity of the purpose we ha e in view, then surely the citizens are not so unreasonable, provided extraneous influence is excluded from them."

Mr. S. Srinivasa Ayyangar:—"Mr. President, after the able and exhaustive speech in which the mover moved the resolution, after the telling points which Mr. Venkatasubba Rao made and after the succinct and lucid statement made by

Mr. Seshagiri Rao, it is idle for me to occupy the time of the House by a lengthy statement of my own. I had the advantage of visiting Chirala, but I saw an empty town; and when I had been to the new city, I myself felt the suffering of the people. I felt that non-co-operators or co-operators they are people that deserved to be helped by all right-minded people, whatever the colour of their politics may be. I know perfectly well that it is impossible in these days that municipalities, local boards or legislative councils can be run without some amount of political feeling here and there. It is idle to say that there is no non-co-operation in Chirala. I dare say there is. But the question is whether this movement against the municipality was inspired or maintained by non-co-operation, or whether it was so inspired or maintained owing to a treatment that was different from that which this resolution seeks at the hands of this House. I know perfectly well that the objection to this municipality arose long before non-co-operation was adopted in that part of the Andhra country. Secondly, I know perfectly well that they exhausted all the usual expedients of agitation against the establishment of this municipality and if I remember aright, when I was there they told me that they saw the Hon'ble Mr. Habib-ul-lah. I do not know whether they were right or wrong but they said that a deputation waited on him."

The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur:—"Probably a reference is being made to the time, Sir, when I was a temporary Member of the Council in the year 1919, but that was not recently."

Mr. S. Srinivasa Ayyangar:—"I know that they exhausted all the usual expedients. I was not interested in seeing anything there except what the real heart of the people was. I was startled, I was astonished to find the place emptying itself, the people going out of the city and building for themselves another, a palmyra city. I think, the state of things must have been very desperate indeed for people like the Hindus to leave their city. I also heard that even women in confinement left it and that there were one or two deaths on this account. That they should all go and live outside was so astonishing that I wanted to study this phenomenon; and when I went there I became convinced that their grievances were as stated by the mover. It is their case that there is no necessity for this municipal form of self-government and that they are quite content with having a union. I can only say this, that they have come to me and other members of the Legislative Council and represented their case. They are not non-co-operators in the sense that they do not want assistance from the members of the Legislative Council, nor in the sense that they do not want a union there. They do want a union instead of the municipality. That is all that I am going to say upon that topic and nothing more. I am not going into the merits of this question at all.

"I want only to deal with this point. What use is there in our trying to establish a municipality against the will of the people? Reference was made by speaker after speaker to the fact that the people's representatives had expressed their opinion the other way. No such thing happened. I think, it was the nominated members that said that they wanted a municipality, or some other bodies might have said that but not the newly constituted municipality. On the contrary member after member resigned. That itself shows that the municipal council was not functioning properly. If under the new constitution this municipal council did not function properly, why was it? It was a new and acute problem of the new democracy which presented itself to the Ministry of Local Self-Government under the responsible scheme of things, under the new dispensation, for solution. How did the Ministry of Local Self-Government deal with this new problem of this new democracy? It dealt with it, I say, in a way which

appears to me to be lacking in elementary justice. Their whole answer appears to be this :—'These Chirala people belong to a different polilitical party, or they are influenced by a different political party, namely the party called non-co-operators. Therefore we shall not listen to their voice.' The Repalle people were treated differently, and I do not know why. 'These Chirala people belong to a political party called the party of non-cooperators whom we do not like and therefore we are not going to listen to them.' That seems to be the sum and substance of the Government attitude. If that is the principle which is going to find acceptance in this House, I have not the slightest hesitation in saying that it is certainly not the new principle of democracy which I can support. I take it that in a matter of Local Self-Government, what we want is the will of the people of the locality. You cannot work it, as Mr. Siva Rao pointedly stated, without the co-operation of the people of the locality. The Hon'ble Mr. Patro said that he was very optimistic as to the future working of the municipality. I dare say that even after Mr. Gopalakrishnayya has been in jail for a number of weeks, this kind of thing goes on still in Chirala, and I think it will survive the so-called leaders of the non-co-operation movement in that particular area. They have no particular faith in the solution which Mr. Patro and his friends the other Ministers are attempting. I think myself that there is much truth in what Mr. Venkatasubba Rao has stated that there is a real grievance, that the people feel that there is a real grievance and that they have adopted a method undoubtedly very nearly akin to non-co-operation. I do not think they have adopted any unlawful method by abandoning their houses and going and settling down elsewhere. I do not know that they had any thing to do with cases of civil disobedience. But certainly you cannot say that the people, when they want to protest against a municipality, are not to be at liberty to evacuate their houses and to show to the Government that their feeling is very strong on the matter. I cannot regard that as anything other than a constitutional form of expressing opinion. Instances of that sort of thing are happening every day in the United Kingdom, and only the other day such a thing happened. Therefore, there is nothing new in this kind of protest, and I am not therefore frightened by the speech of the Hon'ble the Minister for Local Self-Government.

"The real question comes to this : Have you really got a municipality there? You have not got a municipality. You have superseded the municipal council and appointed a paid chairman. Is there a justification for working the District Municipalities Act in this place without an elected municipal council? You cannot have an apology for a municipality. If you cannot really have an elected council, if you find that you can get a municipal council, there is time enough to notify afresh that there shall be a municipality in the place. But when you cannot run municipal institutions on an elective basis, I say you should not have a municipality. That is the short ground upon which I maintain that this resolution should be accepted.

"If the Hon'ble the Minister during his tour in that part of the country has not been able by his eloquence to persuade the people of Chirala to go back to the town and to pay the municipal taxes and to accept the new dispensation, what then, it shows that he must give way. I do not agree with his statement that they are obstinate and that they defy us and that therefore we must teach them a lesson—for that is practically what the words used by him amount to. That is not the principle of democracy. I am wholly against it and I do think so, though I feel very much that this House is not likely to support my view at all on this matter. I feel very much that the view which is taken by the majority of the House is not the view of the real democracy for which I stand.

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That democracy for which I stand is a well-ordered and stable democracy, but that democracy will give more weight . . ."

The Hon'ble Rao Bahadur A. P. PATRO (*interrupting*) :—"I rise to a point of order, Sir. Are we to have an exhortation on democracy?"

Mr. S. SRINIVASA AYYANGAR (*continuing*) :—"It was necessary, Sir, for the purpose of showing that the principle of Local Self-Government under the responsible Government was violated. My point is that unless you can have really a Local Self-Government such as is acceptable to the people of the locality, you cannot have a mere formal municipality, a legal fiction of a municipality with a paid chairman, a municipality with no flesh and blood. That is the kind of municipality that we have had. Therefore, I heartily support this resolution and I once again appeal to those who have been in the neighbourhood and to those who have read about it in the newspapers that they will give this resolution their revised consideration and believe with me that the sufferings of the vast majority of the people of Chirala which I have witnessed are real, are genuine, are deep and the fact that they have for a long number of months suffered like this shows that this is not due to the instigation of this man or that particular person. It shows that the people who have left their well-built houses and gone under palmyra trees, which is again a test, have perfect faith in the cause they have got, and from the point of view of those who are opposed to non-co-operation, from their point of view and from other points of view, I should imagine that the solution really is to remove the grievances if you want to get rid of non-co-operation. The solution is not to keep the grievances and then merely to attack non-co-operation. You must treat the real root of the evil and not the symptoms."

Mr. O. TANIKACHALA CHETTIYAR :—"Mr. President, Sir, to begin with, I might say that I had no particular information or views regarding this question when the proposition was moved. But since the proposition has been moved, I have studied papers which have been circulated as containing the case of those who moved the resolution, and I have also seen two papers published in May and June last by the Publicity Bureau giving information. But more than these papers, I have had the advantage of listening to people who come from that part of the country, who have given us the benefit of their personal knowledge, of their experience of the people, of the mischiefs that have been done by outsiders coming there, not to trade in that trade emporium, but to instil the people with poisonous ideas of non-co-operation. Sir, so far as this resolution is concerned, it is moved by a gentleman who does not belong to that country but to Coimbatore which is a health resort, free from the heat of Guntur. No doubt, it has been seconded by Mr. Venkatasubba Rao, who, I believe, wishes to have the state of things that existed there forty years ago but who went to England and other foreign countries and has seen a good deal of the world."

Mr. P. VENKATASUBBA RAO (*interrupting*) :—"May I say, Sir, that I returned four years ago?"

Mr. O. TANIKACHALA CHETTIYAR (*continuing*) :—"I did not say, 'returned only now.'

"But in regard to others who have spoken there are gentlemen who come from that place, the president of the district board, the president of the taluk board, members who lived there, who were born there, who received education and who give education there such as my friends, Mr. Palmer and Mr. Vandanam. All of them coming from that place have spoken with one chorus of disapproval of the resolution before the House.

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"Now, coming to the remarks from the opposition benches, some of them, presidents of district boards, have all appealed for self-determination by the people. No doubt self-determination is to be given if they are capable of determining things for themselves (cheers), if determination had not been made for them by congress speakers and among others by my friend Mr. S. Srinivasa Ayyangar coming from Madras with a thousand rupees in his pocket for the benefit of those people, with every sympathy for their activities. Then, I say it is not self-determination. It is determination by others which ought not to be allowed.

"So far as the question of a municipality for this place is concerned, it has been proved and admitted by people who have spoken with knowledge that this question has been engaging the attention of the Government from the year 1914, and after various vicissitudes in which all the arguments *pro* and *contra* were considered, the decision was come to, not by the present Government, consisting of the 'Justice' party, not by the Ministers luckily, for they have to bear all the attacks which are levelled against the 'Justice' party, but it was come to—if I may be pardoned, Sir, for making a reference to you—by you when you were the member in charge of the portfolio for Local and Municipal Department just before the new dispensation came into birth. So my opposition friends need not entertain the idea that the subject had not received the consideration which it may be expected not to receive at the hands of the non-Brahman or 'Justice' party Ministers. It received consideration at the hands of one who enjoys the confidence of all parties alike (applause). So it has been accepted as a *fait accomplii* from the year 1919 but it was only in September 1920 that this agitation has been started.

"In the paper which I have seen in the hands of my friends, Mr. Siva Rao and Mr. Srinivasa Ayyangar, I find it stated that the councillors resigned their seats in the Council in obedience to the country's call. May I inquire how the country's call was communicated to these councillors to resign their seats? May I point out that the common belief, which has not been contradicted, is that the call to resign came through the wells of their houses being defiled, through barbers and washermen who refused to shave and wash for them, through abuse and insults to which they were subjected when they went along the streets, through donkeys which were paraded along the streets with placards round their necks containing the names of the councillors? Is this the way in which the country's call is communicated to councillors (laughter)?

"No doubt, Mr. Ramachandra Rao said that for two years more, if this decision was adhered to and the municipality was not replaced by a union, there would be no men coming forward to work as councillors. Of course no men will come forward if they are to be likened to donkeys, if they are subjected to these indignities.

"My friend, Mr. Ramachandra Rao, has also said that it is not the question whether it is to be a municipality or not, but the real question is whether against the wishes of the people you are going to inflict a municipality. If Repalle municipality has been cancelled on a consideration of the facts, it is so much to the credit of the Minister, and it shows that he considered all the facts of the case on its merits. Further, if on the merits of this case he was satisfied that he need not interfere with what his predecessor in office had done it is his duty to uphold the decision that Chirala shall continue to be a municipality. It is not as if the Hon'ble Minister is passing an order constituting Chirala into a municipality but whether the conditions and circumstances demand that his predecessor's decision

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shall be reversed. In the paper in my hand, it is said that the land-tax in Chirala is Rs. 5,000. My friend Mr. Ethirajulu Nayudu, who as president of the district board has complete information, has said that the toll recovered is about Rs. 10,000. If the land-tax is Rs. 5,000 and the toll recovered is Rs. 10,000 it shows that vast numbers of people come into the town in carts laden with goods. Then are not these people who pay this enormous amount of tolls entitled to say that they require protection from various diseases arising from insanitary and bad conditions in that place? I ask, is that not one conclusive argument that there should be a municipality?

"Another thing which has been said is that Chirala is a great emporium of trade and that merchants who do large business and command influence come from all parts of the country, even from Bombay and Poona. When people come there to carry on business transactions, are they not entitled to the protection which any civilized Government could give, namely proper drainage, good sanitation, etc., during the time they remain there to transact business? Would the people of Chirala be entitled to say that they would go to that state of things which my honourable friend Mr. Muttayya Chettiyar once said prevailed in a certain place. A resident of that place was asked: 'Is there a doctor in your place?'; the reply was 'Oh, no! We all die a natural death.' Can we allow this state of things to establish itself there, that nature will take care of people's health and that sewage water will go underground, it being sandy soil and that no drains are required. A responsible Government, as my friend Mr. Vandanam has said, is bound to look after the people against themselves. But now it is looked after by non-co-operators.

"My friends have been very vehement in repudiating the idea that non-co-operators have had anything to do with this and that non-co-operation came into existence only recently and that the discontent in Chirala existed for a much longer time. Non-co-operation is the name under which the spirit of rebellion against duly constituted authority has been masquerading through the country, only from 1919 or 1920. But that spirit has been there long before 1919 and 1920 and it has been stalking through the country in the name of *Satyagraha* and 'passive resistance.' Passive resistance and *Satyagraha* have found adherents in the Andradesa long before 1919. If information or authority is wanted, you will please look into the columns of the *Hindu* of last night in the leader on the visit of His Royal Highness the Prince of Wales where it is stated that non-co-operation has been in this country from 1918. Therefore, merely because some of my friends, like Mr. Thangavelu Pillai, have said that 'non-co-operation' is not the cause, it does not follow that the spirit of revolt against constituted authority whether you call it *Satyagraha* or passive resistance, or non-co-operation was not at the bottom of this agitation. Even such a spirit perhaps recognized the order passed by you, Sir, as Member in charge of Local Self-Government in November 1919 and was quiet till the Ministers had been safely installed in their offices and the agitation was commenced in September 1920 so that they might be worried and subjected to pin-pricks. If Repalle has its municipality taken away, it was on a consideration of the merits of its case. Merely because the people of Chirala are prepared to undergo any sufferings to get the municipality cancelled, would the Minister be justified in cancelling this municipality? To-day if it is cancelled, to-morrow various other municipalities might rear up their heads and say, 'very well, we don't want a municipality.'

"So far as municipalities are concerned, they meet the expenses of their sanitation, health and drainage from their own pockets, but if it is to be

maintained as a union it means its expenses have to be borne by the taluk board or the district board. These are some of the facts which I beg to place before the House, and I beg that without being misled by any consideration of the fact that non-co-operation came in only last year and that this spirit of revolt against Chirala municipality has been abroad for a long time you will not be persuaded to vote for this resolution and that the House would unhesitatingly reject it."

3-15 p.m.

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" Mr. President, I beg to associate myself with my friend Mr. Ramachandra Rao in the remarks which he has made as to the attitude which has to be taken in considering the resolution which is now before the House. Before I proceed to state my remarks upon this question, let me remind the House of certain facts as they have been elicited or brought out in the course of this discussion. We find, Sir, that there was a Chirala union which was composed of five villages or places. Those are Chirala, Veeraraghavapatta, Jandrapetta, Peddachirala and Perala, and we find that at least two of these places, viz., Jandrapetta and Peddachirala, have been excluded from the present municipality. The honourable mover of this resolution laid stress upon that fact, and I did not understand my hon'ble friend, the Minister for Local Self-Government, contradicting that fact. Now, if these places were found necessary to constitute a union, one would have thought that the necessity would have been even greater when a municipality is sought to be instituted. And why it is that these two places have been removed, and what considerations had been brought to bear upon those who are responsible for fixing the limits of this municipality for the purpose of excluding them from the municipality, we have not been given to understand.

" Then, Sir, there is the fact that there are at least 13,000 persons who have evacuated this place because of the institution of this municipality, and 13,000 out of a total population of 15,000 or 18,000, as you please.

" The third fact, Sir, which has been elicited is that it is the Vysias that are at the head of this movement. If there is one community in the Madras Presidency which can be given credit for taking care of its own interests, for hard-headedness, for a meticulous regard for rupees, annas and pies, it is the Vysia community and it must be something very extraordinary, something very impelling, which led them to head a movement whose effect is to cut at their own income.

" Now, what is it that has been said ? It is said that for the purpose of avoiding a higher tax, they were prepared to tax themselves so as to maintain a large number of people from their own pockets. Again, it was also said that Chirala was a place which was noted for its trade and merchandise, all kinds of virtues have been claimed for it, virtues which it certainly possessed long before—if those statements are correct, the idea of developing it into a municipality was entertained. We have been told that it is the second Bombay in India, and that it has continued to hold that honoured place for the past 40 years. Why it is that the idea of making it into a municipality these long 40 years has not been cherished, and it was left to the year of grace 1919 or 1920 to convert it into a municipality, it has not been explained.

" Now, Sir, when you take these facts—and these are facts in respect of which, I take it, there can be no difference of opinion—it seems that there is something to be said in favour of the view that this municipality is being forced upon the throats of certain persons.

" Sir, the next question for the consideration of this House will be whether, notwithstanding that there is a persistent and united opposition manifested to the

institution, or the continuance, of this municipality, we shall be well-advised or otherwise in passing this resolution. The Hon'ble the Minister, it appeared to me, took a somewhat unfortunate view when he said that the onus lay upon the persons who wanted the municipality to be removed. I thought, Sir, that the Council Chamber was the last place wherein issues had to be decided according as the question of the onus had been decided. This, if I may say so, is to bring in a somewhat petti-fogging spirit brought into the discussion of questions which ought to be beyond the province of such spirit.

" Then, Sir, it was said that in this case paramount considerations of health and convenience require that the municipality should be instituted. We were also told that it was not perfectly correct that the income of this municipality, or of this place, was so small as has been put forward on behalf of those who were in favour of the motion. My hon'ble friend Mr. Ethirajulu Nayudu, drew attention to the fact that there was a sum of Rs. 10,000 which had been recovered by means of tolls. Now, Sir, I believe honourable members are aware that under the old Act in the case of the Unions they had not the power to realize any income by farming tolls themselves. It was a work that was left to the district board, or the taluk board, and that right has been given by the new one, and, as a matter of fact, what I understand is this. . . ."

The RAJA OF RAMNAD (*interrupting*) :—" May I just explain, Sir, that it is not so under the new Act ? "

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR (*continuing*) :—" Very well, I am not very much concerned with the new Act. I am speaking only of the old Act. Under the old Act the income from tolls did not go to the Unions . . ."

The RAJA OF RAMNAD (*interrupting*) :—" Even now, it does not come, Sir."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR (*continuing*) :—" I am not concerned with what the case is at present, Sir, and, as I said, I am only concerned with what it was before. Therefore, you will notice, Sir, that the income from these tolls went to the district board, and the district board was also contributing towards certain expenses which were being incurred by the Chirala union. Now, what has happened is, after the Chirala union was converted into a municipality, it had of course the right of farming its own tolls, and it appears that the right was auctioned and it was sold for a sum of Rs. 9,000 or Rs. 10,000. Now, Sir, it does not show that that by itself is a good argument in favour of making it a municipality, because, as a matter of fact, there would have been this income available—available it might be to the district board, or to the other authorities, according to the altered provisions of the law, who will have it in their power to utilize this income for the benefit of Chirala. But I should be obliged to my friend Mr. Ethirajulu Nayudu for any information that he could give as to whether the contractor is feeling very happy about the payment of this Rs. 10,000 to the municipality, which he has agreed to pay."

Rao Sahib P. C. ETHIRAJULU NAYUDU (*interrupting*) :—" So far as I know, Sir, the contractor has not made any attempt to get this sum reduced."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR (*continuing*) :—" Very well, I am glad to hear, Sir, that the contractor has not in any way manifested any desire to ask for a reduction of this sum. What I am now putting to the House is this, if you find that the sources of income which were open before, are still

open to you, and if those sources were available for the purpose of maintaining certain institutions which were here before this union was converted into a municipality, what is there to prevent the perpetuation of that state of affairs, especially when you find that there is united opposition of the people to the institution of a municipality? What has been urged was, the non-co-operator is brought in and it is said that you ought not to countenance him. Now, Sir, it is not a step such as this that the Government is going to take that will really put down the non-co-operator. If the Government will show some discrimination as to what is right and what is not right, what requires countenancing and what does not require countenancing, and shape their policy accordingly, then there is a chance of non-co-operation being put down, but measures such as these will only exasperate the non-co-operators, and I am afraid those who are pursuing this method of putting down non-co-operation will find that after all they are very much mistaken. Then, Sir, in this case, it could not be said that the non-co-operator is really at the bottom of the whole matter. For, as a matter of fact, you will have noticed, Sir, that one of the principles of the non-co-operators is not to interfere with municipalities. I am glad that my hon'ble friend, the nominated district board president, Mr. Seshagiri Rao, has struck the right note when he said that it is the popular will that has to be accepted and acted upon and bowed to. Then, Sir, I would say that I have already heard echoes of considerations relating to prestige. Those considerations are more pertinent, Sir, to the system and to the days that have passed."

The Hon'ble Mr. P. RAMARAYANINGAR (*interrupting*):—"I never referred to the question of prestige, Sir."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR (*continuing*):—"Others said it, not my hon'ble friend, particularly those who were in the Executive Department, before they came to this House. I find, Sir, that there are these echoes of the doctrines of prestige that were being made here. I would like, Sir, that we recognize that it is no longer safe, or proper, or consistent with the progress of this country, that we should follow the traditional observance of worshipping at the altar of prestige."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU:—"In dealing with this question, Sir, I expected that something substantial would be stated by the honourable members on the opposite bench, but they did not go much beyond the charge which they wanted to level against the Minister, that of a petti-fogging spirit. I shall presently show how the bogey of prestige which was never for a minute entertained or suggested by the Ministers is brought into the bargain. It is very easy, Sir, to set up a false theory and then to demolish it. We were told, Sir, that it was not shown why two villages were withdrawn from the municipality. That is a circumstance which happened long before the Ministers took charge. In the first place, the question of prestige, apart from the question of a continuity of policy, does not enter into this matter, as the municipality was constituted long before the Minister came into existence and if any one on the other side has been able to suggest arguments, or to give reasons to show that this should not continue to be a municipality, I am perfectly certain no one would have been more willingly forthcoming than my honourable friend to the left. But what do we see? What is it that has been urged and what is it that has been shown excepting the putting forward of arguments which have no basis and without any reason whatsoever. Now, let us examine for a moment what my friends on the other side have stated.

"My honourable friend Mr. Govindaraghava Ayyar said that the fact that the Vysias, a non-interfering community, came out from their houses was a circumstance which should go a long way in believing that there must have been something somewhere hurting the people. Well, Sir, my experience of the Northern Circars has been different. When the people in this caste-ridden land believe that a particular leader belonged to a particular community—and it is the belief of most of the Vysias in the Northern Circars that Mr. Gandhi belongs to the Vysia community, and they treat him as a first cousin or *menatha koduku* as we call him, and as a matter of fact, we know that the strongest support which Mr. Gandhi gets in the Northern Circars comes mostly from the majority of the Vysia community—they follow him implicitly and almost blindly. What wonder is there then that these good people, these Vysias of Chirala, should also consider themselves to be so closely related to this great leader and follow his lead? That is where the explanation lies for the point relied on by Mr. Govindaraghava Ayyar.

"Then, Sir, the other argument advanced by my honourable friend was that whether the toll money came to the Municipality or to the Union, whether under the old Act or the new one, and whether it was possible for a union to collect the tax or not, yet the tax was there, and it could have been collected even under the old Act by the district board and could have been used for the use of this town.

"Unfortunately, Mr. Govindaraghava Ayyar has left his district long ago and has been a resident of this city and does not evidently remember the conditions there. There cannot be a toll gate at the entrance of a town unless it happens to be a municipality. The district board tolls are at particular distances."

3-30 p.m.

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR (*interrupting*):—"That obvious fact, Sir, I was aware of even after I left my district."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*continuing*):—"I must then, Sir, submit that if he was aware of it, it was somewhat curious that he should have forgotten it when he mentioned the circumstances. . . ."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR (*interrupting*):—"Perhaps I may assure the honourable member if he cares to understand me properly, I can explain the position very easily."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*continuing*):—"Now, the point is this: The reason why Chirala should be constituted into a municipality was that when plague broke out in that town the chairman of the union complained that it was not right that taluk board funds and district board funds collected not merely from this town but from a wider area should be spent upon this single town. The reason why there was plague in that part is this. It has already been brought to the notice of the House that it was a mercantile centre, and a weaving centre and that yarn and thread had to be got down from distant places such as Bombay and Hyderabad where plague unfortunately prevailed. And rats, which are carriers of plague, are very fond of yarn and cloth. In this way the place (Chirala) was itself affected. And what is more, the people there had to send out yarn to various other places, and as a result of that, not merely in the villages that are surrounding these places but in distant places also there was the danger of plague affecting. Then the question arose how to protect the place sufficiently from this. Is it reasonable and just that money collected in other places should be spent on this place? So, it was originally intended that money should be collected from this place itself and spent on it for the protection

of the people thereof and thereby protect the neighbouring people also from the spread and infection of plague. So Chirala had to be constituted into a municipality.

"The question has been raised as to why Repalle has been excluded from the municipal area. The answer is this: Repalle is a rural area. I myself had the pleasure of going to Repalle along with my honourable friend and examine the conditions there. We found that the people there were mainly agriculturists, whereas it must have been sufficiently clear to the House that Chirala is an urban area and that the people there are all traders. And the very fact that the toll amount had come up to something like Rs. 10,000 shows that it must be a big trading centre.

"There is only one other matter to which I would draw attention, and it is about the question of non-co-operation. It has been suggested that it is not the work of the non-co-operators in this matter. I would mention one circumstance only to conclusively prove that it was so. No doubt when the municipality was originally constituted in 1919 there was some objection—but such objections are always common in the case of new municipalities. After that for some six or eight months people paid their taxes regularly and everything went on smoothly. But just before the time of elections, i.e., in September and October 1920, there was trouble from non-co-operators, and Chirala was the place which sent an empty ballot box with the exception of two or three votes. Well, is it non-co-operation or not? I ask, is it not the spirit of those days, that is, during the election time, when non-co-operation had had its sway as far as it could have that is responsible for this state of affairs. If that is so, what is the good of now saying that it was not due to the non-co-operators? Now, my friends were asking 'what, if it is non-co-operation? If the people do not want a municipality, what harm is there in allowing them to go on without a municipality?' The trouble is this: As has been already pointed out, every municipality will begin the same thing. I understand that there is a complaint from Saidapet for constituting it into a municipality. Then there is Peddapuram in the Godavari district and other instances can easily be mentioned. Self-determination and non-co-operation!! If this demand of the people of Chirala is allowed, it will come to this: Non-co-operators will take it as a premium to stick to their methods and try to pull and bring down the Government to accept their wishes and demands. There is already a cry about forest laws and I have even heard that the non-co-operators have already passed or are about to pass a resolution authorizing civil disobedience. Now, in the forest area of Palnad in the Guntur district, this will also be backed up by as many people as have backed up Chirala. Are we to yield to that also? Now, I ask this House in all seriousness, whether this kind of disobedience to law is to be allowed simply because a number of people come forward and ask for it. It is all very well to say, you cannot thrust down the throats of any people any institution which they do not like, especially when it is a Local Self-Government business. Well, will the Palnad people make any difference between Local Self-Government and Forest laws? They will only see this: 'The Chirala people resisted, persisted and refused to obey law and order and had their own way: Why not we follow suit?' Will you allow that kind of thing? (Hear, hear). What will be its effect on this country if we allow that? That is all I have to say."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I am very sorry, Sir, that in the course of discussion on this subject, matters which do not strictly pertain to this resolution itself have been put forward. I am glad to have the assurance from

the Hon'ble the Minister for Local Self-Government and the Hon'ble the Minister for Development that the question of prestige cannot be allowed to come into the discussion on this resolution. I shall continue the discussion from the point where the Hon'ble the Minister for Development has left it. He has told us that if he is satisfied on the merits of the resolution that it is not necessary to continue Chirala as a municipality, the Hon'ble the Minister for Local Self-Government has no difficulty in giving effect to it. I will only place a few points before the Council from that standpoint. It will be known that, according to the last census, the population of the place is a little over 15,000. A perusal of the figures relating to the population of several unions show that there are several unions even now with a population of more than 15,000. Then again, Sir, we have got some landmarks in the present District Municipalities Act and the Local Boards Act which will give us some indication as to where we can draw a line between a union and a municipality. So far as the test of population is considered, in the case of Local Boards Act, it has been provided that in the case of villages having a population of more than 5,000, they ought to be constituted into unions. Coming to the District Municipalities Act, there is no specific restriction as to the population which a municipality should contain. We have got an indication of the limits when we find municipalities classified according to the population with a certain elective strength, the last class being that of 20,000. Though there is no limit to the population of a municipality, the fact that 20,000 has been fixed as the lowest limit is a sort of landmark, whereupon we can draw a line as to the reasonable number of people which a municipality ought to contain. Now, again, I have already drawn the attention of Council to the fact that there are several unions which have a population of over 15,000. Judging by these tests, one will be fairly satisfied that it is not necessary to have a municipality in a village of the population of Chirala, especially when the people of the place are against it. Then, Sir, much has been said about the necessity for taking special sanitary measures to keep the village in a proper condition. I wish to draw the attention of the Council to the fact that even if it is a union, it is possible to have all the necessary measures taken to keep it in a most sanitary condition. The provisions of the Local Boards Act contain ample safeguards for having all sanitary laws in force in a union. Therefore, it will be clear that if any special sanitary measures are required at all, they can be enforced even in a union. I will draw attention also to section 206 of the Local Boards Act which says: 'The Local Government may, at the request of the local board concerned and of the district board, by notification in the *Fort St. George Gazette*, extend to any union, or to any specified area under the jurisdiction of a local board, any of the provisions of the Madras District Municipalities Act, 1920, or of any rules framed thereunder; and may declare such extension to be subject to such restrictions and modifications as they think fit.' Therefore, Sir, if once the Council is satisfied that judging from population and other circumstances, it is desirable to continue the place as a union, there are ample provisions in the Local Boards Act and the District Municipalities Act to give either the Government or the Union concerned ample powers to keep it in a very healthy and sanitary condition. Therefore we cannot make out any special case for there being a municipality in that place on account of such considerations. The only question which I shall put to the Council is, if we are satisfied that Chirala, on account of its population and other circumstances—I need not repeat here all the arguments put forward by various speakers—is fit more to be a union than a municipality, if we are satisfied that it can be kept as a union even under the provisions of the Local Boards Act or the District Municipalities Act, and if we are also satisfied that there is no question of prestige coming into the discussion on this question, what is the difficulty in

going back to the old state of affairs and having a union in that village? It has been stated that these people consented to have the municipality for some time and that afterwards there has been some difficulty in the matter. My hon'ble friend, the Minister for Development, has also drawn the analogy of some forest rules and laws, which, he says, might also be similary infringed. But I request him not to draw an analogy between these two circumstances. Matters relating to local boards and Local Self-Government are to be viewed in a different view altogether from matters relating to forests. Because in matters of Local Self-Government it is necessary to go as far as possible according to the wishes of the people. Local bodies have been started expressly on the footing that they should be worked in consultation with the people and according to their wishes. Therefore if once we accept the principle that we should consult the wishes of the people in matters relating to local bodies, does not the fact that 13,000 out of 15,000 people in a town go out of the place and continue to live outside it under the most trying circumstances go to show that the wishes of the people have been amply demonstrated to the Government, to the Council and to the public at large? Do we require any further proof of their will and determination that they can live better under a union, than under a municipality? Do we want any further proof than the mere fact that large numbers of people have been under the most trying circumstances living out of the town and putting themselves to considerable inconvenience? Therefore, Sir, when we find that it is the wish of the people to have a union, I cannot see the difficulty of the Government in accepting that position and going back to the old state of affairs.

"Then, Sir, the only other point which I must refer to in this connexion is about non-co-operation which has been dragged in. It has been stated that the hands of the non-co-operators were not to be seen in the beginning but sometime later. Before I make any remarks about this, I will ask the Council to remember that all the 13,000 people who have been suffering and who have left the place, cannot be said to be non-co-operators. Assuming that there was some influence of non-co-operators, can it be stated that all of them have gone out of the village, simply because of the mischief of those other people? That is a proposition which I request the Council not to pay any attention to. The only other point which I should like to place before the House is this: If it is supposed that in matters like these people can be coerced and brought to their senses by coercive measures, I think the Government are mistaken. Our experience has been that whenever such coercive measures have been taken to bring round people, they have not produced the desired effect. There have been municipal prosecutions in that place owing to the non-payment of taxes and fines have been inflicted. Some persons were sent to jail owing to their refusal to pay the fines. What has been the result? Has peace been restored?

"Therefore I would request the Minister for Local Self-Government to view it from all these standpoints. There is really a difference of opinion as to the real needs of the area. I would, therefore, suggest that a committee be appointed. We have heard the various expressions of opinion in this Council and we have heard the Government and the non-official members. We see that there is a divergence of opinion. It would therefore be well to have further advice on the matter before coming to a conclusion as to whether he cannot reconsider the situation. It might be that the Minister took one view; but after all, no one is infallible in these days. If sufficient materials are brought up, I do not see any reason for not going back and adopting the resolution. For all these reasons, I strongly support the resolution."

3-45 p.m.

Mr. K. P. GOPALA MENON:—"Mr. President, in the course of the discussion on this resolution, non-co-operation and non-co-operators have been given such a prominent place which they do not deserve. In placing my views on the subject I shall as far as possible sail clear away from considerations of non-co-operation and non-co-operators and Mr. Gandhi and others. Now, in regard to this resolution, three points arise for consideration. The first is whether this municipality was thrust on the people against their will. Secondly, whether the people worked it out for such a satisfactorily long period of time as to find out the defects. Thirdly, what the effect of the abolition would be.

"In considering the first of the three points, all the pleadings and the evidence furnished by the statements of the speakers, make it clear that this municipality was not thrust on the people. Although somewhere about 1914 an officer made the proposal that a municipality should be started in Chirala, the Hon'ble Minister in charge told us that the Government waited for some time to see what the desire of the people was. That was embodied in the recommendations of the taluk and district boards—one of which previously found it was not necessary. The question was asked by some members opposite—I shall not say on the opposition bench—whether they, viz., taluk and district boards really represented the people. Is it then suggested that the Minister for Local Self-Government or his Secretary should go and ask every one there, whether each individual was in favour of a municipality or not? I did not hear yet that these boards consist only of nominated members. All of them were not nominated members and most of them were elected members. And their voice must be considered to have been the opinion of the representatives of the people. I therefore should find the first issue in the negative.

"The second issue is whether they have tried the municipality for a sufficient time. Have they, by any constitutional representations to the Government, said that they have tried the municipality, they were paying such and such taxes, and they have got no benefit therefrom commensurate with what they pay. Instead of this what happened is that all these people after a few months strike work and go out of the place. They are not prepared to spend Rs. 5 or Rs. 10 over the taxes but were prepared to spend Rs. 500 or more in erecting sheds, etc. They did not care to constitutionally put their case before the Government. Have they come and stated that in spite of all they pay insanitation was there, cholera was spreading, that the bubonic plague had come, and the municipality was therefore useless? What they do is they simply walk out of the place. This is surely a thing for which they ought to suffer. I therefore find the second issue also in the negative.

"The third issue is with regard to the effect of carrying out this resolution. I certainly think that we would be giving a hand to the minority non-co-operators. They will say that they have gone out of the place, refused to pay taxes and have been able to get such a resolution passed, and they will refuse to pay taxes. I should think that the effect of passing this resolution would certainly be ruinous. It will be creating a very bad precedent. Having considered all the three legitimate points arising for consideration, I think that the resolution is uncalled for. Mr. Venkatasubba Rao told us that the people of Chirala were foolish. Why should not they work it out for a sufficient time instead of at the end of six, seven, or eight months acting unconstitutionally like this? I therefore strongly oppose this motion for the abolition of the Chirala municipality."

Mr. B. MUNISWAMI NAYUDU:—"I rise to oppose this motion. In doing so I shall try to confine mysef to the points in issue. In considering this resolution we must take the view of the general tax-payer of the district. So far as Chirala

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is concerned it has a population of about 15,000. In addition to the conveniences provided for by the union there were also a hospital and schools maintained by the local board. Proposals were made from time to time about the expenditure on these. In the year 1914, it was found on the report of the Sanitary Commissioner that the stage has been reached for larger measures to be taken and more amount to be spent on sanitation. Naturally arose the question as to who is to be burdened with the expenses, the taluk board, the district board or the Chirala people themselves. Then the taluk and district boards were consulted on the matter. It was an urban area and the population consisted of the merchant classes and a number of people lived on weaving. There was also a very large number of people that were labourers. So the taluk and the district boards refused to contribute for Chirala and recommended they should have a municipality of their own. The effect of this resolution would be to throw back all these people of about 15,000, into their former condition, and the question would again arise if the boards were prepared to maintain the sanitation, etc., of the place. But they have already said they cannot do so. If the question of self-determination is to be given, it should be given to both the parties, the people of Chirala and to the tax-payers of the district. Then, Sir, Mr. Krishna Rao told us that when a municipality consists of less than 20,000 people, the municipality must be given up. I cannot agree with that view, and I am only sorry that it should have ever been thought of. I am therefore, Sir, strongly against this resolution."

4 p.m.

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I do not want to go at length into the various questions that have been raised in the course of the discussion. A number of reasons has been urged both for and against the motion. I would only begin by saying that this is not the case of an established fact and a strong case should be made out only when any one wants to have an established fact disestablished. The objection to the municipality has been going on ever since the idea came in 1917 or 1918. I wish at the outset to correct the impression created in the minds of some that the union was consulted before the municipality was constituted. I believe and I speak subject to correction, that the union was never consulted at all. In 1915, the Collector and the district board were against the institution of a municipality. In 1916 the union chairman came there and he was an outsider; he wanted to have a municipality created to become its chairman. The union was not consulted; it was the chairman that made the report without consulting the members of the union. That point should be made clear. Then the opportunity for objections came soon afterwards when petitions were called for. I think Hon'ble Mr. Habib-ul-lah was then in charge of the subject and I do not know whether the Hon'ble the Minister is in possession of all that took place before he took charge. I think it was Mr. Siva Rao that was challenged to say whether any petitions had been presented to the Government against the creation of the municipality. I know that petitions were presented and a deputation waited upon the Hon'ble Mr. Habib-ul-lah. Hence to say that petitions were not presented is only an objection of the latest development. One other point that I wish to say is this. The Sanitary Commissioner, the district and the taluk boards wanted four villages to be included in the municipality, four villages which formed the old union. When the proclamation was made the people of Chirala and Perala objected to the whole municipality and a missionary lady doctor objected that two villages, Jaundipetta and old Chirala should be excluded. These two were accordingly excluded. The recommendation of the Sanitary Commissioner and the district board was not fully given effect to and the request of the missionary lady prevailed. Then, Sir, it was said that so far as taxation was concerned, the objection to the creation of

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the municipality was mainly to avoid being taxed. Whether the whole question is deemed to be one of taxation or not, it has been very well pointed out that that question may be very well left out of consideration. Because in the union they can practically levy all taxes except probably the house-tax where the rates differ. According to the powers of the municipality, the house-tax that can be levied may be only a pie in a hundred rupees. So far as taxation is concerned the people should be presumed to know very well what their burdens would be under the municipality and under the union. They are of opinion that municipality is an oppression for various reasons, rightly or wrongly. It has been suggested in this Council in the year of grace 1921 that we have to dictate to others whether they are wise or not. Two of my honourable friends at my back (referring to Mr. Vandanam and Mr. Palmer) expressed it and I would only reply that it would be continuing the old bureaucratic way. We all claim some power of self-government and the bureaucrat has been saying that since we are all fools he should guide us."

The Hon'ble Sir CHARLES TODHUNTER :—" May I rise to a point of order, Sir? If the honourable gentleman refers to the policy of the late Government in that way I venture to repudiate his suggestions."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I was not saying anything about the Government of this Presidency, Sir. I was speaking of all bureaucratic governments all over the world."

The Hon'ble Sir CHARLES TODHUNTER *(interrupting)* :—" May I then ask, Sir, if the honourable member would exclude the late Government from his sweeping condemnation?"

Mr. C. V. VENKATARAMANA AYYANGAR *(continuing)* :—" Yes, Sir, if I be only allowed to give a lecture upon the subject and this is unfortunately not the time nor the place for it. I was only saying, Sir, that it was usual with bureaucracies to say that all others did not know anything, and we are all considered to be fools by those who belong to the Sydenham school. When we once say that people should be governed according to their wishes—I think that is the motto of democracy—these people must also be respected in their feelings. As to who is responsible for the feeling we cannot say. If we respect democracy it is our duty to go and preach to them that they are wrong in thinking that they should not have a municipality. I was saying, Sir, that the trouble was about the house-tax. About 2,000 objections were presented to the municipality. When the councillors thought that if there was any use in pressing the Government, one way of doing it was, they thought, by all of them passing a resolution. Reference was made to the well-known chairman of the Chirala union who wanted to become a municipal chairman. There could be no doubt about it. Under the old Act the divisional officer was an ex-officio chairman and this gentleman became the vice-chairman. It was therefore only next step to the chairmanship."

The Hon'ble Mr. P. RAMARAYANINGAR *(interrupting)* :—" It is not true to say, Sir, that the vice-chairman ever became the chairman."

Mr. C. V. VENKATARAMANA AYYANGAR *(continuing)* :—" I said the chairman become the vice-chairman. The chairman of the union became the vice-chairman of the municipality, and when he became the vice-chairman it is but the next step to chairmanship. There were 11 councillors for the municipality including, I believe, Mr. Thomas, the missionary referred to. The matter came up before the municipality and all the eleven under the presidentship of the very same vice-chairman passed a resolution that the municipality should be taken away, including

Mr. Thomas. Can it be said that Mr. Thomas is afraid of any people and can it be said that he was influenced by the non-co-operators? The Government would not yield to the resolution. All the eleven resigned including Mr. Thomas and we cannot say that the non-co-operators did this. It may be that they want to take advantage of the opportunity given to them. While, Sir, I was talking to a European gentleman the other day, he remarked that there were two places where non-co-operation was manufactured, viz., the rooms of honourable members upstairs and here the Council hall. If this proposition is defeated, I venture to submit, Sir, that it is not a defeat for me and those who support me but a defeat for all constitutional agitators and that it is a success for the non-co-operators and for those who are of opinion that we in this Council are useless and hence should not be taken into co-operation. I do not want to go into the question as to whether municipalities are more advantageous than unions. I wish only to call attention to Mr. Devarajulu Nayudu's remark that there are places willing to be constituted into municipalities and he instanced the case of Proddatur. Again, Mr. Venkatasubba Rao and Mr. Tangavelu Pillai have said that this thing had nothing to do with non-co-operation. Only two days ago in Cochin, the newspapers published that in a particular place since the people did not want to have a municipality the Government issued a notification saying that the people's wishes would be respected."

The Hon'ble the PRESIDENT:—"Does the honourable member refer to the Cochin State? If so, I am afraid he will be out of order."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I cited it as an example, Sir, I said that the example of Cochin might be very well followed by us who are supposed to be more advanced than that State. I do not want to say anything more about it. Then, Sir, referring to the comparison between Bapatla and Chirala made by the Hon'ble the Minister, I wish to say that the former is bigger. It has a taluk office, a sub-court and two district munsifs' courts besides a hospital and a school."

The Hon'ble Mr. P. RAMARAYANINGAR:—"But, Sir, I have already stated that Bapatla is less populous and less important."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I did not say more populous, Sir, but I refer to Bapatla as a place of more importance. Certainly it is much more important than Chirala because Chirala is not a public place. Looking from that point of view Chirala and Perala should not have been constituted into a municipality. The Hon'ble Minister has set the example in the case of Repalle which can be followed here as well. I therefore appeal to him to give an opportunity to the people of Chirala to act according to their wishes and also to say: 'We will reconsider the question and if we may be convinced by the reasons urged we shall act upon your convictions.'"

The resolution was then put to the vote and a poll taken with the following result:—

Ayes.

1. Mr. J. Kuppuswami.
2. ,, A. Tangavelu Nayagar.
3. ,, V. C. Vellingiri Gounder.
4. ,, K. C. Venkatachala Reddiyar.
5. ,, P. Venkatasubba Rao.
6. Diwan Bahadur M. Ramachandra Rao.
7. Mr. S. Srinivasa Ayyangar.
8. Diwan Bahadur L. A. Govindaraghava Ayyar.
9. Mr. A. S. Krishna Rao.
10. ,, P. Siva Rao.
11. Diwan Bahadur D. Seshagiri Rao.
12. Mr. R. Srinivasa Ayyangar.
13. ,, T. C. Srinivasa Ayyangar.
14. ,, M. Suryanarayana.
15. ,, C. V. Venkataramana Ayyangar.
16. Sri Meka V. Appa Rao Bahadur.
17. Mr. Ahmad Mirza Sahib.