

The Council met at the Council Chamber, Fort St. George, at 11 a.m. on Tuesday, the 14th day of February 1922, the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E., President, presiding.

I

OATH OF OFFICE OF NEW MEMBERS.

The following members took the prescribed oath or affirmation of allegiance to the Crown and then took their seats :—

Mr. KAYAPAKKAM SITARAMA REDDI.
Mr. CATTAMANCHI RAMALINGA REDDI.
Mr. THOMAS EYEBRON MOIR, C.I.E.
Mr. MALCOLM EDWARD COUCHMAN.
Mr. NEIL MACMICHAEL.
Mr. NORMAN EDWARD MARJORIBANKS, C.S.I., C.I.E.

II

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.]

Memorials from the Kammalas of Malabar in 1919.

1230 Q.—Mr. A. D. M. BAVOTTI SAHIB : Will the Hon'ble the Minister for Development be pleased to state—

(a) whether the Government received a memorial from the Kammalas of Malabar in the year 1919 ;

(b) whether the Government deputed the Inspector of Industrial Schools to interview the President of the Malabar Kammala Association, Tellicherry, with regard to the memorial ;

(c) whether the Kammalas of Malabar were informed that the question of establishing an industrial school at Calicut was engaging the consideration of the Government ;

(d) by what time the Government will be in a position to establish an industrial school at Calicut ;

(e) whether it is a fact that the Director of Industries is in possession of a scheme for a school of arts and industries in Tellicherry, received from the President of the Kammala Association ; and

(f) what action has been taken on that scheme ?

A.—(a) The Government have not received in 1919 any memorial from the Kammalas of Malabar. A copy of a memorial said to have been submitted in 1919 was received in February 1921 from the President of the Malabar Kammala Association.

62344

[14th February 1922]

(b) No. But the Government understand that the Director of Industries deputed the Inspector of Industrial Schools to interview the President of the Association on the suggestion contained in the memorial that an Industrial School should be established at Tellicherry or Calicut.

(c) Yes. A reply to this effect was given in G.O. Mis. No. 1413, Educational, dated the 12th December 1914.

(d) The Government can give no definite undertaking at present pending the recommendations of the Committee on Industrial and Technical education which the Government propose to appoint shortly.

(e) No such scheme was sent to the Director of Industries direct. A copy of such a scheme said to have been presented to the President, District Board, Malabar, was sent to the Director of Industries by the President, Kammala Association, as an enclosure to a private letter from the latter.

(f) No action has been taken in respect of this scheme by the Director in the absence of any request from the President, District Board, Malabar, for assistance or advice.

Travelling allowance of Supervisors of Schools.

1231 Q.—MR. A. D. M. BAVOTTI SAHIB: Will the Hon'ble the Minister for Education be pleased to state—

(a) whether the Government have been memorialized on the subject of the increase of travelling and contingency allowances by any of the supervisors of Malabar; and

(b) what action has been taken thereon?

A.—(a) Yes: the Government have received a memorial from one supervisor of schools in Malabar for increase of travelling allowance, but not for increase of contingent allowance.

(b) The question of the travelling allowances to be allowed in Malabar is still under the consideration of Government.

Memorial from Thiyyas regarding admission to the Calicut Training School hostel.

1232 Q.—MR. A. D. M. BAVOTTI SAHIB: Will the Hon'ble the Minister for Education be pleased to state—

(1) whether the Government have received any memorial from the Thiyya residents of Calicut regarding the admission of students of all communities into the hostel attached to the Government Training School for Masters, Calicut;

(2) whether any action has been taken for an independent enquiry into the delay in admitting students other than Nayers in spite of Government Order on the point; and

(3) whether any action has been taken in regard to the person or persons responsible for keeping the said Government Order in abeyance?

A.—(1) The answer is in the affirmative.

(2) & (3). There was no avoidable delay in admitting students of all classes into the hostel. The Director of Public Instruction has made enquiries.

[14th February 1922]

Record of Rights and Settlement of Rents in Ganjam.

1233 Q.—SRIMAN BISVANATH DAS MAHASAYO: Will the Hon'ble the Law Member be pleased to state why the preparation of the Record of Rights and Settlement of Rents has been delayed in those villages of Kallikota and Atagada Estates (Ganjam district) which have already deposited money as per orders of the Collector of Ganjam above six months or more?

A.—In the absence of information as to the names of the villages in respect of which the delays are alleged to have occurred, the Government are unable to answer the enquiry.

Travelling allowance drawn by district collectors, etc.

1234 Q.—SRIMAN BISVANATH DAS MAHASAYO: Will the Hon'ble the Home Member, and the Hon'ble the Minister for Local Self-Government be pleased to state the travelling allowance (including tentage, etc.), drawn by all district collectors, district superintendents of police and district surgeons in each month and in each of the districts of Madras from 1st January to the 30th June 1921 with the number of miles travelled and the days halted?

A.—The information asked for by the Member is not in the possession of Government and could not be compiled without detailed enquiries which would take an amount of time and trouble incommensurate with the value of the result.

Surrender of provincial grants.

1235 Q.—RAO SAHIB S. ELLAPPA CHETTIYAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(i) the amount of provincial grants which local bodies were required to surrender with reference to G.O. No. 366, dated 28th February 1921;

(ii) the amount actually surrendered; and
(iii) the balance yet due with information regarding the amount due from each local body?

A.—(i) Rs. 21,72,722.

(ii) Rs. 17,61,962.

(iii) Rs. 4,10,760. A statement showing the amount due from each local body is placed on the table.*

The President of the Kumbakonam Taluk Board.

1236 Q.—RAO BAHADUR P. C. ETHIRAJULU NAYUDU: Will the Hon'ble the Minister for Local Self-Government be pleased to state why Mr. S. Natesa Ayyar, who has permanently removed himself to Negapatam, continues to be the President of the Kumbakonam Taluk Board?

A.—The Government understand that M.R.Ry. S. Natesa Ayyar Avargal, the President of the Kumbakonam Taluk Board, has not removed himself to Negapatam either permanently or temporarily.

[14th February 1922]

The RAJA OF RAMNAD:—“ May I ask the Hon'ble the Minister for Local Self-Government whether the answer given by the Government is based on the report of the President, District Board, Tanjore ? ”

The Hon'ble Mr. P. RAMAIAH:—“ I should like to have notice of the question.”

Persons recommended for presentation of killats by H.R.H. The Prince of Wales.

1237 Q.—Rao Bahadur P. C. ETHIRAJULU NAYUDU: Will the Hon'ble the Home Member be pleased to place on the table the communications sent by Mr. T. C. Srinivasa Ayyangar, M.L.C., to the Chief Secretary embodying proposals and recommending persons for presentation of killats by His Royal Highness during his visit to Madras; and

also furnish the names recommended by the Chairman of the Board of Studies, General?

A.—The Government are not prepared to lay the papers on the table.

Rao Bahadur P. C. ETHIRAJULU NAYUDU:—“ May I know whether the document in question is of such a confidential nature ? ”

The Hon'ble Sir LIONEL DAVIDSON:—“ Though the question is addressed to me I have not seen the papers myself. I should be inclined to say that on general grounds it is not desirable to publish a discussion of the respective merits of possible candidates, but I have no objection to causing a further examination to be made of the question of publication.”

Increment to clerks on minimum salary in Government service.

1238 Q.—Rao Bahadur K. GOPALAKRISHNAYYA: Will the Hon'ble the Member for Finance be pleased to state—

(a) whether it is a fact that in the revised time-scale of pay recently introduced, clerks drawing the minimum salary in their respective grades are denied the benefit of having their first increment before the expiry of two years from the date of their first drawing the minimum salary under the revised scale;

(b) whether it is a fact that this rule is made applicable even in the case of those men who have held substantive appointments while drawing the minimum salary; and

(c) what the reasons are, if any, justifying the imposition of this restriction?

A.—The Member is referred to the answer given to question No. 874 at the meeting of the Legislative Council held on the 15th October 1921 and to the answer to question No. 1222 at the meeting of the 21st January 1922.

Servants of the Tanjore District Board.

1239 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(a) the number of local fund servants in the service of the Tanjore District Board who have been punished or dismissed from service by the president and have preferred appeals to the District Board during the last five years; and

[14th February 1922]

(b) how many such cases have occurred since the present president took charge; in how many of these cases the District Board has cancelled or modified the punishments on appeal, and in how many cases the president has himself modified or cancelled the punishment after receipt of such appeal?

A.—The Government have no information on the subject.

Guzarati assistant surgeons in Medical Service.

1240 Q.—Mr. K. A. KANDASWAMI KANDAR: Will the Hon'ble the Minister for Local Self-Government (Public Health) be pleased to state—

(a) how many permanent and how many temporary (Guzarati) assistant surgeons there are in the Madras Medical Service; and

(b) whether it is a fact that the services of a temporary Guzarati assistant surgeon are to be dispensed with on account of there being no vacancy?

A.—(a) & (b) So far as information is available, there is no Guzarati assistant surgeon in the Madras Medical Service.

Telegraphic training classes for postal officials.

1241 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Member for Finance be pleased to state—

(a) the places where there are telegraphic training classes for postal officials in the Madras Presidency; and

(b) where the Andhra postal officials are undergoing telegraphic training?

A.—(a) & (b) Posts and telegraphs is a central subject. The Local Government have no information.

Sub-Courts and District Munsifs' Courts in the Presidency.

1242 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Law Member be pleased to state what the increase was in the number of sub-courts and district munsifs' courts in the Presidency after the year 1910?

A.—On the 31st December 1921, as compared with the 31st December 1910, there was an increase of 13 permanent and 14 temporary sub-courts and 22 permanent and 18 temporary district munsifs' courts, besides three small cause courts.

Grazing in Guntur reserve forests.

1243 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Home Member be pleased to state the amount of revenue derived from grazing in the reserved forests in the Guntur district?

A.—The information will be found in the “Return of grazing in the State forests” appended to the published administration reports of the Forest Department.

Grazing fees in Guntur.

1244 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Home Member be pleased to state—

(a) the necessity to raise the grazing fees from As. 6 to As. 12 in the Guntur district;

[14th February 1922]

- (b) whether the increase in the permit fees was made with a view to make more revenue; and
 (c) whether it is a fact that when grazing areas are closed steps are not taken that closed areas are on one side and not in the middle of the grazing area?

A.—(a) Grazing fees were enhanced in order to reduce the grazing incidence to the capacity of reserves and to preserve the forests from destruction by over-grazing.

(b) No.

(c) The Government have no information.

The Chief Conservator of Forests has just been enquiring into these and other forest questions in the Guntur district and his report is expected shortly.

Goat browsing in Tangalla forests.

1245 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Home Member be pleased to state whether it is a fact that the people of Tangalla, 8 miles north-east of Dachepalli, in the Guntur district, pay annually Rs. 700 for goat browsing in the forests?

A.—The Government have no information.

Palnad and Sattenapalli ranges in Guntur district.

1246 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Home Member be pleased to state—

(a) whether it is a fact that Nagularu stream separates the Palnad and Sattenapalli ranges in the Guntur district;

(b) whether there are any villages on one side of the stream which require grazing on the other side of the stream; and

(c) whether it is a fact that double pullari fees are collected in such cases?

A.—(a) Yes.

(b) Yes.

(c) The grazing blocks adjoining the range boundaries have been consolidated and only a single pullari fee is collected.

Development of Agency tracts.

1247 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Home Member be pleased to state whether any definite programme for the development of the Agency tracts has been settled; and, if so, to place the same on the table?

A.—The Member, Legislative Council, is referred to the answer given to question No. 64 asked at the meeting of August 1921 and to the news slip published by the Publicity Bureau as a result of the meeting addressed by Mr. L. T. Harris on the 5th August last. The Government have called for certain information from the Agency Commissioner, on receipt of which a further statement of the general outlines of the development of the Agency tracts will be placed on the Council table.

14th February 1922.]

Public Prosecutors and Official Receivers in Ganjam, etc., districts.

1248 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Law Member be pleased to state—

(i) the names of Public Prosecutors and Official Receivers for the districts of Ganjam, Vizagapatam, Godavari, Kistna, Nellore, Chittoor, North Arcot, Cuddapah, Kurnool and Bellary with the following information:—

(a) Age, (b) qualifications, (c) dates on which they were first appointed, and (d) caste; and

(ii) whether there is any period fixed for these appointments?

A.—(i) There are no Official Receivers for the districts of Ganjam, Vizagapatam, Nellore, North Arcot, Kurnool and Bellary.

A statement* showing the particulars required, as far as they are available, is furnished for all the districts named as regards Public Prosecutors and for the districts of Chittoor, Godavari, Kistna and Cuddapah as regards Official Receivers.

(ii) Under the executive orders of Government, the tenure of appointment of Government Pleader and Public Prosecutor is limited to three years at a time. No time-limit has been fixed in the case of Official Receivers.

Sarishtadars and head clerks in district courts, etc.

1249 Q.—Mr. B. MUNISWAMI NAYUDU: Will the Hon'ble the Law Member and the Hon'ble the Member for Revenue be pleased to lay on the table a statement showing—

(a) the names of sarishtadars and head clerks, in the district courts, sub-courts and in the district collectorates who have been actually doing the duties of such office for three years or more prior to 1st December 1921;

(b) the dates from which they are so holding office;

(c) whether they are permanent or acting incumbents;

(d) the total service of each in the district in which he is now employed as such sarishtadar or head clerk; and

(e) the community to which they respectively belong?

A.—The Government are not in possession of the information asked for.

Mr. B. MUNISWAMI NAYUDU:—“Will the Hon'ble the Law Member call for the information?”

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—“I cannot undertake to get that information. There are about 57 sub-courts and 25 district courts.”

Headmasters of municipal schools and municipal chairmen.

1250 Q.—Mr. C. NATESA MUDALIYAR: Will the Hon'ble the Minister for Local Self-Government and the Hon'ble the Minister for Education be pleased to state—

(a) in what relation the headmasters of municipal high schools stand to municipal chairmen, whether such relationship is one of direct subordination to chairmen; and

[14th February 1922]

(b) if so, whether the chairman's decision is final and whether the district collector or the inspector of schools can sit in judgment over the chairman's decision and alter it in any form or make such recommendation to the Government?

A.—The headmaster is directly subordinate to the chairman. As regards the chairman's powers of control over the headmaster, the Member is referred to sections 73 and 75 to 77 of the Madras District Municipalities Act, 1920, and to the rules in articles 24 and 25 of the Municipal Account Code which have the force of law.

Communal representation in the North Arcot district.

1251 Q.—MR. C. NATESA MUDALIYAR: Will the Hon'ble the Member for Revenue be pleased to state—

(a) the number of Brahmans and non-Brahmans, both permanent and acting, now holding posts of tahsildar, sub-magistrate and deputy tahsildar in the North Arcot district;

(b) the number of Brahmans and non-Brahmans in the grade of head accountant and revenue inspector, permanent and acting; and

(c) why the district collector has not taken steps to maintain a fair proportion of Brahmans and non-Brahmans in the grades of tahsildar and deputy tahsildar when three tahsildars were reverted recently, the present proportion being six Brahmans and four non-Brahmans?

A.—The Government have no information.

Communal representation in the North Arcot Collectorate.

1252 Q.—MR. C. NATESA MUDALIYAR: Will the Hon'ble the Member for Revenue be pleased to state—

(a) whether it is a fact that the post of Collector's Sarishtadar in North Arcot has been successively held by Brahmans since the year 1916;

(b) whether it is a fact that the present Collector's Sarishtadar of North Arcot is a Brahman who has landed properties and other interests in Vellore, and whether this fact was brought to the notice of the officer who appointed him;

(c) whether there is any special reason to appoint such a man for the responsible post and whether there are not non-Brahman tahsildars qualified for the post; and

(d) what the pay was of the present Collector's Sarishtadar before he was appointed to the post and what his present pay is?

A.—(a) The post of Collector's Sarishtadar appears to have successively been held by Brahmans from 10th December 1916 to 1st January 1921. The Government are not in possession of up-to-date information.

(b), (c) & (d) The Government have no information.

Communal representation in the North Arcot Collectorate.

1253 Q.—MR. C. NATESA MUDALIYAR: Will the Hon'ble the Member for Revenue be pleased to state—

(a) the number of Brahmans and non-Brahmans brought into the Collector's office, North Arcot, after the present Huzur Sarishtadar assumed office; and

14th February 1922]

(b) whether it is a fact that four Brahmans were recently promoted as first-class revenue inspectors on receipt of the Government Order merging land record inspectors; if so, whether there are not qualified non-Brahmans to be appointed to the posts?

A.—The Government have no information.

Reorganization of the Government Press establishment.

1254 Q.—MR. V. P. PAKKIRISWAMI PILLAI: Will the Hon'ble the Member for Finance be pleased to state—

(1) whether it is a fact that Government issued orders in or about May 1920 to the Superintendent, Government Press, to submit proposals for the reorganization of the Press establishment upon the representation of the employees;

(2) whether the Government are in receipt of the said proposals; if so, when they were received;

(3) whether it is a fact that no additional establishment has been sanctioned on account of the transfer of district press work to the Secretariat press, on account of enlarged Council agenda and proceedings, etc.;

(4) whether the time-scale proposed to be introduced is such as to admit of free flow of promotions till the maximum fixed for each section is reached without limiting the number of appointments in the several grades under each section, but of course taking the capacity, merit and record of the individuals into consideration; and

(5) whether the Superintendent has fixed the initial salary of the individuals after filling up all the vacancies in the usual course of seniority as laid down in G.O. No. 711, Finance, dated 11th July 1921, especially in the reading section?

A.—(1) The following orders relating to the reorganization of the Examining Branch alone were issued on the 24th May 1920:—

"The Government observe that, though the examining as well as other work in the Government Press has increased of recent years, the establishment has been more than proportionately increased and that therefore the memorialists' complaint that they have more work than they can do can only be explained by the fact that their efficiency is less than that of the men previously employed. The proper remedy, therefore, seems to be, not a general increase of pay but the employment only of men capable of a reasonable outturn of work. The Superintendent, Government Press, is requested to submit detailed proposals with reasons for reorganizing this branch of the press on the lines indicated."

(2) The proposals for reorganizing the pay both of this establishment and of other branches were first received in January 1921 and the final proposals in December 1921.

(3) The answer is in the negative.

[14th February 1922]

- (4) The question is not understood. The total number of appointments in an office must be limited, and if there are different grades, this limited number must be distributed over the grades, in other words, it is not practicable to introduce a scheme which allows promotion from grade to grade without limiting the number of appointments in the several grades.
- (5) The salaries of individuals will only be fixed after the proposals have been approved.

Hostel accommodation to lower grade training students.

1255 Q.—Mr. A. T. PALMER: Will the Hon'ble the Minister for Education be pleased to state whether it is a fact that training students of the lower grade with stipends of Rs. 8-8-0 each are put to great difficulty when they are required to go to places where there is no hostel accommodation as they have to bear the house-rent themselves?

A.—The Government have no information.

Mappilla outrages.

1256 Q.—Rao Bahadur Dr. C. B. RAMA RAO: Will the Hon'ble the Home Member and the Hon'ble the Member for Revenue be pleased to state—

- (a) (1) the number of Hindu temples destroyed,
 (2) the number of Hindus murdered, especially women and children,
 (3) the number of forcible conversions,
 (4) the number of persons flayed alive,
 (5) the number of Europeans and Indian Christians among the civil population murdered by the Mappillas in the recent outbreak;
- (b) (1) the extent of the damage done to the property of the Hindus including the loss of crops and rent of the landlords, and
 (2) whether the Government contemplate to compensate the people who have suffered in the outbreak;
- (c) what steps the Government propose to take—
 (1) to prevent the recurrence of such outbreaks, and
 (2) to safeguard the lives and the property of the non-Moslems who return to their homes in the midst of the Muhammadan population; and
- (d) whether the Government propose to remit the collection of assessment, in the affected area, owing to the prevailing distress and incapacity of the people even to maintain themselves and their families?

A.—The Government are not in a position at present to furnish the information asked for.

Superintendent, Government Press, and medical certificates.

1257 Q.—Rao Sahib U. RAMA RAO: Will the Hon'ble the Member for Finance be pleased to state whether it is a fact that the Superintendent, Government Press, does not accept certificates granted by registered medical practitioners to subordinates applying for leave of absence on account of illness, but insists on their personal attendance to satisfy himself as to the truth of their statement?

14th February 1922]

A.—The Superintendent has in the great majority of cases accepted certificates issued to press employees by registered medical practitioners and in such cases he did not insist on their personal attendance. In some cases, however, in which he had reason to doubt the bona fides of the applicants for leave, he required either their personal attendance or, as empowered by the rules, the countersignature of the certificates by the District Surgeon concerned.

Acquisition of house-sites in the Tanjore district.

1258 Q.—Mr. T. SOMASUNDARA MUDALIYAR: Will the Hon'ble the Law Member be pleased to state—

- (a) how many acquisitions of house-sites have been made in the Tanjore district for Panchamas and other depressed classes from 1st February 1921 to the end of October 1921; and
 (b) the names of the villages in which, and the persons for whom in each village, the acquisitions referred to in answer to my question No. 730 and in clause (a) above have been made?

A.—(a) Eighty-seven.

(b) A statement giving the available information is enclosed.*

Christians and Muhammadans in Potturivari Thota in Guntur.

1259 Q.—Mr. G. VANDANAM: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

- (a) whether the Government know that Christians living in Potturivari Thota in Guntur are not allowed by the Muhammadans there to take water from the pump on the high road adjoining the said Potturivari Thota;
 (b) whether it has been brought to the notice of the Government that the municipal authorities tried to help them to take water, but to no purpose; and
 (c) whether the Government cannot take adequate steps to see that the Christians are allowed to take water without any direct or indirect intimidation from the Muhammadan population?

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

(b) The answer is in the negative.

(c) The Government will enquire.

Irrigation tank of Surai village, Arkonam taluk.

1260 Q.—Mr. W. VIJAYARAGAVA MUDALIYAR: With reference to the answer given to my question No. 575 at the meeting of the Council held on the 1st September 1921 regarding the irrigation tank of the Surai village, Arkonam taluk, will the Hon'ble the Member for Revenue be pleased to state—

(a) whether the report called for has been received; and

(b) whether orders have been issued for early steps being taken to redress the grievances of the ryots of Surai?

* Appendix III, on page 2154 infra.

[14th February 1922]

A.—(a) Yes.

- The question of constructing a masonry dam across the Kodakal supply channel and cutting a new channel therefrom to supply Vadakadappan thangal and Surai tanks was under consideration in 1909; but the scheme was not sanctioned on account of objections raised on behalf of the ryots of other villages affected thereby. On a further representation from the ryots of Surai and Vadakadappan thangal, they were informed by the Collector of North Arcot in March 1919 that the question could not be reopened.

- (b) The Superintending Engineer is now considering the question of raising the sill of the vents in the weir of Kodakal tank with a view to give a better supply to Melvenkatapuram tank and from thence to Surai.

APPENDIX I.

[Vide answer to question No. 1235 asked by M.R.Ry. Rao Sahib S. Ellappa Chettiyar at the meeting of the Legislative Council held on the 14th February 1922, page 2143 supra.]

Name of the local body.	Amount due
RS.	
Salem District Board	6,676
Gudiyattam Municipal Council	11,403
Tiruppattur	13,871
Vaniyambadi	9,465
Hospet	5,401
Dharapuram	899
Udamalpet	95
Proddatur	10,009
Cuddapah	2,822
Bezwada	20,858
Ellore	46,632
Masulipatam	33,188
Cannanore	2,426
Ootacamund	34,338
Salem	86,564
Kumbakonam	4,135
Negapatam	37,152
Tiruvallur	11,200
Srirangam	175
Trichinopoly	62,216
Bimlipatam	6,672
Vizianagram	4,572

Total .. 4,10,760

APPENDIX

14th February 1922]

APPENDIX II.

[Vide answer to question No. 1248 asked by Munshi Muhammad Abdur Rahman Sahib at the meeting of the Legislative Council held on 14th February 1922, page 2147 supra.]

Name of district.	Name of officer.	Age.	Qualification.	Date on which first appointed.	Caste.
-------------------	------------------	------	----------------	--------------------------------	--------

Government Pleaders and Public Prosecutors.

Ganjam ..	M.R.Ry. V. Jagayya Pantulu.	52	B.A., First-grade Pleaders examination, Précis-writing, third class, Vernacular Test.	18th July 1914.	Brahman.
Visagapatam ..	M.R.Ry. Rai Bahadur B. Suryanarayana Sastri.	..	B.A., B.L.	1911 ..	Do.
Godavari ..	M.R.Ry. Diwan Bahadur C. Venkatachalam Pantulu Garu.	65	B.A., B.L., First-grade Pleaders examination, Précis-writing.	1902 ..	Do.
Kistna ..	M.R.Ry. S. Hanumantha Rao Pantulu Garu.	53	B.A., B.L.	25th September 1905.	Do.
Nellore ..	M.R.Ry. M. Chengayya Pantulu Garu.	50	B.A., B.L., Précis-writing.	12th January 1904.	Do.
Chittoor ..	M.R.Ry. A. Devaraja Mudaliyar Avargal.	34	B.A., B.L.	1st October 1920.	Non-Brahman.
North Arcot ..	M.R.Ry. C. Narasa Ayyar.	..	First-grade Pleader.	11th September 1920.	Brahman.
Cuddapah ..	M.R.Ry. B. P. Deva-rajulu Nayudu.	..	B.A., B.L.	1st January 1922.	Non-Brahman.
Kurnool ..	M.R.Ry. Rao Bahadur S. Seshu Sastri.	50	B.A., B.L.	February 1907.	Brahman.
Bellary ..	M.R.Ry. Rao Bahadur M. Gopalaswami Mudaliyar.	46	B.A., B.L.	1st July 1916.	Non-Brahman.

Official Receivers.

Chittoor ..	M.R.Ry. G. Srinivasa Acharya.	52	B.A., First-grade Pleader.	4th January 1918.	Brahman.
Godavari ..	M.R.Ry. A. Kanakaraja Pantulu.	54	Do.	1st August 1915.	Do.
Kistna ..	M.R.Ry. B. Sriramanulu Garu.	..	First-grade Pleader.	20th June 1913.	Not known.
Cuddapah ..	Mr. M. W. Elliot	72	Matriculation, Criminal and Civil Higher, Précis-writing.	1st March 1911.	Burman.

There are no Official Receivers in the other districts referred to in the question.

NOTE.—Caste has been entered against each item so far as can be guessed from their names.

[14th February 1922]

APPENDIX III.

[Vide answer to question No. 1258 asked by M.R. By. T. Somasundara Mudaliyar at the meeting of the Legislative Council held on 14th February 1922, page 2151 supra.]

Statement showing the number of persons for whom acquisition has been made in the Tanjore district till the end of October 1921.

Name of village.	Panchamas (Hindus and Christians).	Hindu caste labourers.	Indian Chris- tians.	Total.
1. Venkatasamudram (second Sethi) ..	..	..	43	43
2. Ombathuvoli ..	2	..	6	8
3. Pavanamangalam ..	7	6	..	13
4. Mannarsamudram ..	..	..	..	..
Pathway for Panchamas and extension of Church.				
5. Adambar ..	23	..	..	23
6. Konerirajapuram ..	42	32	..	74
7. Kuthur ..	..	..	..	..
8. Varabar ..	..	..	..	..
9. Marneri ..	20	12	..	32
10. Tirukandiswararam ..	20	..	..	20
11. Amur ..	33	..	..	33
12. Papakoil ..	57	..	..	57
13. Allur ..	27	..	..	27
14. Vittalapuram ..	68	..	..	68
15. Koraiyur ..	48	..	..	48
16. Kovilpathu ..	6	..	..	6
17. Thenperambur ..	33	..	..	33
18. Pattamangalam ..	78	..	..	78
19. Ambathamelagaram ..	20	..	..	20
Pathway for Panchamas.				
20. Rajagiri ..	27	..	..	27
21. Siralur ..	29	..	..	29
Pathway for Panchamas.				
22. Arumulithevan ..	21	..	..	21
23. Kalvirayampet ..	88	..	..	88
24. Nagathi ..	62	..	..	62
25. Tirukattapalli ..	77	2	..	79
26. Togur ..	33	..	..	33
27. Nedur ..	11	..	..	11
28. Pillayarnatham ..	44	18	52	114
29. Melathiruppanthuruthi ..	31	..	11	42
Pathway for Panchamas.				
30. Tirunelakudi ..	19	..	..	19
31. Pasupathikoil ..	13	..	..	13
32. Palamaneri ..	20	..	..	20
33. Perambur (second Sethi) ..	18	..	..	18
34. Ullur ..	62	5	..	67
35. Patnam ..	..	8	..	8
36. Peravur ..	41	..	..	41
37. Sithakadu ..	44	28	12	44
38. Kalumangalam ..	40	..	..	40
39. Mahadevapuram ..	47	..	..	47
40. Kulimathur ..	60	..	..	60
41. Kilathirupanthuruthi ..	21	..	..	21
42. Muvalur ..	..	15	..	15
43. Vadarangam ..	44	..	..	44
44. Serugudi ..	10	..	..	10
45. Karuppur ..	..	..	..	..
46. Chitrakudi ..	..	..	..	..
47. Parasalur ..	..	..	..	..

[14th February 1922]

Name of village.	Panchamas (Hindus and Christians).	Hindu caste labourers.	Indian Chris- tians.	Total.
48. Kachamangalam ..	85	..	..	85
49. Nakkambadi ..	7	1	..	8
50. Mekalathur ..	19	..	..	19
51. Padirakudi ..	16	..	..	16
52. Semmangudi ..	54	1	..	55
53. Inam Mathur ..	48	..	..	48
54. Komal East ..	..	5	5	10
55. Mannakudi ..	..	14	..	14
56. Thittai ..	8	..	..	8
57. Kaivilanjeri ..	3	..	..	3
58. Thondrayambadi ..	25	..	..	25
59. Kangiampatti ..	16	..	..	16
60. Peramur ..	32	..	..	32
61. Arcadu ..	37	..	..	37
62. Perambur (first Sethi) ..	24	..	..	24
63. Iswarankoilpathu ..	21	..	..	21
64. Barandimangalam ..	43	..	..	43
School site for Panchamas.				
65. Tanjore Town ..	..	10	..	10
66. Melaiyur ..	..	8	..	8
67. Villavarambal ..	..	..	..	..
68. Visalur ..	25	..	..	25
69. Ranganathapuram ..	19	..	..	19
70. Rayampet ..	11	..	..	11
71. Dikshasamudram ..	14	..	..	14
72. Andanapet ..	5	..	..	5
73. Agara Elathur ..	31	..	..	31
74. Agani ..	43	21	..	64
75. Ramapuram ..	..	2	..	2
76. Puttagaram ..	31	..	..	31
77. Mathur ..	7	..	..	7
78. Tiruvadi ..	46	..	..	46
79. Sithamali Melpadi ..	17	..	..	17
80. Palliyur ..	40	..	..	40
81. Kavalur ..	25	..	..	25
82. Tadalankoil ..	2	..	..	2
83. Shiyali ..	32	..	..	32
84. Thandanthottam (Ayyavadi) ..	5	..	..	5
85. Anathandavapuram ..	2	45	..	47
86. Sakkarasamundam ..	34	..	..	34
87. Marudangudi ..	21	..	..	21
88. Karikandam Karuppur ..	30	..	..	30
89. Tirunarayur ..	7	..	..	7
90. Nachiyarkoil ..	8	..	..	8
91. Koranttukaruppur ..	63	..	..	63
92. Rayandur ..	..	22	..	22
93. Ponavasal ..	16	..	..	16
94. Mooka Nanjikottai ..	88	..	..	88
95. Vishnupuram ..	..	13	..	13
96. Manjamadli ..	10	..	..	10
97. Koviladi ..	46	..	..	46
Well site for Panchamas.				
98. Annapanpet ..	..	..	..	..
99. Pillayarpetti ..	..	..	..	..
100. Nagarasampet ..	33	..	..	33
101. Tiruppayanam ..	44	..	..	44
102. Sothakudi ..	10	6	..	16
103. Kilamanakudi ..	25	..	..	25
104. Venkatasamudram (first Sethi) ..	11	..	..	11
Total ..	2,530	269	129	2,928

PETITION TO THE COUNCIL

[14th February 1922]

III

PETITION TO THE COUNCIL.

Mr. T. SOMASUNDARA MUDALIYAR:—"I want to present to the Council a petition from the mirasidars of the Tanjore district, regarding the work of the Labour Department in carrying out the work of acquisition of house-sites in the Tanjore district."

The Hon'ble the PRESIDENT:—"Standing Order 71 requires that a petition to the Council must relate to some matter actually under the consideration of the Council, must be dated and signed by the petitioner or petitioners, and must be in respectful and temperate language. This is a petition of the mirasidars of the Tanjore district regarding the work of the Labour Department in that district, and as there is a resolution tabled on the subject, I accept the petition."

IV

ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

The Hon'ble the PRESIDENT:—"I have to announce that the Madras District Municipalities Amendment Act, 1921, which was assented to by His Excellency the Governor on the 30th December 1921, received the assent of His Excellency the Governor-General on 1st February 1922."

V

NOMINATION OF A MEMBER TO THE FINANCE COMMITTEE.

The Hon'ble the PRESIDENT:—"I have to inform the House that His Excellency the Governor has been pleased to nominate Sir James Simpson, Kt., as a Member of the Finance Committee in place of Dr. Gilbert Slater, resigned."

VI

A BILL TO AMEND THE MADRAS REVENUE RECOVERY ACT II OF 1864.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Mr. President, I beg to introduce a Bill to amend the Madras Revenue Recovery Act II of 1864 and to move that it be read in Council. It will be obvious to every one who has been in touch with the happenings in the Andhradesa in general and in parts of the Guntur district in particular that this piece of legislation is of an emergent nature. Its duration is proposed to be restricted to a limited period. Honourable members are aware that in a Press Communiqué issued on the 20th January last Government had stated that 'to meet systematic refusal to pay taxes they propose to introduce legislation to shorten where necessary the time taken to carry out the various provisions of the Revenue Recovery Act II of 1864, so that land or movable property may be brought to sale immediately on failure of payment'. In pursuance thereof the Bill which I now introduce was published on the 24th idem and has thus been before the public for the last three weeks."

"The provisions of the Act with which we are immediately concerned relate to the distraint and sale of movable property and the attachment and sale of immovable property. Even at the risk of taxing the patience of the House, I shall venture to refer briefly to the existing provisions so that the House may follow me in the few general observations which I wish to make at this stage."

14th February 1922] [Mr. Muhammad Habib-ul-lah Sahib]

"Under section 3 of the Act, the Board of Revenue is empowered to fix from time to time the amount of the several kists in ryotwari areas and the dates at which they shall become payable. If the kist is not paid on the due date, the Act provides means of recovery by proceeding against the movable or immovable property."

"As regards movables, before taking any action a demand is presented. If no payment is made this is authority for making distress. A list of the property distrained is given to the defaulter, with a notice that this property will be brought to sale. If no payment is still made the list of property is sent to the officer empowered to sell under Act VII of 1839. That officer gives notice of sale by affixing a list of the property on the house from which distraint was made and a notice of the date of sale which cannot be earlier than fifteen days after the date of notice."

"In regard to immovables the procedure is as follows:—

(1) A written notice of demand fixing a date for payment is first served.

(2) Attachment is made by affixing a notice to the land and by publication in the district gazette which, let it be remembered, only issues once a month.

(3) Notice of sale is posted in the Collector's office, in the taluk outcherry and on the land one month at least before the date of sale.

(4) Payment may be made at any time before sunset on the day prior to the date of sale.

(5) After such sale 'any person claiming any interest in the land is entitled, at any time within thirty days of the date of the sale, to deposit the arrears and expenses together with five per cent of the purchase money and get the sale set aside.'

"The House will agree with me that in normal times it has been found possible to give the ryot this very large amount of license in the matter of payment without endangering the public revenues. The procedure presupposes that the ryot is *willing* to pay but prevented by temporary difficulties from doing so or that he is merely indolent in the discharge of his duties."

"But the situation we are now faced with is quite another one. No one can now question the fact that there has been an organized attempt to prevent and resist the payment of tax in the Guntur district at any rate. The fact is patent to the local officers who meet with people lecturing to the villagers on these lines and the matter is openly discussed in certain newspapers."

"This movement has two aspects—

(1) It is an offence against the State which has the right to demand from its citizens their proper contribution to the revenue.

(2) It is an anarchical and disruptive movement which by deliberate disobedience of law attacks the basis on which the State is founded. If successful, it would end not in Home Rule or anything like it but in no rule, or in other words in *anarchy*. Hence it is indisputable that the duty of the State is twofold.

"Firstly, it is bound to collect the dues which are necessary for the carrying on of the administration."

[Mr. Muhammad Habib-ul-lah Sahib]

[14th February 1922]

"Secondly, it is bound also in defence of all law-abiding citizens and of their lives and property to meet this movement on the ground on which it has chosen for the attack and to defeat it before any harm is done. We have seen enough recently of the danger to life and property which can arise from such a movement. It makes no difference whether the persons who have been drawn into this movement are the dupes of agitators or the originators themselves; in either case the danger is the same to the State. We know that no one likes paying taxes and the prospect of escaping them would be very attractive to the simple and unthinking man who would not realise the danger he is risking by supporting such a movement. On the other hand, he will perceive therein that the prospect of the millenium in the shape of the promised *Swaraj* of 'no-tax' was materializing and was in sight.

"Let me now discuss in brief the aims and objects of the measure I ask the Council to give its assent to. It proposes to shorten the processes for collection so as to bring the ryot as soon as possible face to face with the fact that he must lose his land if he persists in the course he has adopted. The sooner he realizes this the better for himself and every one else. It is believed that there will be very few ryots, if any, who are prepared to lose their land in support of the mere theory of civil disobedience. And if there are some prepared to go this length, there is no reason to give them long time to consider over the matter.

"It cannot be denied that the actual measures to be adopted must depend in each case upon the needs of the situation. When this Bill was drawn up the danger appeared to be acute. Of course, we are not yet out of the wood. There is still the possibility that the same methods will be tried in other districts. Even now in Guntur alone there are arrears of nearly 50 lakhs.

"It will be noted that a separate notification is needed to bring into force each section of the Bill. That is to say, Government will have to consider in each case what measure of pressure is needed to fit in with the circumstances. In the extreme case of men determined to face the consequences of their action, there seems no need to give them any further room for repentance after the sale, while the hope of such an opportunity may prolong their resistance.

"I think a word as regards the effect of this legislation on innocent people will not be out of place. I may at once state that there is a real danger of regarding a measure of this kind too much from the point of view of the individual. If the movement of civil disobedience should be successful, it would be the individual who would suffer. Anarchy means that there is no security for private property. We have seen this already in other countries. The man who upsets the law of the State is not careful about the rights of private persons. Civil disobedience is in reality war on the State made by those who enter on it and it cannot be met without some inconvenience to others. The restrictions put on private persons in England during the war are too well known to need recapitulation. But let me emphasize that the Bill as proposed does not cut off any rights from any one. The landholder is in duty bound to pay his kist by the date specified in the kist-bandi according to section 3 of Act II of 1864 quoted already. If necessary, it would be perfectly legitimate to insist on that duty. While it may not be necessary to go as far as that, it is necessary to curtail some of the concessions which have till now been allowed. To allow the long periods for payment under present conditions would be to encourage the deception which

14th February 1922] [Mr. Muhammad Habib-ul-lah Sahib]

has been practised upon some of the ryots and to give the really determined an unnecessary advantage. The State has to show as promptly as possible that it has the power to enforce its dues and that civil disobedience has inevitable consequences.

"And let it be stated that these measures are as much in the interests of the individual as of the State. The continuance of disorder must bring ruin to the country and to its trade and the sooner it is extirpated the better.

"I would beg of the House to remember that we are now dealing not only with Guntur where the trouble has asserted itself but we have to bear in mind the patent fact that the trouble is bound to spread to other districts also rapidly if it were not put a stop to promptly in Guntur. Finally, we are no less responsible to all India, for at such a time if in one Province law and order should break down it will be impossible for the officers in other areas to prevent the contagion from spreading.

"With these observations I wish to leave the Bill in your hands with the fullest confidence that you will not hesitate to arm the Government with the powers which they seek at your hands in the shape of this measure. You will, I am sure, realize that half-and-half measures, or measures about the efficacy of which there is the least doubt or hesitation, will not remedy the present evil. Effective and stern measures are now imperatively necessary. I cannot conclude better than by making an apt quotation from the 'Justice' which to my mind sums up the situation sufficiently forcibly :

' Rally to the Government.'

Non-payment of taxes will inevitably bring the forces of the Crown into conflict with the intransigent civil resisters and their unsophisticated dupes. Thus will break out civil war in the country endangering public peace and enabling the worst elements of society to indulge freely in their predatory instincts. This is the gruesome prospect that is opened out by the campaign of mass civil disobedience threatened by Mr. Gandhi and his friends now. In the circumstances there is only one course open to all of us who are genuinely anxious for the maintenance of peace and order in our midst and that is to range ourselves solidly on the side of the Government. We have, no doubt, our own grievances against the Government, but this, in our opinion, is not the time either to talk about them or to withhold in consequence the support that we are capable of rendering, individually, as well as collectively, from them. Our duty, on the other hand, is to fight the forces of anarchy and lawlessness, and this we can hardly discharge in a better way than by throwing all the weight of our influence on the side of the Government.

The Hon'ble Mr. K. Srinivasa Ayyangar seconded the motion.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I have listened with very great attention to the eloquent and strong appeal

made by the Hon'ble the Revenue Member in asking for the acceptance of this motion. It is a matter to be seriously considered whether in spite of all the arguments that have been advanced, the Bill that is now before the House purporting as it does to affect all classes of ryots and agriculturists is to be hurried through at this session of the Council. I may state at once that the Hon'ble the Revenue Member in his speech dwelt more upon the present political situation and suggested that stern measures are necessary to bring down all those factors which are likely to lead to disorder. I may also state there is no one in this House or anywhere else who will take exception to that proposition to put down all revolutionary measures. The point for consideration on this occasion is whether the present Bill is quite necessary at present, whether it is calculated to cope with the present situation in the manner in which the Hon'ble the Revenue Member expects it will, whether it is not more drastic than it need be even to cope with the present situation and whether it does not affect honest, innocent

[Mr. A. S. Krishna Rao Pantulu] [14th February 1922]

and law-abiding citizens more than others. It is these four different aspects of the question that I wish the House to consider before giving its assent to the motion. I do not yield to any one in my attitude of opposition to the movement of mass civil disobedience or the 'no-tax' campaign. But, Sir, whatever doubts we had about the acuteness of the situation a few days ago must have been dispelled by some matters which have come to the knowledge of the public in yesterday's papers. It is no doubt with some anxiety that persons even in *Andradesa* were watching the progress of events in the Guntur district, especially those in the neighbouring districts. Very properly and with due consideration, the Congress Committee appointed a representative committee which toured through various places and sent up their recommendations that that campaign ought to be abandoned and taxes should be paid. As a result of their recommendations we have it definitely stated that the committee itself met and resolved not to proceed with the anti-tax campaign. It will also be noticed that even in the campaign started in the Bardoli district by the author of this campaign, this question was considered at considerable length and the resolutions of the Working Committee published in the papers must have removed any doubts which might have been entertained in the minds of the honourable members as to the present acuteness of the situation. It was definitely stated that the Working Committee of the Congress resolved that mass civil disobedience contemplated at Bardoli and other places should be postponed and that the local Congress Committees should be forthwith instructed to advise cultivators to pay land revenue and other taxes due to Government whose payment might have been suspended in anticipation of mass civil disobedience.

"Sir, I refer to this to show that the present Bill is not of such an emergent character as the Hon'ble the Revenue Member would put it. The second point which I wish to place before the House is: is it after all to be taken for granted that this is an effective remedy to cope with the present situation? I feel considerable doubt as to the efficacy of the present measure which is of a general character. Those who have seen the beginnings of this movement would have been satisfied that the advocates of that policy have repeatedly stated that they must not care for the loss of their property. They have repeatedly advised that it is only when they come to a frame of mind where they are willing to part away with their property that they should think of this movement for non-payment of taxes. Whether it is right or wrong it is not necessary for us to consider. But if the reports which have been published in the papers from time to time about the manner in which attachments and distraints were effected in recent days are to be taken as a fact, it is clear that several of them did not hesitate to any extent in offering their property for distraint. I would therefore ask whether the present Bill is likely to prove effective even from the standpoint from which it has been presented by the Honourable Member.

"Then, Sir, the next point for consideration is that this Bill does not merely shorten the period prescribed for sale of movable or immovable property, it does not merely prescribe a period of 24 hours in the case of movable properties and 7 days in the case of immovable properties; but it practically does away with the safeguard provided for the publication of a notice of distraint or attachment in these areas. That is, I submit, very important. In this country, in this province in particular, there are a large number of joint pattas. It is a matter of common knowledge that a man may own property in several pattas or may own property with the patta

14th February 1922] [Mr. A. S. Krishna Rao Pantulu]

standing in the name of another. Is there not a very serious danger of the most innocent and law-abiding citizen, not exactly knowing whether there are any arrears or not, being put to loss if his properties are sold without proper notice? If all these provisions are accepted in the manner suggested, there is that danger. I would particularly draw the attention of the Council to some words occurring in clauses 2 and 3 of the Bill which strengthen my position. Clause 2 states that 'notwithstanding anything contained in sections 9 and 22 which deal specifically with the mode of publication the person authorized to sell may cause such proclamation as he may consider necessary to give due publicity to the sale.' It is in my opinion a very large order to any officer concerned, if he is given full discretion to have it published in such manner as he thinks fit. The present provisions of section 22 are quite clear as to the manner in which it is to be published. 'The public officer empowered to sell property shall cause to be affixed to the outer door of the defaulter's house, or on the premises where the properties may have been distrained, a list of the property to be sold, with a notice specifying the place where, and the day and hour at which, the distrained properties will be sold, and shall cause proclamation of the intended sale to be made by beat of drum in the village to which the lands on which the arrear has accrued may belong and in such place or places as the Collector or other officer empowered by the Collector in that behalf may consider necessary to give due publicity to the sale'. If in the proposed clause some specific mode of publication has been definitely suggested it would have been a matter for the consideration of this Council to see whether it could not be satisfied with it. What the section says is that 'the officer who is authorized to distrain movable or immovable properties is to be the selling officer and publish the notice of distraint or attachment whether in the case of movable properties in clause (2) or immovable properties in clause (3) in such manner as he thinks fit'. I would submit that it is certainly dangerous in areas where there are a large number of pattas and also joint pattas to give such a large order to a distraining or selling officer without the necessary safeguards. That is the one real danger which has to be guarded against and which requires very serious consideration. Therefore I submit that even for the purpose of coping with any emergency whatever the provisions are too drastic to be allowed.

"Then, Sir, clause (4) introduces another principle altogether. It suggests that a man cannot pay the arrears after the sale is over and cannot have the benefit of that provision. This is again a very drastic measure for us to give our assent to. What is more important in this is the effect the Bill will have upon innocent persons. The Hon'ble the Revenue Member was good enough to state in the course of his remarks that he will say something with reference to innocent persons who are likely to be affected. I expected that he would be in a position to give some satisfactory assurance that the provisions contained in the Bill are such as would not affect such persons. I was very anxiously listening to him with the hope that something definite would be suggested to guard their interests. He has stated that, in troublesome times and in times where anarchy is to be prevented, the individual must subordinate his interests to other interests and therefore must be prepared to suffer. That is the sum and substance of the position he has taken. Sir, I think it is dangerous to accept that doctrine under the present conditions. It presupposes a condition of things which does not

[Mr. A. S. Krishna Rao Pantulu] [14th February 1922]

exist. It is very unfortunate that the Hon'ble the Revenue Member has drawn the analogy relating to the war and stated that in times like these individuals might be subject to several restraints. Let us not take that analogy at all. I think he has magnified the situation. With all our anxiety to put down revolutionary propaganda, we must be particularly careful that all innocent individuals are assured of the just maintenance of their rights. This Bill, so far as it goes and so far as the provisions can be worked out, is calculated to affect individual rights.

11-45 a.m. "Therefore, I would ask the Hon'ble the Revenue Member whether he would not think it worth his while to wait before rushing through this Bill at this stage. In the first place, he must concede that the situation is not so acute now as it has been considered to be. If, as is stated, the persons who are engaged in this movement are committing offences against the State, it is open to the Government to take what measures they like to put down such offences or deal with the situation. But let not, in the name of that movement, a Revenue Bill be passed which affects all the ryots and agriculturists and pattadars alike independently of their political views. Again, Sir, is there not the danger that in working out these rules, with large orders given, the distraining officers and the selling officers would not be in a position to discriminate in what cases such rules should be applied and in which cases it is desirable not to do so? They may not be in a position to properly discriminate between one who is guilty and another who is not guilty, between one who is innocent and another who is not innocent. Are we in this House, notwithstanding the fact that there has been technical publication for one week or two weeks, to give our assent to this measure when it is calculated to produce such disastrous consequences? For these reasons, Sir, I feel that I cannot give my support to this motion."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I rise to support the principle of this Bill. I do not, at the present stage, go into the details of the measure. It may be that, when the stage for discussing the details of this Bill arrives, some changes in details may be found necessary. But apart from that, I think it is necessary that this House should support the principle contained in this Bill. That principle is this: to shorten the period that is ordinarily necessary for the attachment and sale of both movable and immovable properties for arrears of revenue. To my mind, there are some safeguards in the Bill itself, which militate against the dangers that we contemplate. In the first place, it is specifically stated in the Bill that it is to be only a temporary measure. It will, if it is ultimately passed, be on the Statute book only for about a year, that is, till the middle of 1923. Another safeguard that is provided in the Bill is this: that the district authorities are not given the power of taking the initiative in furtherance of this Bill when it becomes an Act. It is only the Government that can take the initiative, and it is only after the Government publishes a notification—as to how that notification is to be published, it is a matter of detail; it may be that this House may have something to say with regard to the manner of publication when we come to that part of the Bill—that the provisions of this Bill when it becomes an Act can come into operation in certain areas. Those areas are to be specified in the notification to be issued by the Government. I think the Government can, to some extent at all

14th February 1922] [Mr. M. Krishnan Nayar]

events, be controlled by the opinion of this House as expressed here, so that there is a check upon the Government with reference to the operation of this Bill.

"It has been stated that what has appeared in the newspapers takes away the need for passing such a measure as this. It has been stated that resolutions have been passed for suspending the campaign of non-payment of taxes. We have been reading in the newspapers resolutions after resolutions. Certain resolutions are passed to-day and are cancelled to-morrow. These latter resolutions are again cancelled the day after to-morrow. Thus, this House is not in a position to say that these resolutions that appeared in yesterday's papers will not be cancelled again, and that other resolutions advocating even more drastic steps than those contemplated up to now will not be passed ('Hear, hear'). Thus the danger to meet which it is proposed to pass this measure still exists. And, Sir, what is that danger? It is not something that arises from an ordinary discontent with the Government. The danger lies more deeply than that. The danger is really the negation, the total destruction of all Government. For, whatever may be the form of Government, whether it is a civilised Government or an uncivilised Government, whether it is an autocratic Government or a Government that is responsible to the people at large, it is absolutely impossible for any Government at any time under any circumstances to carry on the administration of any country without money, and if this movement of non-payment of taxes becomes an accomplished fact, the country will be brought to a chaos, and even those who advocate this non-payment of taxes will be sufferers with the rest of society, so that the effect of this Bill if it is passed into law will be to protect even those who are advocating this non-payment of taxes. Therefore, seeing that there is this serious and impending danger of the Government being brought to a standstill if the campaign of non-payment of taxes becomes successful, it is, to my mind, very necessary that this House should give its assent to the general principles of this Bill. With these words, I support the principle of the Bill."

Rai Bahadur T. M. NARASIMHACHARLU:—"Mr. President, Sir, I am sorry I cannot support the motion. ('Hear, hear', from Mr. A. Ranganatha Mudaliyar). In the first place, as the Hon'ble the Revenue Member himself admitted, the position which was sometime ago very acute is not so at present. It has been said by the honourable member Mr. Krishnan Nayar that the resolutions of non-co-operators passed to-day might be rescinded to-morrow. Well, Sir, if such a contingency arises, the emergency also will arise and we can meet that situation.

"In the second place, I am more anxious about the good name of the Government and even under the ordinary law, wherein special safeguards are provided about notification and other measures, we see that the process of selling lands for non-payment of taxes is being abused in several cases. It will be especially so when the pattadar is one and the owner is another. The Government looks up to the pattadar for the payment of the kist, and they send notices, etc., to that person. He might happen to be a non-co-operator and he may not care for these things, but the owner of the land may be a co-operator; he may be in a distant part of the country and he may not know anything about it, especially when the principle of the Bill is to cut short the several notices and also the time for sale. I think that when

[Mr. T. M. Narasimhacharlu]

[14th February 1922]

such acuteness arises there would be many officers empowered to sell both movable and immovable properties and all such officers cannot be high paid officers who can be relied on for the conscientious discharge of their duties. In fact when such emergency arises, the Government may have to employ any number of clerks for the purpose of distraining movables and for the purpose of attaching and selling immovable properties. My anxiety is that if we employ so many persons and if we give them these large powers, there is every likelihood of the powers being abused and in that way it may bring a very bad name to the Government. So, while I am prepared when an emergency arises to support such a Bill, I am equally anxious that the Bill should contain such provisions as would be a safeguard against abuse of the powers vested in officers empowered to sell movable or immovable properties. At present the Bill contains no such provision and I am quite sure that while the Government are anxious to protect law and order, they must be equally anxious to prevent the abuse of the powers that would be delegated to ordinary clerks and petty officers of the Government.

"In the third place, my strongest reason for my not supporting this Bill is this: that this Bill not only aims at collecting taxes by the speedy sale of properties, but I am sorry to say it is of a vindictive character. Suppose a land has been sold. The present section 37-A gives the option to pay up the amount plus 5 per cent to the purchaser within thirty days or within a month after the sale. It also gives power to persons who have got any interest in the land to intervene and prevent the sale and also to pay up the amount and have the sale set aside. Now, Sir, the Bill proposes to do away with section 37-A altogether in these cases. I submit that instead of going to the length of being vindictive even as against the non-co-operator, it is better to give him time for penitence. It may be one thing to stop payment of the tax at first, but when people are about to be deprived of their property, I know several people would become penitent and pay up their dues, within one month. I ask, Sir, is it better to bring round people to your side or is it better to drive them into despair once for all? ('Hear, hear') I say, Sir, that in my opinion you must give time even to a non-co-operator to repent his ways and as the Bill does not aim at that object but aims at being vindictive and wants to punish people, I submit that it ought not to be supported.

"Again, Sir, when I say that we must give *locus penitentiae* to the non-co-operator, we must also protect innocent persons who are not non-co-operators who may be the owners of the lands but the patta may not have stood in their name or they may not have known that the sale was going to take place. Sir, I ask is it reasonable for us to enact a law here so as to deprive innocent people of their properties like that, to deprive people who have any interest in the land of an opportunity to pay up the amount, by such a drastic measure?

"Therefore, Sir, in the first place there is no emergency at all, at the present moment at any rate to rush through such a measure in this Council in this very sitting. In the second place, I say, that the Bill is open to abuse about which there are not sufficient safeguards. In the third place it is of a vindictive character which we should not here perpetrate. For these reasons I am sorry I cannot support the motion."

Rao Bahadur T. BALAJI RAO NAYUDU :—"I beg to support the Bill for the reasons already given by my honourable friend Mr. Krishnan Nayar. It

14th February 1922]

[Mr. T. Balaji Rao Nayudu]

is only a temporary measure lasting till, at the most, 30th June 1923 and is intended for the current and next fasli and by that time we can see whether the non-co-operation continues or disappears. Secondly, there is another safeguard: where there is no non-co-operation, where there is no mass civil disobedience, this temporary measure will not be extended to and there is no reason at all for any of the ryots or inhabitants of other parts of the country to fear. My friend, Mr. Krishna Rao, has referred to the news in the latest papers of yesterday and said that the Congress Committee have directed postponement of civil disobedience. We do not know what they would do to-morrow or the day after. The Government have decided to take repressive measures to check the evil effects of non-co-operation. I do not see any necessity for anybody thinking that this measure is hard. The moderates, or gentlemen who appear to be co-operators with the Government, are indifferent towards the spread of non-co-operation; 95 per cent of them are remaining neutral, talking to non-co-operators as if they are not against them and talking to Government as if they are siding the Government. (Laughter). Leaving aside the Government officials, the bulk of the population is against them. And if the few non-co-operators are made to understand that there are greater number of co-operators, they would soon disappear. It is the absence in them of that feeling that has encouraged the non-co-operators to work on to this stage. There was the other day a motion for adjournment of the House to express our feelings against the Government resorting to repressive measures; but it was not carried. That shows that this Council, as a body, is in favour of carrying out the repressive measures against non-co-operators. I think that every one of us should therefore support this Bill."

Mr. T. ARUMAINATHA PILLAI :—"Sir, much has been said about the decision of the Congress Working Committee. If the Working Committee of the Congress had really given up the mass civil disobedience on account of the bloodshed and the horrors that have been created in this country, one could very well say that there is no necessity for this Bill, and I, from my place here, would stand up and oppose the Bill. But if we look into the resolutions of the Congress Working Committee, it simply says that it resolves that mass civil disobedience contemplated at Bardoli and elsewhere be suspended until the atmosphere is so non-violent as to ensure the non-repetition of popular disasters as happened at Gorakpur, Madras and Bombay. That time limit seems to be indefinite. We all know of the recent letters that passed between Mr. Konda Venkatappayya and Mr. Gandhi about the suspension in the *Andhra* province of mass civil disobedience. Well, Sir, it might be stated that some province would say that they have fulfilled all the conditions laid down at Delhi and therefore they would begin civil disobedience. No time has been prescribed for the suspension of the campaign and I submit, Sir, it is necessary that the Government should be empowered to meet the situation if it arises. Therefore it is on this ground alone that I support this Bill.

"But going to the Bill, I must say that some of the provisions are, as my honourable friend said, very very vindictive. At least one section of it, section 4, removes all chances for *locus penitentiae* to a defaulter and that ought to be deleted. I am sure that the Congress Working Committee's decision will suspend civil disobedience at least, let us hope, for this fasli; and by passing section 4 let us not give a handle to the non-co-operators to say that

[Mr. T. Arumainatha Pillai]

[14th February 1922]

the Government are panic-stricken and it was not in a mood of conciliation that the Government wanted the Bill. Let not that blame of vindictiveness be attached to us. I also say that so far as this Bill is concerned, I do not believe there is any use in waiting. After all, it contains only four sections. With passing certain amendments that are essential as a safeguard, it will get all right. Therefore, Sir, I support this Bill."

Rao Bahadur P. C. ETHIRAJULU NAYUDU:—"Mr. President, Sir, the Hon'ble Member for Revenue has shown by the provisions of this Bill that he is able to keep his head cool under the greatest provocation. The non-payment of taxes is an extreme form of civil disobedience, the most extreme even according to that great apostle of non-violent anarchy, Mr. Gandhi. Even he, even that great mahatma soul who has no conscientious scruples to lead his innocent country through seas of blood on its way to the promised land, has thought fit to consider and reconsider this, the last part of his programme, and to treat it as more or less as an extreme or desperate threat which he would think fifty times over before he enforced it. He has hedged it in with conditions which he fully knows are impossible of achievement in India even after centuries of preparation and intensive propagandism. He has definitely asked that no part of the country should undertake it, till he has personally tried the experiment in what he considers the most advanced part of India. But all these precautions availed him not. Poor Mr. Gandhi knew not that non-co-operation fold attracted people who had nothing in common among them except hatred to the Government and that the large majority of them were in it, not because they believed in his creed or its conditions but because it was a convenient place from which they could disgorge their venom against the Government. He knew not that some disappointed place-hunter, some jaundiced observer, some man whose craze for notoriety was far stronger than his ideas of fair-play to his countrymen, would steal a march over him and pretend that he saw the Delhi conditions where they existed not. But so it turned out, and the poor unlettered peasants of the Peda Nandipad firka have been the dupes of this fraud. They knew not the Delhi conditions, much less practised them; they knew not that non-payment of taxes was tantamount to losing their lands and was a step involving sacrifice in the country's cause. They were only told that if they only combined and declined to pay, they could keep their money to themselves while they would not lose their lands. This was catching advice, and was naturally accepted readily and acted upon. This was the only part of the Gandhi programme which they were ever told about or which they accepted. There is no question of increasing khaddar or giving up untouchability. To disillusionise them was the task which the Government had to face. This task was rendered all the more difficult by reason of the fact that the very people on whom the Government should have depended for help in this hour of need were found out to be the very originators of the present trouble. It was the village officers and more especially the karnams whose word was law to the poor illiterate villagers that the non-co-operators had taken as their local agents to spread their creed and these unfaithful servants of the Government who have grown fat with illicit earnings of ages were assured that if they struck work and resigned at this critical juncture and made the collection of taxes impossible they would for the time being be supported from the Congress funds or from public subscriptions and eventually reinstated in their old positions of trust and influence with due

[14th February 1922] [Mr. P. C. Ethirajulu Nayudu]

honours and increased emoluments for their alleged national duty, on the advent of *Swaraj*. I can say that almost all the karnams definitely took sides with the non-co-operators and misled many of their respective village munsifs also into taking sides. Many of them resigned but even those who did not care to come out so openly, stopped collecting taxes and even told the ryots who offered to pay their taxes to wait on. This was how no-tax was collected in time anywhere in the district.

"I fear the other officers of the Government also, at least a majority of them, showed their sympathy and secretly helped or abetted the karnams in their treachery. Though the Collector no doubt issued orders to spur the staff, the progress continued disappointingly poor for the above reasons. As a result, a special staff had to be entertained to advise the ryots and to do distraint and attachment work on an extensive scale and a large part of the ordinary staff was diverted to the special work. But it was not till the Government published the present Bill and announced its determination to buy themselves the lands if necessary as a last resort and give them away to the depressed classes and soldiers, that the ryots realized that they had been enticed into a danger which they had never bargained for. But so great was the influence which had been brought to bear upon them, that even now the situation is anything but normal and is not at all free from anxiety. It is in view of the gravity of the situation and the admitted need for strong and determined action that I said that the Hon'ble the Revenue Member had shown great forbearance in not making the Bill much more drastic than it is. He has only provided to quicken the pace of the proceedings which at present are unduly leisurely so far at least as immovable properties are concerned. This is done by clauses 2 and 3 of the Bill. These clauses have my hearty support. It is about section 4 that I have some doubt. I fear that it may cause immense hardship and loss to the absentee landlords, as it bangs the door against rectification of even unintentional errors committed it may be by an unfaithful tenant. It also slams the door against the recovery of his land by a ryot who is in *bona fide* difficulties for money and is unable to get it till a few days after the sale. I think that section 37-A of the Principal Act was serving a very useful purpose in such cases. But as after all section 4 will not automatically come into force and as section 37-A will continue into force till the notification is issued putting section 4 into operation, and as it is also desirable that the Government should be enabled to use the power promptly when the need for it is established, I shall not recommend the omission of this clause. I think that it may be allowed to stand, but in view of what I have pointed out, I would request that this clause may not be enforced anywhere unless and until the local officers certify that its application is inevitable. With these words, I beg to give my hearty support to the Bill."

Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"Mr. President, 12-15 p.m. I beg to give my strong support to the motion before the House. As has been stated by the Hon'ble the Revenue Member, at this critical moment, Government should be fully equipped with powers to meet any situation and not go to the wall without a Bill of this kind when faced with the non-payment of taxes. The object of this movement known as civil disobedience is to paralyse the present Government and to bring about chaos and revolution in the country. It is but right that at this moment all law-abiding citizens and more so, the members of the

[Mr. Muhammad Usman Sabib] [14th February 1922]

Legislative Council should stand by the side of Government and see that it carries out its most important duty, the preservation of law and order. This movement of non-co-operation has thrived so successfully till now not on account of any intrinsic merit of its own, but on account of the fact the Government were apathetic and indifferent towards it. Now that Government have realized their duty in this matter, let us stand by and give all our support to this piece of legislation.

"It has been stated that the Working Committee of the Congress has passed certain resolutions receding from the position they had taken. But let us not be deluded by them. The resolutions may be rescinded to-morrow or the day after. Seeing that repressive measures are being introduced everywhere in the country in order to put down this movement, they thought it best to recede from the position they had taken. Now, Sir, if we throw out a measure of this kind, I think it will strengthen the hands of the Working Committee of the Congress and encourage them to withdraw the resolutions that they have passed and go ahead with their dangerous propaganda. So I have very great pleasure in supporting this motion."

Mr. C. NATESA MUDALIYAR :—"Sir, Mr. President, if this Bill is not a necessity to-day, what else is a necessity now? There is a strong attempt at anarchy which, if unchecked, may end in Bolshevism. Some honourable members told us that Mr. Gandhi, the author of the movement, had changed his creed, and so the Bill was not a necessity. I ask those honourable members whether there is any follower of Mr. Gandhi who followed his dictates. Mr. Gandhi was crying hoarse for non-violent non-co-operation. On the other hand, his followers always carried on non-co-operation in the most violent and disgraceful ways. Always his dictates of passive resistance were replaced by active violence."

"Another honourable member told us 'let us wait and see'. Government, I am sure, have waited long enough, rather have erred on that side. Now, if we are to wait any more, the Government will bring itself into contempt. So it is only the passing of this Bill that will make the non-co-operator a penitent. It is not so much that Mr. Gandhi or the Congress that is responsible for all these things. It is some interested people in the locality, some professional political intriguers that promise a land of no taxes to the illiterate masses and stir them up only to live upon the ignorance of these people."

"So I strongly support this Bill."

Mr. S. ARPUDASWAMI UDAYAR :—"Mr. President, Sir, in giving my support to this Bill moved by the Hon'ble the Revenue Member, I wish to make only one observation. It is unnecessary for us to refer to the resolutions adopted by the Congress Committee or the working committee of the Congress. We have to grapple with the facts as they arise and the stern fact which necessitated the introduction of this Bill was that the Government, especially in the Guntūr district, were confronted with a situation which certainly made the administration, and the collection of taxes on which all administration rests, absolutely impossible. So to meet that situation, this Bill has been introduced by the Hon'ble the Revenue Member. It is not compatible with the dignity of the House to consider what a certain section of the people contemplate at this stage and what they mean to do at another stage. We have to devise measures to meet the situation as it arises, and if, as some members have assured the House, the emergency such as the

14th February 1922] [Mr. S. Arpudaswami Udayar]

Bill contemplates to meet does not arise, then of course, the Bill will be shelved. But should the events be repeated, the Bill will be brought up and enforced. Therefore, Sir, whether the situation, as we are given to understand, may not arise or may arise is altogether immaterial to the purpose of this Bill. This Bill has been introduced to meet a certain emergency. If, by the providence of God we find a new situation arising, a happier situation, which will not necessitate the introduction of such a measure, well and good. But we should be armed and 'to be forewarned is to be fore-armed.' Knowing that such a situation has arisen, this Bill has been brought and we must strengthen the arm of Government and the Hon'ble the Revenue Member must have something which he can apply at present or introduce later on when there is a repetition of the facts which necessitated the introduction of this Bill."

Mr. T. SIVASANKARAM PILLAI :—"Sir, I fear there has been some confusion introduced in the discussion of this Bill on the present occasion. It is this: are we to take this Bill to be a repressive measure to combat the non-co-operation movement? If it is that, I have humbly to submit that there is a lack of sense of proportion between the danger and the remedy that is proposed. The lack is ridiculous, and if it is only a measure to ensure speedy collection of revenue, the Hon'ble the Revenue Member has not made himself clear on certain points. Now, there is the present Revenue Recovery Act which provides for the recovery of revenue and provides also steps to be taken by way of distraint, attachment of movables and immovables and to bring them to sale. But what is the total number of sales on account of non-payment and what is the amount of arrears, is it four or five lakhs?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*interrupting*) :—"I distinctly stated that out of about Rs. 60 lakhs the arrears to-day was over Rs. 50 lakhs."

Mr. T. SIVASANKARAM PILLAI (*continuing*) :—"Now, all this money has to be collected in instalments. When was the first instalment due and how many instances of coercive processes to collect these arrears have there been? To what extent the present measure of Revenue Recovery Act has proved a failure? All these things have not been made clear. Unless we are sure that the present Act cannot meet the present situation, there is no need to proceed with this Bill. If all those things are made clear, then I would consider whether we should go forward."

Mr. R. SRINIVASA AYYANGAR :—"Mr. President, I really find myself unable to give my support to the Bill before the House which, in my humble judgment, contains provisions of a really radical and drastic character. When I was going through this Bill, a friend of mine who was by my side had the curiosity to snatch it from me, and the moment he went through it he remarked that it reminded him of legislation in panic. It seems to me that in addition to its being characterized as legislation conceived in a spirit of panic it is in the nature of legislation conceived in haste. Already there is an impression abroad that the Government are anxious to rush through this legislation in haste and in a state of panic, and if we only rush through this Bill at this session that impression will gain currency throughout the province, and it will be a matter for serious consideration whether such an impression ought to be allowed to prevail in the interest of the State and in the interest of the public at large. If, in the language of a lawyer, for every

[Mr. R. Srinivasa Ayyangar] [14th February 1922]

transaction or for every measure that is sought to be set on foot there must be a real cause, or, to use a very popular expression, a justifying necessity, then, in judging the Bill before the House in the light of that acid test, I am led to think that no necessity justifying the introduction of this piece of legislation has been made out. In really troublous times, Bills of this character might perhaps be thought of and might perhaps receive the careful attention and sympathetic consideration of this House. But the question which I would ask the House in all seriousness to consider is whether the times are really troublous. There may be some trouble here and there; there may be some dark clouds here and there. But is that a reason why we should not expect the disappearance of the clouds in the near future, and is that a reason to hug the delusion that the troubles may increase in weight, volume and intensity to justify the introduction of a drastic legislation of this character?

"With reference to clauses 2, 3 and 4 of the Bill before the House, trenchant criticisms have been presented. In passing, I may state that certain statutory minima which we come across in the present Act II of 1864 dealing with the time that ought to elapse from the date of distraint to the date of sale are that in the case of movable property it is about fifteen days and in the case of immovable property it is about a month. They are sought to be mercilessly cut down to 24 hours in the case of the former and to seven days in the case of the latter, and the Hon'ble the Revenue Member stated that these land-owners are no doubt enjoying what on one occasion he called 'licence' and on another occasion as 'concessions.' But I am led to think that these land-owners are enjoying a certain amount of privilege for the past over sixty years, and now this privilege that they have been enjoying hitherto is sought to be removed by this kind of legislation and with one stroke of the pen. There is no warrant to cut down these periods to an alarmingly low extent. Then there was the other safeguard of insisting upon these attachments being notified by public proclamation and by public notice in the district concerned and these safeguards are sought to be done away with and considerable power seems to vest in the distraining officers leaving open to them to cause such proclamation as they may consider necessary to give due publicity to the sale. Various distraining officers may devise various modes of procedure to meet or to suit various conditions, and in the absence of a general standard there may be considerable disparity and difficulty which in the interests of efficiency and best administration it is not desirable to have.

"Coming now to clause 4 of the Bill, I may at once inform the House that section 37 of the Act was introduced in the Statute Book after a great deal of deliberation and agitation by Act I of 1909, and this provision was brought in and engrafted to the Revenue Recovery Act, so that this Act may contain provision similar to the one that we come across in section 310-A of the Civil Procedure Code. As my friend, one of the previous speakers, stated the object of conferring that privilege upon the defaulter was to give him a sort of *locus penitentiae*, so that he may review the position, try to raise money in the market with a view to pay up the arrears with the 5 per cent on the purchase-money and get back his property, and in other words, it gives a man sufficient time to repent. That is also sought to be taken away.

14th February 1922] [Mr. R. Srinivasa Ayyangar]

"Coming to the Statement of Objects and Reasons attached to the Bill, I find the honourable member stating that in certain areas the idea prevails that the ryots will be able to evade the payment of taxes. I do not think that that is really the object of the non-co-operator. I do not think that the non-co-operators can successfully evade the payment of taxes in the teeth of the legislative provision. They may try to delay it and put it off only for sometime and it will not be possible for them to evade it once and for ever successfully to collect from the land-owners described in the Act. In conclusion, I may state that this emergency measure seems to have been conceived more with a view to tide over a temporary crisis which the Hon'ble the Revenue Member said was acute then and which I submit is gradually abating. That crisis, I hope and trust, may in a brief period of time disappear, and in view of that possibility I would appeal earnestly and humbly to the honourable member to wait and see, to wait for a reasonable period to see if after all there is a real necessity for a legislation of this character. My friend, Mr. Natesa Mudaliyar, stated that some honourable member asked the Government to 'wait and see' which is a favourite Asquithian expression and also added that the Government had waited sufficiently long. Having waited sufficiently long, there is absolutely no reason why the Government cannot afford to wait for some months more. With these words, I would appeal to the House to reject the Bill."

Mr. S. SOMASUNDARAM PILLAI:—"Sir, I am really surprised to see the opposition to the passing of this Bill. The first objection raised is that it is hasty. I cannot understand the charge. In a city where plague is raging, can inoculation measures on the part of the authorities be considered hasty? Can one wait till one is personally attacked with the epidemic? Sir, the situation that has arisen is worse than that. It is spreading like wild fire everywhere and it really passes my comprehension how the Government have acted hastily in bringing forth this Bill. Secondly, it is objected that the Bill is vindictive in character. To that, I would reply that Satan should be treated like Satan. It is said in the 'Paradise Lost' that God himself dealt very severely with Satan: He hurled him headlong into the bottomless pit. So also this incarnation of Satan, I mean the author of this movement, must be hurled. There are many incarnations of Satan who intend to do mischief not only to the Government but also to the country. We have heard of the great mischief they have done to the people. Are we to tolerate them? Can one throw fire in cotton and yet say 'it won't take fire'? The third charge brought against the Government is that the Bill would affect innocent men. The pattadar and the owner may be different persons. The Bill has been published and everybody ought to know that his land would be affected if he did not pay the kist in time. If he does not pay, he deserves to be penalized. Government have allowed the mischief for a long time to spread and could not be charged with being hasty or vindictive. It is our duty to kill a scorpion before it stings, to see that poisonous men cease to exist. I am very glad that the Government have at last brought forward this Bill which the sooner it is passed the better. Perhaps, people may take caution after the passing of the measure so that there may be no necessity for enforcing it. Anyhow it is better that the Bill is passed and it should have the full support of this House. With these words, I beg to give my hearty support to it."

[14th February 1922]

Diwan Bahadur D. SESHAGIRI RAO PANTULU :—"Mr. President, I rise to give my hearty support to this Bill. The situation in some parts of the Telugu country is so critical that immediate steps must be taken to put an end to it. It is all very well for some members to say 'wait and see.' My own humble opinion is the Government has waited long enough and if it waits longer still, I must be excused when I say that, it will be culpable negligence. We have been hearing of civil disobedience for a number of months and we were hoping that the people would not be so foolish as to give effect to their feelings and what do we see? We actually see in some parts of the country people have made up their minds not to pay their taxes, and what is their object? It is simply to paralyse the Government and bring all peaceful citizens into a state of ruin. Is the Government to keep quiet or to provide itself with sufficient power to counteract this movement? The evil is a very serious one and we do require a drastic remedy to meet it. Then, it is said that there is no necessity for such a Bill in view of the resolution of the Congress Committee. My humble request is to ignore the resolution of that Committee. The Congress Committee have been inciting the people to resist all law and order and when it finds that it is very difficult, it has advised the people to put off civil disobedience to a more convenient day. Is the Government going to create convenience for these people? And then it is said that some innocent pattadars might suffer if the provision was given effect to. I thought that the possession of property involved some duties, i.e., to see that the patta was properly transferred to his name and that the taxes due on the land were duly paid. You cannot use the term innocence in this case. It is perverted defiance of law which we want to put an end to. To call for sympathy for such defaulters, I submit, is not at all wise. I submit therefore that it is absolutely necessary that the Government should be armed with such powers, and whether they use the powers or not depends upon the occasion. If there is no necessity, there will be no notification. With these words, I beg to support the Bill before the House."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, I may be permitted to observe that the whole discussion on this Bill is going on a side-track. We hear much of non-co-operation and the Congress Committee resolutions and the working of some party or other. To my mind, it is clear that when the principles of the Bill are considered, all these are quite irrelevant. Sir, it is stated in the Statement of Objects and Reasons of the Bill that the machinery of procedure provided for in the Revenue Recovery Act is not quite in fitting with the new situation. Every one of us shall assist the Government to tackle with the present situation but at the same time there is a duty on our part to see how the proposed measure will meet the situation, how the existing provisions of the law are defective and how the proposed measure will be workable and convenient to the public. Sir, the measure is not at all to combat the non-co-operation movement, but in the event of non-co-operation, to have a more working procedure that is necessary. The first principle of the Bill is shortening the period between attachment and sale. In the case of movable properties, the existing period is 15 days between the notification and the date of actual sale. Now it is proposed by this Bill to reduce it to 24 hours. No doubt, there will be mass civil disobedience. But is it desirable that this period should be curtailed? Further, the existing Act provides that there should be one distraining officer

[14th February 1922]

[Mr. C. V. S. Narasimha Raju]

and another selling officer. The Bill proposes to do away with the distinction and confer the power of distraint and of sale regarding the movable properties in one and the same person. Again, regarding immovable properties, the interval between the date of notification and of the actual sale is, according to the existing provision, one month and the Bill proposes that it should be reduced to seven days. Another great distinction that is proposed to be introduced by this Bill is that, in the Act as it is, the period is calculated between the date of notification and the date of sale whereas in the Bill it is proposed to deal with the date of attachment and the date of sale and to ignore the intervening period between the date of attachment and the date of notification for sale. I am not able to understand how the shortening of the period will assist the Government in combating the non-co-operation movement. It will, on the other hand, give room to various frauds by subordinate officers. There is not sufficient safeguard to tackle such inconvenient position which the executive officers might take. Again, we will have to see how the various persons interested in land will be affected by shortening the period. These intervals were given obviously with the object of giving sufficient time for the poor man to raise his money and for the man who has not got notice of it, to take notice. There may be some individuals who do not belong to the non-co-operation movement at all but are really poor. How are their cases to be discriminated? I expect the honourable member to show how the actual working of the Act during the last two months was defective, what were the reports he received and what were the difficulties which the various executive officers felt in working the existing machinery and why the change in the law is necessary. It may be that at one moment the persons that are responsible for the collection of revenue might have thought in their imagination that this would be a good way of inducing the tax-payer to pay the tax. In this connexion, I wish to bring to the notice of the Council the panicky way in which the Government is notifying or issuing proclamations from time to time. I find in the Press Communique issued on the 1st February regarding the establishment of the punitive police . . ."

The Hon'ble the PRESIDENT :—"I fear the honourable member is going beyond the subject."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"With your permission, Sir, I wish to refer to the kistbandi and the arrears and how the present Bill will work hardship."

The Hon'ble the PRESIDENT :—"If the honourable member is going to show that, he will be in order. I thought he was going to show that the Government were acting in a panicky way by issuing certain notifications about the punitive police. That would not be clearly in order."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"That was not at all my object. On the other hand, I want to point out the panicky way in which the Government have changed the kistbandi and they want to treat all land revenue to be in arrears and the whole Act may become operative long before it ought to have become operative in the usual course of things in the district of Guntur. Will I be relevant, Sir, if I refer to that?"

The Hon'ble the PRESIDENT :—"Oh; yes."

[14th February 1922]

Rao Bahadur O. V. S. NARASIMHA RAJU:—"Thank you, Sir. The proclamation says:

"... the cost of such additional police force shall be borne by the inhabitants of that area subject to such exemptions as may be ordered by the Government in favour of persons who shall within seven days of the date or dates on which they fall due have paid into a Government treasury or to an officer appointed for the purpose the taxes due from them".

"That was the first communique they issued on the 1st February. But three days after, on the 4th February, the Government changed their mind and issued another communique—

"It has now been decided to alter the kistbandi of the Guntur district so that all the remaining kists of the year will fall due on the 10th February, though the district officers will be given discretion in respect of persons who pay their earlier kists voluntarily not to proceed to enforce the collection of the later kists before the date on which they would fall due under the old kistbandi".

"This shows, Sir, that under the power now vested by section 3 of the Revenue Recovery Act, Government have altered the kistbandi and made every instalment become payable by this date. The intention of the Government may be quite good. Their intention may be that they want to make some discrimination in distributing the punitive police tax among the non-co-operators and the co-operators. I don't doubt the intention, but I only question the autocratic way in which the Government is fixing the kistbandi. We know, as a matter of fact, that the principles of kistbandi are well settled. Now, the Rain-God of Bellary, a famine-stricken area, is to become the autocratic Nabob of Guntur in fixing the kistbandi for the Guntur district. All principles of kistbandi are set at naught and it is suddenly said that instead of paying the kistbandi on the 10th of April, pay it on the 10th of February. Therefore, having made by this proclamation all the kists of the Guntur district legally payable by this time, every person who is liable to pay the tax will be in arrears by this date; and if the local officers are given discretion to work it out as they please, great hardships will certainly result and we shall not be able to see what amount of injustice will be done to one man and how another man will be favoured. My sole object in opposing this Bill is to say that nothing has been shown as to how the working of the present Act will be inconvenient in the actual execution and how the new Bill will facilitate execution in realizing the revenue. It may be the object of the Government to have it as a sort of instrument for striking terror in the minds of the district people. If that be the real intention of the Government, they may say that. With these words, I oppose the Bill."

Mr. O. TANIKACHALA CHETTIYAR:—"Mr. President, Sir, I did not really intend to take part in this discussion, but certain observations made by some members in the opposite benches have prompted me to offer a few remarks. My honourable friend Mr. R. Srinivasa Ayyangar of Cuddalore has invited the Government to follow the good old political doctrine of 'wait and see' associated with the name of Mr. Asquith, but the country, I take it, has realized by this time to what disasters the belief in that has led. Likewise it may be said of the Government of India and of the Local Governments. They have been waiting too long to see what it would mean and what they have already seen shows that they cannot wait any longer. Again it is being said that even the small extent of action which is proposed to be taken now should have been taken much earlier, if not in the matter of revenue recovery, at least in the matter of handling the situation created

[14th February 1922] [Mr. O. Tanikachala Chettiyar]

by the non-co-operation propaganda. However that may be, I was more than surprised when I heard my friend Mr. Narasimhacharlu speak in this strain when he said that this Bill need not be considered, or placed before the House now, and I began to put myself this question 'Is Saul also among the Prophets?' For I have come to associate myself with Mr. Narasimhacharlu in resolutions such as that proposing to debar non-co-operators from sitting in municipal councils and district and local boards. I think Mr. Narasimhacharlu has out-Heroded Herod in giving notice of amendments as he has given with reference to this Bill. I refer particularly to the amendment of which he has given notice which reads as follows:—

"13. Add at the end of the clause the words "And it shall not be necessary for such training officer to transmit an inventory of the property distrained to the officer mentioned in section 9"."

"I think even the Government in their hardness of heart in dealing with the recalcitrant ryots in Guntur were inclined to be a little more considerate."

Rai Bahadur T. M. NARASIMHACHARLU (*interrupting*):—"When my time comes, Sir, I shall explain why I suggested that amendment. It was purely a verbal one."

Mr. O. TANIKACHALA CHETTIYAR (*continuing*):—"Sir, I dare say he will explain it in due time, but I thought it was a much harder measure upon the unfortunate misguided ryots than even the Government thought fit to adopt in dealing with them. However that may be, why this change has come over him now, I am not able to guess. Is it because of what he saw in the papers last night about the Working Committee of the Congress having passed certain resolutions? Is that the phantom which deluded him? Perhaps those are the resolutions which tempted him to resile from the path which he had taken when giving notice of his amendment. All that I can say about them is, even in the words of the Mahatma himself, it is a mirage as was stated in that document which was issued ten days ago. These resolutions of the Congress Working Committee, whether they proceeded yesterday, or whether they proceeded ten days ago, or whether they will proceed hereafter, cannot be trusted. Their views are as changing as the combination pictures in a kaleidoscope. And what is it they have done? They have merely decided to wait until the next Congress Committee meets. Are we to take notice of these passing phases of expressions as justifying a stand-still attitude on the part of the Government? I say that this Bill is absolutely necessary not merely in the interests of the Government, in the interests of law and order and for the speedy recovery of the revenue, but also to strengthen the hands of that unfortunate ryot who is a victim at the hands of the unscrupulous and scheming non-co-operator. For, I found, Sir, talking to some people who are greatly in sympathy with the misguided ryots who would be ruined by this legislation, that these poor ryots were helpless in the hands of the non-co-operators, and if you only place them between these two fires, the non-co-operator on the one side who advises him not to support but to paralyse the Government, and on the other, the threat of his property being sold and his being ruined, then he will pick up courage and he will have the strength of mind to say to the non-co-operator—that temptor of his—'Get thee behind me and do not tempt me.' I say it is only then that he will have the courage to say: 'I will stick to my own.

[Mr. O. Tanikachala Chettiyar] [14th February 1922]

Otherwise my property will be sold.' It is in these circumstances that this Bill should be passed without any delay, and delay, I say, is dangerous from more than one point of view.

"As regards the various objectionable features in this Bill, it has been pointed out that it is possible to remedy those objections and notices have already been given of the necessary amendments. For instance, that clause which gives as *locus penitentie* a time-limit within which they may change their mind and pay the revenue together with 5 per cent by way of compensation to the disappointed purchaser has been taken away. I see a good many of my friends, including my friend Mr. Narasimbachari, have given notices of amendments to omit that clause. Any clauses which are objectionable may be considered in the committee stage, or they may be considered when section after section is taken up and considered, but there is no reason why the House should withhold its assent from the principles involved in the Bill, namely, that the Government's hands are strengthened, and they want to take extended power so that they may be able to recover the arrears which remain to be collected and not place themselves at the mercy of the non-co-operator and his unsuspecting dupe, the ryot."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, I must at the outset express my extreme disappointment at the statement made by the Hon'ble the Revenue Member in support of this measure. I expected, Sir, that the Hon'ble the Revenue Member would place before us materials furnished to him by district officers, and perhaps by the Board of Revenue, suggesting difficulties which have arisen in consequence of which this emergency-legislation has been undertaken. The honourable member has referred to no such reports and to no such facts and therefore it is possible that this measure has been conceived either by the Government on its own initiative to deal with a situation which has arisen in Guntūr, or that this measure has been conceived in a spirit of panic induced by the general political situation throughout India. Sir, the honourable member referred, very properly I should think, to the general political situation and also to the responsibility of this Government at this juncture to the whole of India in setting an example. I must at the outset express my disapproval of the views of some of the honourable members, especially my honourable friend Mr. Seshagiri Rao, who stated: 'Ignore everything that is going on outside and go ahead.' Another honourable member, I think it was Mr. Arpudawami Udaiyar, said that it was incompatible with the dignity of this House to consider what is going on outside. Sir, I think many of our difficulties have arisen from our ignoring the political affairs in this country. The honourable member, Mr. Tanikachala Chettiyar, quite recently blamed the Madras Government and the Government of India for allowing a situation without taking action in proper time. Sir, in my view, with some experience of political life in this country, many of the difficulties of the Government are due to two causes, firstly to its absolutely ignoring public opinion and secondly to its rushing into action at an inappropriate time. I believe, Sir, that this measure is open to both these charges. It was conceived at a time when probably there were justifications for it, but to ignore the present political situation of the country and all that has happened since then, I do not think, is the part of wisdom. Since this measure has been conceived, the people of Guntūr who had been misguided into taking up the attitude of non-payment of tax have met and they have been considering this matter.

14th February 1922] [Mr. M. Ramachandra Rao Pantulu]

This question of non-payment of tax in Guntūr has been a matter for anxious consideration not only on the part of those people who are actually interested, but also of all those neighbouring districts in the Telugu country which did not want any trouble within their borders."

"Therefore, Sir, let me assure my honourable friend and those who are with him in this matter that it is not in a spirit of encouraging non-co-operation or of fostering resistance to Government in the matter of the payment of taxes that these observations are made. We find that since the day on which this Bill was published the non-co-operators who initiated this idea of non-payment of taxes have fully realized its impracticability and unwisdom not only in Guntūr but also in the other parts of the country. This question was discussed, and the idea of mass civil disobedience formed the subject of resolution at Bombay and the whole question was reviewed by those gentlemen with whom we don't agree. In their resolutions which appeared in yesterday's papers they have definitely retraced their steps. Now, in this Council, some of the honourable members have invited us to ignore all these facts and go ahead."

Mr. S. ARPUDASWAMI UDAIYAR :—"What I meant, Sir, was that we must ignore what is going on outside this House and that we need not be circumscribed in our activity by the resolutions which may from time to time be adopted. We must grapple facts as they arrive and be prepared to meet any emergency."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I think I have said enough to indicate that I never intended to gainsay what my honourable friend has actually said. The point is what is it that we should do in the present juncture. Whatever support this movement may have received in the Guntūr district, I think I am right in saying that there is absolutely nothing either in Vizagapatam or in Ganjām district. In Gōdāvari I have not heard anything of this movement and my friend Mr. Seshagiri Rao has not said that there is actually a movement though people are talking of it. In Kistna there is no place where there is such a movement at present. In Guntūr the movement is confined to one centre and the Publicity Board informed the public that the movement is breaking down, that the village officers have withdrawn their resignations and that the most important of all, the people have been paying their taxes. The Hon'ble the Revenue Member has referred to none of these facts. He has given us an exaggerated idea of the evils of non-payment of tax. We are in entire agreement with him in many of his statements from this aspect of the case. But the question is what can the Government do at this juncture. As the honourable member himself has stated, we are responsible to the whole of India. Looking the question from that standpoint, I venture to think that it should not be said of the Madras Government that they initiated a legislation which was not required by the actual necessities of the case and that they were determined to enforce a measure the necessity for which had been considerably altered by subsequent events. I therefore, think, Sir, that whatever may be said about non-co-operators being scorpions or about those who express views opposed to those of the advocates of the measure being votaries of a gentleman whose name is generally not mentioned in this assembly, I believe Government will not be weakening itself if it makes an endeavour to see for some time whether the

[Mr. M. Ramachandra Rao Pantulu] [14th February 1922]

existing methods will not do. The honourable member stated that 50 lakhs of rupees are still due. I regret, Sir, that Government should have taken the step of abolishing all instalments and of making all instalments payable on the 10th February or within ten days thereof. I do not think the honourable member is erring on the side of consideration at all. On the other hand in other parts of the country, such as Bardoli where such movements have been contemplated, the Government took the step of extending the time and giving the people an opportunity for repentance and showing their readiness to pay taxes. What have we done in this Presidency? How are these people who are still under the impression that they can pay in instalments and who are not aware of the fact that the system of instalments has been done away with, how are they going to pay? The honourable member has entirely ignored that aspect of the question.

"Having said so much, I wish to add a few words with reference to the actual principles of the Bill. The greatest objection to this Bill is with reference to clause 4. Clause 4 attempts to repeal temporarily the provisions of the original Act in section 37—A which was introduced by the amending Act I of 1909. Sir, that Act was introduced and passed at a meeting of the Council some time in 1909 at the instance of Mr. afterwards Sir Murray Hammick. In introducing the measure the honourable member explained the object in the following words:

'Owing to the imperfect nature of these registers, it sometimes happens that the procedure taken under this Act, which is described in section 25 and the following sections, sometimes fails to do what is intended, that is, to effect the service of a notice on the actual owner or holder of a land. This really occurs from the fact that ryots are either careless or stupid, when they transfer their land owing to partition suits, sales and so on, in not applying to the village officers to rectify their mistakes in the adangals. It sometimes happens in the case of persons interested in a land either as mortgagees or it may be as owners—it may be widows who have left the village leaving their relations in charge of the land, or owners who have let their land on long lease and leave away from the villages—they leave no registry in the village containing their names and addresses. The result is that sometimes it happens that a land is sold without the owner, or the person having an interest in the land having received notice of the sale. In order to effect a remedy for this this Bill has been drafted. It is a perfectly simple Bill and it merely says that any person owning or merely claiming an interest in immovable property sold under this Act may, at any time within thirty days from the date of sale deposit, in the treasury of the taluk in which the immovable property is situated, a sum equal to five per cent of the purchase money and also the arrears of revenue together with expenses of attachment, etc., and may then apply to the Collector to set aside which will be done by him.'

"Then he goes on to say:—

'From my own experience as Collector and Divisional Officer, I am of opinion that these cases are not as frequent as is sometimes said, but I do remember in my experience cases of hardship which have occurred owing to the absence of any provision of this sort. I hope that, if I can pass this simple Bill into law, means will be found which will enable all persons who bona fide are interested in any land in any village to prevent that land from passing out of their possession owing either to mistake or fraud on the part of our village officers.'

"Therefore, the first point to which I invite the attention of honourable members is the question of the state of our revenue registers. They are brought up to date only at the time of resettlement of any district. This is so notwithstanding the fact that there is now the land records department."

Mr. N. MACMICHAEL:—"It has been abolished."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I am sorry for supposing that the department is still in existence. But the fact still remains that the old owners or those who have sold the land still continue to be the

[14th February 1922] [Mr. M. Ramachandra Rao Pantulu]

pattadars in the accounts. Under our revenue law, honourable members are aware that once a notice is given to the pattadar, not in actual possession, but the pattadar as per accounts, it is tantamount to its having been served on the actual owner. The result is that lands are sold without the knowledge of persons actually interested in them. That is so in a large majority of cases. Therefore this section provides that if they come to know of the sale they can recover the same by paying five per cent of the purchase money which is paid over to the purchaser as a solatium to him and is paid by the owners as a penalty for their negligence. I ask the honourable member what justification is there for removing this section? Why should an innocent purchaser living in another village, whose name is not registered and whose land still continues to be in the name of the seller be made to forego this right? I ask the honourable member why should he not have a chance of coming forward and paying what is due to the Government and an additional five per cent as a penalty? The honourable member has shown absolutely no reason why this right should be taken away.

"Another class of cases is that of the mortgagees. Those who live in my part of the country are perfectly aware that it is usual for mortgagees to lend money on the security of lands situated in distant villages and it is not necessary or usual for the mortgagees to watch whether the taxes on the lands mortgaged are duly paid by the mortgagors. The sale under the Revenue Recovery Act is free of all encumbrances and the purchaser is not therefore bound to pay the mortgage debt. Once the mortgagor either voluntarily or by mistake or by reason of the fact that he is a non-co-operator fails to pay his tax to the Government, the property is sold irrespective of the mortgage debt which cannot be enforced against the land. Now, I ask the honourable member why should that man be prevented from recovering his land? I assume that it is the desire of the honourable member to see that the Government revenue is collected. I do not think that it is the object of the honourable member to mulct these people of their right to protect their rights. There are many other cases of the same kind.

"Then there is the case of the members of an undivided family. Assuming that one of them is a non-co-operator or negligently or willingly fails to pay the dues, I should like to know why the other brothers should not be permitted to pay and ask for the cancellation of the sale. Then there is the case of presumptive reversioners to Hindu widows and other holders of life estates in possession of land. Therefore, Sir, I venture to think that this clause 4 works great hardship on persons absolutely innocent of any idea of resistance to Government in the matter of the payment of taxes. The honourable member has shown absolutely no reason why this section should not remain in the Bill. I should again like to bring to the notice of those honourable members who have supported this motion to consider this aspect of the case. Are you going, under cover of this legislation, to extinguish proprietary rights, to prevent innocent persons from recovering their properties by paying what is after all due to the Government? Why should Government under cover of this legislation try to keep this clause in abeyance? This is an essential matter and even those that supported this Bill were not at all for the retention of this clause. I understand that Mr. O. Tanikachala Chettiyar and Mr. Ethirajulu Nayudu also object to the retention of clause 4. While standing up for the Bill generally, they object to clause 4. I do not know what any support of the Bill means which does not include a support

[Mr. M. Ramachandra Rao Pantulu] [14th February 1922]

of this clause. So long as the Revenue Member does not give any assurance with regard to clause 4, I am bound to vote against the Bill."

1-15 p.m. Mr. N. A. V. SOMASUNDARAM PILLAI:—"Sir, I feel bound to oppose this Bill. The Bill will not be able to serve the purpose which it is intended to serve. As I read the Bill, I find that it rather aims at punishing the non-co-operators inasmuch as some of them are refusing to pay the taxes. The question to be considered is, of the non-co-operators how many are there who own lands. Are there many among them who will be affected if this Bill is passed? If we examine the position and status of the non-co-operation leaders, we will find that a very small percentage of them really own any lands. No doubt they are able to poison the minds of a large number of families. These persons are either under illusion or under coercion and therefore they are not in a position to pay taxes. By passing this Bill, we punish not the non-co-operation leaders but the innocent misguided persons whose families will thus be ruined. Even if there be one non-co-operator in a family not only will he be punished but also his wife, his brothers, his children and others belonging to his family and who are not non-co-operators will also be punished. So far as Guntur or any other district is concerned, if we examine the number of pattadars owning lands, we find that it is only a small number of these non-co-operators that own any lands and pay any appreciable *beriz*. I have tried my best to find out whether any rich landlords have taken to non-co-operation and I think that many of them have not shown any sympathy with this movement. Therefore if this Bill is passed into an Act and is put in motion, it will only have the effect of removing out of the world a number of poor families, who no doubt are now under some mistaken notions, or under illusion or coercion and who will never have an opportunity of claiming back their lands which they have been holding carefully under all risks from generation to generation.

"Mr. President, honourable members are aware that we in Southern India have got the greatest attachment to the land. We try to preserve even a small bit of land, let it be 5 cents or 8 cents in extent, from generation to generation. If by reason of passing this Bill, we try to bring the whole land to sale and also, as we find from the Bill, not give any opportunity for the landowner to pay the money with all the costs and with interest to the purchaser and take back the land and also allow the Government to give the lands to members of the depressed classes, these poor people will not only be left without any land but they will become more antagonistic to the Government.

"After all, I do not know whether the Government are really in a difficulty. So far as the provisions of the existing Act are concerned, they are quite sufficient to enable the Government to realize the revenue due to them in respect of the lands. The present Act gives sufficient time for any person in default either willfully or by reasons beyond his control, to pay the tax. No doubt, if it is considered that the rate of interest provided for in the Act is very low, let us bring in a Bill to raise the rate or let the Government impose a penalty if the kist is not paid within the required time, just as they do in the case of collecting the incometax. Let them not take away the necessary guarantees existing in the present Act and intended for the benefit of the poor ryot. If once the land is taken away from the possession of the ryot, there will be no chance of his getting it back. After all, how can the Government be a loser if the Bill is not passed into law? The tax will be

[14th February 1922] [Mr. N. A. V. Somasundaram Pillai]

collected at least in two or three months or even in six months. Is there now any such urgent necessity as to realize the tax in the course of 7 days or 15 days? Will the Government run into bankruptcy if these 50 lakhs of rupees are not collected within these 7 or 15 days? Has it come to such a state of poverty? Mr. President, it is not the irresponsible non-co-operator who practically owns no land that will suffer by passing this Bill but the poor ryot who is put under some misapprehension or illusion or coercion. We are not punishing the real non-co-operators by means of this Bill, but the poor innocent persons. Again, simply because one member of a family happens to be a non-co-operator, is that the reason why the land should be taken away from the family and the other members of the family put to trouble? I am at a loss to see why the Government should introduce this Bill. I would give all the support to punish the non-co-operation leaders. They are the persons who have brought the whole trouble. But is this Bill going to serve this purpose? This is something like a Tamil proverb which says that when the husband beats the wife, the wife does not retort but goes and attacks the brother-in-law. This Bill will not punish the real non-co-operation leaders but only the poor innocent ryots.

"Again, when once such a measure, whether it be a measure brought into force by reason of the peculiar circumstances of the case or otherwise, is brought into force, when once it finds a place in the statute book, it will be very difficult to remove it. Though the Bill is now intended to be in force till 1923 and is only intended to affect persons who are now evading payment of taxes, it is very likely that it will be continued throughout. As a matter of fact, we find that the Revenue officials are very anxious to collect the kist before the due date. In some districts the tahsildars and the revenue inspectors put so much pressure on the village officials that the kist is first collected not from the actual pattadars but the village officials themselves pay the money and afterwards they go to the courts and file suits for recovery of the amounts from the pattadars concerned. There is really no reason why the Government should hasten the attachment and sale. There is no harm at all in the existing provisions. If, as a matter of fact, there is any difficulty in the working of the existing provisions of the Revenue Recovery Act as it stands, by all means let proper amendments be brought forward and I will give my humble support to them. I think the present Bill will produce more mischief than good to the people and the Government. With these words, I beg to oppose the motion."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"Sir, I beg to oppose the motion now before this Council. This measure, Sir, is either a punitive measure or a measure intended for the protection of the revenue or it partakes the nature of both these measures. I shall first view it from the point of view of a measure which is intended for the purpose of protecting the revenue.

"Sir, under the present Act, the movables of a defaulter in the payment of the Government revenue as also the immovable property on which the revenue is due are securities for the payment of the revenue and are liable to be proceeded against for the purpose of securing the revenue. This Bill except by shortening the period within which measures should be taken for the purpose of realizing the revenue, does not in any way act as a further safeguard than is at present assured to the Government for the purpose of

[Mr. L. A. Govindaraghava Ayyar] [14th February 1922]

realizing its revenue. As my honourable friend who has just sat down has pointed out, can it be said that the necessities of the Government really require from the point of view of revenue that two weeks' time should be cut short to one day and the four weeks' time to one week? Thus, Sir, if we look at the matter from the point of view of merely a measure for enabling the recovery of revenue, there is nothing in this Bill which need call for our sympathy or support. I may say, Sir, that taking into consideration the steps that the Government has already taken—steps in respect of which the Government has not taken this Council into its confidence—this measure will be one of great and immediate hardship. We have been told that there is a sum of nearly 50 lakhs of rupees which has to be realized on account of this year's revenue from the Guntur district itself. The Hon'ble the Revenue Member has not told us—at any rate I did not first understand him like that—that that meant the whole of the revenue that was payable for this fasli. Now, Sir, the position is this. The revenue as originally contemplated was payable in four kists."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"In three kists only, Sir."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"I stand corrected. But my point of argument remains the same. The three kists are January, February and March. I take it that one-third or something like that is payable for March kist. So that, if the payment of the March kist had not been accelerated by a notification on the part of the Government, about one-third of the 60 lakhs of rupees which is said to form the revenue derivable from the Guntur taluk will have to be paid only in the month of March. Therefore, Sir, we find that whereas it should be only 30 lakhs that have to be further realized in February and March, it is now 50 lakhs that have to be so realized and by a notification which has been issued only a week or two before the time when the payment of the kist has to be made, the payment of this has been additional twenty lakhs accelerated. I submit, Sir, that this is a great hardship. I may, in passing, say, Sir, that I beg leave to doubt whether the Government have really the power under section 3 of the Revenue Recovery Act to accelerate the payment of kist so as to make the payment of the March kist due with the February kist."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"The notification was issued by the Board of Revenue and not by the Government, as it is the Board of Revenue which has got the authority under section 3 to issue such a notification."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"I was somewhat surprised that the honourable member should contradict me on that particular, for this reason that his speech endorsed the action of the Board of Revenue and he is now trying to dissociate himself."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I did not in the least intend to dissociate myself from what the Board of Revenue had done. All that I wanted to emphasise was that the notification was not by the Government but by the Board of Revenue and, it was the Board of Revenue that had the power under the Act to do so."

14th February 1922]

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"I recognize that the Board of Revenue has the power. But whether it is the Board of Revenue or the Government, the Government has endorsed the action of the Board and my submission is that neither of them has got the power to anticipate the March kist so as to make it payable in February. That was my point. It was a matter of very little importance to me whether it was the Board of Revenue or the Government that did so. I admit I was wrong when I stated that it was the Government that issued the notification but all the same it does not take away the force of my argument. I expect my honourable friend in his reply to controvert the position that I have taken up, namely, that for this fasli it was competent for the Government or the Board of Revenue to accelerate the payment of the March kist by making it payable in February under section 3. If the Government urges that it has such extraordinary powers outside the Revenue Recovery Act, I do not want to say anything on that view. My submission is that under section 3 it has not got the power because the ryots were given to understand that in this fasli which had already begun they had three months to pay their kist in—January, February and March. So, Sir, my submission is that so far as this measure is intended for the protection of revenue, it is not a measure which calls for our sympathy."

"Now, Sir, I am prepared to consider it on the footing that it is intended to be punitive. If that be the case, Sir, it is not my honourable friend, the Revenue Member that should have taken charge of the Bill. I should have expected the Hon'ble the Law Member to have taken charge of the Bill. But, Sir, I am prepared to consider it on that basis. Now, what is the point that the Government thinks that it is going to gain by bringing this Bill into the statute book. Now, it will be observed that it is going to cause a great deal of hardship. It is stated that the Bill is intended to fight the non-co-operation movement and it is also stated that this is for the purpose of putting down civil disobedience. One might sympathize with the object of the Government when they want to fight the non-co-operation movement and to put down the civil disobedience movement. But the question is whether this Bill is likely to achieve these objects. What is the assumption that is being made with reference to this Bill? The assumption is that the non-co-operators are likely to allow their lands to be sold for arrears of revenue by not paying their arrears at the time when it falls due. Is that willingness on the part of the non-co-operators going to be in any way diminished simply because the period of attachment of immovable property is cut short from one month to one week or the period during which the movable property distrained shall remain unsold is reduced from fifteen days to one day? On the other hand taking into consideration the present atmosphere in the districts to which attention has been particularly drawn and seeing also that this measure is sought to be introduced as an emergency measure solely intended to meet the present situation, the effect will be that both sides will be obstinate, the non-co-operator and those who are under his influence will say 'We are not going to pay kist' and the Government will say 'We are not going to abstain from the use of the powers which the law gives to us'. The result will be that the period of *locus penitentiae* which is now allowed under the law to the defaulter is very much reduced. Is it, Sir, conducive to the best interests of the district or to the interests of

[Mr. L. A. Govindaraghava Ayyar] [14th February 1922]

this Presidency as a whole that we should cut short the opportunities and the chances there may be for the non-co-operator or the defaulter in the payment of revenue to see the error of his ways, to go back to the old state of affairs and be prepared to pay the revenues? Sir, in the anxiety that the Government naturally feels for putting down disorder and the possibility of civil disobedience which they rightly think might lead to evil consequences, it appears to me they forget that the measure they are now starting is capable of producing more lasting and more dangerous results than the evil they seek to combat. If the Government is going to give effect to their declared intentions that when once the properties are sold, they are to be given over to other persons, namely the Adi Dravidas or the soldiers, the effect will be that permanent causes which will have been brought into existence, which will continue to exist long after even the name of non-co-operation has disappeared or is merely a memory, so that the people will feel that in consequence of a certain procedure or a policy that the Government has chosen to adopt what was originally their rightful property has passed from their hands no doubt for errors that have been committed by themselves or their predecessors in title but which however did not justify the very extreme measures of which they have become the victims. Now, Sir, I am not here to discuss the wisdom or the unwisdom of the policy that the Government have pledged themselves to and the way in which they propose to dispose of the lands when once they come under their control; but what I do mention is that in view of this policy, the Government will do well to allow persons who make default in the payment of revenue as long a time as is possible or as they can properly give for the purpose of getting them to reconsider their position so that it might be possible to minimise the evils of the cause by which through their own ignorance or through the perverse activities of others they are led to lose their lands. Now, Sir, it seems to me that if this Bill is merely to be a punitive measure, it cannot at all satisfy the purpose for which the measure has been suggested. It will fail to fulfil the object which is stated to be the reason for it and it will only accentuate the very evils that it is intended to avoid."

The Hon'ble Sir LIONEL DAVIDSON:—"Sir, in the course of the debate, to-day, complaints have been addressed from various quarters on the ground that a sufficiently full account of the extent to which the present Revenue Recovery Act has failed has not been given by the Hon'ble the Revenue Member. I thought, Sir, that the main facts in regard to that were sufficiently notorious not to need any detailed demonstration. That was my personal view, but as apparently these facts are not sufficiently well known, I would ask, Sir, your permission to read extracts here and there from reports of a confidential nature sent to Government in January and possibly also in February, with a running commentary of my own. The situation in Guntūr, Gōdāvari and Kistna showed signs of becoming acute early in January. The Government were not in a state of panic about it and they did not act in a 'panicky' fashion as has been suggested in various quarters, but they took the natural and proper step of first deputing a responsible and experienced officer in the shape of Mr L. T. Harris, one of the members of Board of Revenue, to visit and confer with the Collectors of the three districts and to report to the Government his considered opinion as to the action necessary. The report of Mr. Harris reached the Government on the

14th February 1922] [Sir Lionel Davidson]

16th or 17th of January. It was considered by the entire Government the next day and the action that has been taken not only in regard to this but also in regard to another Bill coming before the Council to-day or to-morrow is the direct outcome of the consideration on the part of the Government which was then initiated. I will first refer to"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I should at this stage ask for a ruling as to whether the Hon'ble Sir Lionel Davidson is entitled to read reports or extracts of reports of a confidential nature, as he put it, without this House having an opportunity of looking at the whole of the reports. Sir, you would remember that this question was already the subject of your ruling. Looking at the fact that this Bill is coming before this House and knowing also the fact that these papers would be relevant to the discussion, the Hon'ble Sir Lionel Davidson has not chosen to publish them. These being the facts, I should again say, Sir, that, in the interests of sound convention, these papers should not be referred to. Last time I referred to the Parliamentary procedure and I do not wish to reiterate the matter. If the Hon'ble the Home Member will publish all the reports and place them in our hands, I should withdraw my objection."

The Hon'ble Sir LIONEL DAVIDSON:—"I am not prepared to undertake the publication of these reports but I do claim the privilege of making use of all materials available to me."

The Hon'ble the PRESIDENT:—"I do not think the honourable member Mr. Ramachandra Rao is objecting to the Hon'ble the Home Member using the materials available to him but what he does object is to his reading from the confidential reports *verbatim* and making his own comments thereon. There is nothing to prevent the Hon'ble Sir Lionel Davidson from using all these things without saying a word about them. It is perfectly open to him to say that the Government are in possession of all that information. He could have used all the materials contained in the reports without saying that he was reading from the reports. But if he says that he is going to read from a report of a confidential nature which has not been supplied to the House and which he is not prepared to supply then of course he will be out of order."

The Hon'ble Sir LIONEL DAVIDSON:—"Sir, I am not in a position to contest your ruling on a point of order. But I may say that the very point was, at my instance, examined in the Law Secretariat and that it was in consequence of that examination I took the course which I have done this morning."

"I will now, Sir, proceed to paraphrase the information which has reached the Government adding certain expressions of my individual opinion. I am afraid that this operation of paraphrasing the information that reached the Government from its experienced officer will take longer time, for, paraphrasing is less easy than reading *verbatim* extracts."

"The position was that there was known to have been—I am speaking of the conditions on the 13th or the 14th January—wholesale resignations by village officers; 29 village officers in the Guntūr district, 60 in Kistna (which was not affected at all according to my honourable friend, Mr. Ramachandra Rao), and 24 in Gōdāvari had tendered resignations."

[14th February 1922]

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*interrupting*):—"I intended to say, Sir, that so far as the movement for the non-payment of taxes was concerned, it did not affect the Kistna district. No doubt some village officers resigned, but even they, according to the Publicity Officer, retraced their steps and withdrew their resignations."

The Hon'ble Sir LIONEL DAVIDSON :—"If my honourable friend had not interrupted me, Sir, I should have gone on to say that the resignation of village officers was part and parcel of the campaign for the non-payment of taxes, that the resignation of the village officers was instigated by the Congress Committee in each district and that it was perhaps the most essential element in the scheme for non-payment of taxes. In cases where the village officers had resigned, the Collectors had refused to accept resignations and as a rule dismissed them whenever it was known that resignation was in pursuance of this general movement. Great difficulty has been experienced in finding proper substitutes owing to intimidation by agitators, by volunteers and by important persons in the village especially Brahmans and Komatis. There was good ground to believe that this campaign was directed from central quarters and I have no doubt that movement was well organized. The immediate cause, we are told, was instigation by the village officers' associations and the district congress committees. The latter, namely, the district congress committees, were holding meetings all over the delta definitely advocating non-payment not only in Guntūr but in other parts as well. The first kist fell due on 10th January and at the time when Mr. Harris was writing his report, it was not possible to foretell to what extent payment would be withheld. But it was quite obvious that the kist could not be promptly or even fairly promptly collected without the usual collecting agencies: and these agencies, i.e., the village staff were resigning right and left. The view taken locally and endorsed by Mr. Harris was that if because of the deficiency of village officers or for any other reason, any ryot or village succeeded in evading payment even temporarily, it would be locally regarded as a definite success for the movement, which would in that way gain strength out of all proportion to the temporary success. It was his considered opinion, which the Government have accepted without hesitation in view of other information that has come to them, that if the movement continued to spread for another fortnight, the situation would become quite out of control by the district staff.

1-45 p.m. "The recommendations made included various steps of a nature more directly concerned with the maintenance of law and order, and the restoration of respect for law and order. One of these steps obviously was an immediate show of force in the worst affected areas. That is the reason why a section of armoured cars and a company of Carnatic Infantry were sent to the Guntūr district. It became doubtful whether the armoured cars were necessary any longer and therefore they have since been withdrawn but the Carnatic Infantry still remains. This show of military force as a backing to the civil forces of the district was undoubtedly very necessary. Another step was the quartering of additional police in those portions of the district where the organized movement against the payment of taxes was most vigorously at work. As has been stated in the course of this debate, care was taken to make it clear that the cost of this additional police will fall on the shoulders of the right people, that is to say, those who do not pay up

[14th February 1922]

[Sir Lionel Davidson]

their land tax before a date to be fixed by the Collector of the district. The Government have no desire whatever to impose the cost of the additional police upon loyal and law-abiding ryots who pay their taxes on the due date, or even upon those who merely delay payment owing to poverty. We have expressly desired that full discretion should be exercised by the district officers in cases where the delay arises out of poverty and not perversity.

"The next direction in which positive action was clearly requisite was to check the wholesale and concerted resignation of the village officers. I do not, Sir, propose at this moment to go into the details of that point. That will be much more relevant in connexion with the Bill to extinguish the hereditary rights of the families of village officers who resign their offices or are dismissed for disloyalty. The policy of that Bill, however, is relevant. We had very definite information that the village officers in various tracts of those districts were relying on the continuance of the hereditary right in their family. Under the Acts, governing succession, only undivided members of the family can be excluded, if a vacancy is caused by dismissal. We had specific information that *benami* divisions were contemplated to avoid the possible consequences of dismissal.

"Mr. Harris' report next dealt with the question of the success or failure of the non-payment of taxes. This, he said, must necessarily depend very largely on the attitude of the village officers. He was of opinion that so long as all the village officers were staunch, there would be little question of additional staff but he gave us to understand that it would still be necessary in this emergency to tighten up the provisions in regard to distraint, attachment and sale of property. This is not merely a means for the protection of revenue; but also a measure for deterring people from engaging in campaign the real object of which is, as we all know, to paralyse the established Government of the country. The existing provisions of the law contemplate cases where the ryots feel a real difficulty in paying the kist due to the Government. For that reason they give a very wide *locus penitentiae* and seek to ensure that the sales shall be well-advertised, that the property sold shall fetch its full value, and that nothing more than absolutely necessary shall be sold. But the case we are dealing with now is not that of the distressed ryot who wants time to pay. We have been told again and again that the people who won't pay are rich and well able to pay up at once. When asked why they do not pay they say 'Gandhi Raj has come and we are not going to pay taxes.' That is the attitude we have to deal with. In cases of this description there is no question of treating the defaulter with misguided leniency. There is no use, so long as he remains persistent in his attitude, of giving him any *locus penitentiae*. There is no reason why he should have a month after the sale to decide whether or not he will allow his land to pass out of his hands. It was according to our reports very largely a game of bluff and it was generally expected that at last the defaulter would readily pay the tax on the eve of the auction. Under the Madras Revenue Recovery Act, 1864, it would be perfectly possible for him, assuming the village staff to be intact and doing its duty, to spin out the interval to at least a couple of months, allowing reasonable time for service of the original demand and subsequent notices. During all this time the Government would be kept out of its revenue by this organized attempt, and the agitators would be going round and saying that they were bringing the Government to its knees, and the movement might spread like wild fire. Here I may revert for

[Sir Lionel Davidson]

[14th February 1922]

a moment to the information that has come to me from the Collectors of Kistna and Gōdāvari. The Collector of Kistna, though not unduly anxious about his district, was fully convinced that if the movement were not suppressed in Guntūr it would very rapidly affect Kistna as well. Gōdāvari had just enjoyed the benefit of a show of force in the shape of the visit of a movable column from Secunderabad. The troops were received very loyally and enthusiastically throughout the greater part of their journey in the Gōdāvari district. This was not the case in Guntūr, but any way the ryots of Guntūr had at that time some indication of the reserve powers upon which the Government must rely in the last resort. Nobody dislikes more than I do that the civil Government should have to invoke the assistance of troops. There is no duty which a soldier himself detests more than having to intervene for the support of the civil Government. It is a most distasteful responsibility and difficult duty and we should be only too glad to spare him from it. While, however, Gōdāvari had reaped the benefits of a route march which had taken place only a few weeks before, the district was still in such a position that in the opinion of Mr. Bracken there was grave danger if the adjoining district should be allowed to get out of hand.

"I have explained generally what the position was which led the Government to consider the various steps but I have not mentioned in the matter of the alteration in the kistbandi. That was an idea which was only conceived on the 17th or 18th January. There was no question of any change of mind on the part of the Government. In the first instance, a notification regarding the quartering of punitive police was issued; and in the second instance, a notification went out regarding the kistbandi. One step was a supplement to the other. The Government wanted to make it quite clear that they did not mean to stand any nonsense in the Guntūr district and that they would not hesitate to use every power they had at their disposal to crush this movement at the very beginning. I think the House will generally agree that this policy was and is sound, though the details of it may be subject to criticism.

"Another step which Mr. Harris recommended was that the Collectors of these three districts should have experienced Head-quarters Sub-Collectors posted to their districts at once so that they might have more time to deal with this very dangerous movement. First of all, we telegraphed to Mr. Rutherford to proceed to Guntūr at once to assist the Collector of that district. He joined duty very shortly after, and I propose presently to supply the House with some information which I have since derived from him. But before I come to that, I must revert to the final conclusions arrived at by Mr. Harris. He suggested that his recommendations should be judged by a comparison with what seemed to be the only alternative, namely, the application of martial law. Now this movement is generally referred to either as non-co-operation or as civil disobedience. But in reality it is undoubtedly much more appropriate to designate it as attempted revolution. Its express object is to subvert the existing Government, and if it is not checked, the trouble will spread rapidly. So far as non-payment of taxes is concerned, the movement is inherently attractive to the individual ryot; who, poor fellow, misguided and misled, cannot see beyond the present. If he is allowed to go on for two or three months postponing payment of taxes without anything happening to him except attachment notices, he will think that immunity from taxation is materializing and that Gandhi Raj is really

14th February 1922]

[Sir Lionel Davidson]

coming. And naturally he will be pleased. Our advisers, the Collectors of the three districts and Mr. Harris were of opinion that it would be the gravest mistake to meet the movement with any measures about the sufficiency of which there was the remotest doubt. The Government entirely agreed with that view, and that is the reason why we used every resource which we had at our disposal. That is the reason why we are now asking this Council to give us additional resources because the measures at our disposal are not sufficient.

"It has been said that the existing processes under the Revenue Recovery Act are sufficient. In order to see how those processes worked in actual practice Mr. Rutherford, immediately after he joined duty, went to the Peddanandipad firka. I may here pause to mention that the Peddanandipad firka was by no means the only locality in issue. A report by Mr. Galletti written on the 20th January informed the Government with regret that Peddanandipad firka was not the only area in which taxes were withheld, and that the villages in the Guntūr district in which they were being paid were the exception so far as his latest information went—when Mr. Rutherford set out to the Peddanandipad firka the peon he took with him did not know exactly which was the village and when he first arrived nobody would tell him where the troops were. The people either ran away or said that they did not know. In the back-ground there was a crowd of volunteers armed with lathis and dressed in uniform. If anybody was seen speaking to Mr. Rutherford or to his peon, these volunteers cried out in Telugu 'Don't say anything.' Then a volunteer would come lounging up."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR (*interrupting*):—"I do not know how all this has a bearing upon the motion now before the House. It may show that there is non-co-operation movement, but I do not see how it has any bearing on the motion. I rise to a point of order."

The Hon'ble the PRESIDENT:—"The contention of the opposition is that this measure would not really affect the non-co-operation movement. I think the contention on the part of the Government is that this measure is necessary to battle with the non-co-operation movement. That is what it comes to."

The Hon'ble Sir LIONEL DAVIDSON (*continuing*):—"May I say, Sir, that what I mean will become apparent almost immediately by what follows?"

"There were something like 150 volunteers in the village at the time."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Hear, hear."

The Hon'ble Sir LIONEL DAVIDSON:—"The honourable member Mr. C. V. Venkataramana Ayyangar rejoices that there were 150 volunteers in a single village. So serious a symptom is hardly matter for rejoicing or laughter."

Mr. C. V. VENKATARAMANA AYYANGAR (*interrupting*):—"I was never rejoicing. I only said that there was some refutation, that some people on this side said that non-co-operation was a mere bluff and had no hold on the people, and I wanted them to hear how serious the situation was if there were 150 volunteers in one village. I did not rejoice or lament over the fact."

[14th February 1922]

The Hon'ble Sir LIONEL DAVIDSON (*continuing*):—"I am sorry to have misinterpreted the honourable member's laughter, but I think that most of those who heard him must have thought that he was rejoicing. I am glad to be corrected. But personally I regard it as a very serious matter that in a single village there should be a body of 150 volunteers, armed with lathis, clearly using pressure and intimidating persons, who would not otherwise consent, to evade payment of their just dues to Government. So far as Mr. Rutherford saw, there were obvious signs of intimidation of the villagers. He then went to another village and found that the village munsif had resigned and that the karnam was the leader of this movement. There were no village menials present there, and he had no one but the revenue inspector to help him identify the lands he was seeking to attach. The bigger pattadars, as a rule, are non-resident; and if we want to find out their addresses, the karnam is usually the source of information. The karnam in this case had resigned and as I have said, he was the leader of the movement. With these difficulties before him Mr. Rutherford went about his task of making distraints of property and attachments. He had, by way of example, got the local deputy tahsildar to prepare some demand and dstraint notices. Practically nobody was to be seen when he got to the village except the volunteers. When they moved off, other volunteers moved up from behind. Nobody would tell him where the defaulters were living, and he was only able to find out their houses by the fortunate circumstance that the villages in that part of the district had recently been surveyed in detail. Even then it took a considerable time to identify individual houses. All the doors were closed. The first house was empty; nothing was inside. In the next house, the women marched out and refused to give any information. Grain was attached. Measuring it, tying it up in bags, and the writing-up of the attachment lists—took some time. The whole afternoon was spent in effecting six distraints. But no one gave any reason for not paying his dues except that others did not pay and therefore he would not. One of the volunteers when questioned, said he had no personal complaint whatever, but 'Gandhi Swaraj' was said to be coming, and they were not to pay the taxes, and so on. That was the state of affairs which Mr. Rutherford found in a typical village, and it went a very long way to confirm the conclusion already arrived at by Government, that it was essential to cut down the lengthy processes of dstraint and attachment and to make it quite clear to these people that they could not reckon on two or three months of delay. That is the reason of the summary procedure which this Bill inculcates.

"I hope, Sir, that without infringing your ruling on the point of order, I have now succeeded in throwing some light on the breakdown of the Madras Rent Recovery Act, 1864, in the Guntur district."

The House then adjourned for lunch at 2-7 p.m. and re-assembled at 2-45 p.m.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Mr. President, I think my task has been considerably lightened after the remarks which have been made by the Hon'ble the Home Member. I hope his observations have at any rate tended to take away the impression which appears to have prevailed in certain minds that this measure was dictated more by a panicky Government than by a judicious Government. If I am going to disprove or demolish the so-called theory of panic alleged to

14th February 1922] [Mr. Muhammad Habib-ul-lah Sahib]

have been pervading the mind of Government when they issued this piece of legislation, I will merely refer to the testimony of those gentlemen who are in this House and who have expressed their views in distinct and unequivocal language, and who, being gentlemen on the spot, should be relied upon to serve us more or less as thermometers to feel the real sentiments of the people in those parts. So far, a number of honourable members have spoken, some of them for, and some of them against, the motion which I have made. But be it remembered that from among those who spoke in favour of the motion I am able to pick up three names as being most prominent—prominent in the sense that they are witnessing almost every day the injurious effect of the movement which it is the object of the Government to extirpate. I refer to my honourable colleague, Diwan Bahadur Seshagiri Rao Pantulu, to my friend Mr. Balaji Rao Nayudu and, again, to my friend Rai Bahadur Ethirajulu Nayudu, who, with the personal knowledge which they undoubtedly possess, have given us a picture of the state of affairs prevailing in the Andhradesa more graphic than I could ever have been capable of presenting. With that testimony before us, Sir, is it right, is it reasonable, is it legitimate on the part of non-residents of that area to indulge in criticisms of more or less a general nature, and in criticisms which fail to take into account the actual state of affairs? Talking as I do in an assembly which I am aware consists largely of members of the legal profession, I would ask them to say whether in a court of law the testimony of a witness who speaks from personal knowledge is worthy of credence or of one who speaks on hearsay. Under the former category. . . ."

Rao Bahadur A. S. KRISHNA RAO PANTULU (*interrupting*):—"I wish to know if the Bill is confined to the districts of Guntur, Kistna and Gōdāvari only. If it extends to the whole of the Presidency then other members may also take the opportunity of expressing their views. If it is not so, then there is some force in the arguments of the Hon'ble the Revenue Member."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*continuing*):—"I may at once clear the doubt which has crept into the mind of my honourable friend by pointing out that in every one of the clauses with which we are now dealing, there is a specific injunction that it shall be introduced by means of a notification only in such areas where its use may be considered necessary. I assume that my honourable friend on the other side will give credit to the Government as possessing a sense of responsibility in not introducing the measure in parts where feelings are not so dangerous as they really are in the Andhradesa and thereby alienate even the feelings of the co-operators. Now, Sir, proceeding therefore on the assumption that we have enough of material at our disposal to judge the necessity of this measure which I have had the honour of introducing to-day, the only thing, I believe, that I feel called upon to say by way of some explanation, is to answer some of the misgivings, as I may term them, which some honourable members harbour in their minds as regards the alleged inequity underlying the principles of this Bill whereby certain existing provisions in Act II of 1864 are sought to be rendered more rigorous. I would ask the House to remember—and I will repeat what I said in my opening remarks—that we are not now dealing with a situation which may be regarded as anything like normal. We are trying to cope with a situation which is certainly abnormal—a situation where

[Mr. Muhammad Habib-ul-lah Sahib] [14th February 1922]

sternness and expedition ought to be the guiding principles in the adoption of any measures which we may devise to overcome the existing state of affairs. Probably those members of the House who advise that the periods that have been allowed in the existing Act had better continue without any diminution, are not aware of the volume of work which an acceptance of that recommendation would involve. I am not taking the whole of the Andhradesa and not of course the whole of the province, but I am merely confining myself now to the Guntur district which forms, as it were, the focus from which this movement spread, and is still spreading. Now, talking therefore about the Guntur district alone, may I point out that the existing provisions of the Act might have done sufficiently admirably indeed, if we were dealing with an infinitesimally small number of distrains of movable property and attachments of immovable property, and they might have been enforced in a leisurely and halting manner without in any way either jeopardising the administration or causing anything like an appreciable diminution in the revenue of the year. In the Guntur district of which I am speaking, we have got no less than 284,360 pattadars from whom to collect our land revenue. In normal years it has never been found necessary—and I speak with authority, for I am speaking from statistics—to effect distrains or attachments in more than 613 cases which, those of you who can do something like mental arithmetic, can at once find out, represents no more than 0.22 per cent of the total number of pattadars. It is obvious that to deal with this small percentage it would have been perfectly easy to allow each individual 10 days, 15 days, or even a month at discretion—and remember, again, the period that you were allowing him was not because he showed a defiant attitude towards you not to pay, but that you were allowing him that concession to enable him to pay, for you were perfectly certain that had he the money to pay he would not have needed the assistance which the law has given him. Now, it is possibly the case of all the 284,360 people making up their minds in some conclave of their committee-meeting not to pay absolutely to the Government, and it will, then, be the duty of the Government to deal with all such cases. Does the House conceive that it will be possible for any administration or for any body of businessmen, to cope with the distrains and attachments of properties involved in lakhs of cases in a leisurely manner, no matter what the strength of the staff may be? Granting that you have even created an army of staff to carry it out, cannot the House at the same time imagine that it would be an impossible feat to perform so far as the guarding of the properties of the people whose properties have been distrained and of taking care of the lands in the case of individuals whose lands have been attached? How on earth, therefore, could we go on postponing the processes which are necessary for expediting the collection under such bewildering circumstances which I have described? Would it not mean, may I remind you, the continuance for an indefinite period of both the military and the police whose duty at the present moment it is to guard properties, to help collection parties in the distrains and attachments of properties and in the conduct of their sale. For what do we find at the present moment?

“Our village officials have largely deserted us. The non-co-operators
3 p.m. want to thwart and obstruct every step that we wish to take forward. The other people, through intimidation

[14th February 1922] [Mr. Muhammad Habib-ul-lah Sahib]

or coercion or fear, whatever it may be, are not willing to come forward and help us. What then is the alternative? Is it that I must employ a large army of men who should be busy from morning until evening in conducting the distrains or attachments of lakhs and lakhs of items of property, and that I should also have an indefinite army of policemen to help these men in such attachments or seizures, as the case may be, in preserving the property for eight days and helping at the time of the sale? It is impossible to conceive therefore that the existing provisions of the Act could possibly be enforced in the area that I have in view under the present state of affairs. We therefore want to speed up the process. We want to allow them as little time as it is possible for us to do, so that if within that period they pay up, we shall be freeing ourselves from the further obligations of distraint, attachment, or sale. But if they yet continue to refuse payment, I want the authority of the House to proceed expeditiously, as the present periods that are allowed are so long as to break down the machinery absolutely in view of the purposes I have mentioned.

“Then, something has been said that in our attempt to show our vindictive spirit—those were the words used by an honourable member, I think,—against the non-co-operators, we are forgetting the fact that we are dealing with the co-operators also in the same cruel manner in which we intend to deal with the former. Let me assure the members of this House that it is farthest from the thoughts of the Government to do anything which would work to the prejudice of those who are willing to help the Government, who are willing to recognize the Government and who are willing to discharge their obligations towards the Government. Our whole aim, our whole object and our whole effort have been directed towards the killing of that spirit of civil disobedience which has crept into the country. May I also at the same time draw the attention of the House to the notification which the honourable member from Vizagapatam read out whereby the Board of Revenue have, in exercise of the power conferred on them by section 3 of the Act, reduced the number of instalments in the Guntur district from 3 to 2, but at the bottom of that same notification, the Board of Revenue have added a rider?”

Rao Bahadur C. V. S. NARASIMHARAJU:—“May I explain, Mr. President, that what I read out was the communique of the Government of Madras, but not of the Board of Revenue?”

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“I am quoting from the notification issued and published in the District Gazette.”

Rao Bahadur C. V. S. NARASIMHARAJU:—“I quoted from the communique of the Government of Madras.”

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“It is difficult to answer these interruptions, and I request the President to give a ruling on the matter. I may also add, Sir, that I should quote only from a document in which the matter is dealt with fully and exhaustively, and that the notification in the District Gazette contains full and exhaustive information.”

[14th February 1922]

Rao Bahadur C. V. S. NARASIMHARAJU (*interrupting*):—"I have quoted from the communiqué of the Government, but the Hon'ble Member is referring to a notification in the District Gazette which I am not aware of."

The Hon'ble the PRESIDENT:—"May I know for what purpose the honourable member has made the interruption?"

Rao Bahadur C. V. S. NARASIMHARAJU:—"I just want to correct the Hon'ble the Revenue Member. He said that I had quoted from the notification in the District Gazette, or from a notification of the Board of Revenue. I want to correct him and say that I quoted from the communiqué of the Government, and I did not know anything about the notification."

The Hon'ble Sir LIONEL DAVIDSON:—"Sir, I think it may assist you in deciding this point of order, if it be a point of order at all, if I mention that the communiqué of the Government and the first part of the notification are substantially identical, and that the passage which my honourable colleague is about to read is an executive instruction issued by the Board of Revenue in supplement of the statutory notification with the approval and under the instructions of Government."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"The notification therefore, Sir, which I am now reading from, not merely refers to the shortening of the number of instalments in which the kist in Guntur was payable, but it has also got a rider—

"The following notice should be published below the notification:—"Executive instructions have been issued that the Collector of the district should exercise his discretion in issuing the coercive processes against persons who pay up promptly the kists due under the prior *kistband*."

"I have merely drawn the attention of the House to this significant fact to show that neither the Government nor the Board of Revenue, nor the district authorities who represent the Government, entertain the least intention of prejudicing the interests of people who are willing to abide by the ordinary laws of the land, but their only object and aim have been to create a new machinery for the purpose of dealing with those people who do not recognize the laws of the land, who do not recognize the Government, and who deny their obligations to pay their taxes to the Government. Now, therefore, if any notification is issued by the Government of Madras in virtue of this Bill which I hope will soon become an Act, it is perfectly open to the Government, while issuing the notifications, to so frame them as to make them applicable only to those areas where the non-co-operation feeling or the civil disobedience movement is found to exist or in the case of those individuals for whom this measure is intended.

"Then, Sir, great stress was laid down on clause 4 of the proposed Bill. It was pointed out that that clause, if retained, would produce a real hardship, that it takes away a right which exists in the present Statute, and that its withdrawal would operate as a real confiscation of such rights, particularly in the case of individuals who might not possess any knowledge as regards the sale of their properties. Well, Sir, all that I would urge, and emphatically urge, in connexion with that, would be, that although this Bill may become law now, all the same, it has been before the public from the 24th January last. It was even a few days before its actual publication that the

14th February 1922] [Mr. Muhammad Habib-ul-lah Sahib]

Government announced their intention of introducing this piece of legislation and they have sufficiently clearly explained in the communiqué, what the exact nature of that measure would be. Now I expect, quoting the words of my esteemed friend, Mr. Seshagiri Rao Pantulu, that every individual who possesses any property must consider it worth his while to see that the obligations, the legal obligations he has to discharge, are duly discharged in such a manner as not to lose his rights in the property. If, therefore, he has deliberately slept over his own rights, if he has not taken the warning by the forelock, which it was our intention to convey both by the issue of the communiqué and by the early publication of this Bill, three weeks before its actual introduction into this Legislative Council, then all that I can say is that that man deserves no sympathy and no compassion, but that he has to thank himself for his loss. But if there be found cases which would deserve anything like consideration, anything like the exercise of discretion on the part of the Collector, if, I say, there are cases where probably the facts are so patently obvious that some injustice has been done on account of causes entirely beyond the control of the individual concerned, then I beg to submit, Sir, although my knowledge of law is rather antiquated, that the proviso which is contained in section 38 of the existing Act might probably be availed of. For, I assume that it is somewhat of a wider nature than what the body of the section itself would lead to indicate. Well, I know that lawyers may not probably agree with me in that interpretation, but, that however is my interpretation, and I beg to submit that nothing will prevent the Collector from taking action under that proviso."

Rao Bahadur C. V. S. NARASIMHA RAJU (*interrupting*):—"Are we to understand, Sir, that that is not the interpretation of the Government?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*continuing*):—"I think I said 'my interpretation.' Wherever I want to involve the Government, I generally use the word 'Government'. Now, Sir, all that I need urge at this stage is whether I have made out a *prima facie* case, to borrow again the legal phraseology, in which the accused should be committed to the sessions. In other words, is this the proper stage at which the Council would be justified in throwing out the Bill? I would respectfully venture to suggest to the House that, with the responsibility for administration which I assume this Council shares with us and in the face of the distinct and definite information which the Government have at their disposal, particulars of which have already been referred to by my honourable colleague, the Home Member, and in the face of the actual necessity of the case, they will do better to allow the introduction of the Bill, more particularly as I find from the agenda that some gentlemen have already tabled a number of amendments to this Bill which will certainly be considered on their merits.

"I do not know if I have read the feelings of the House aright, and I do not know if I am very optimistic when I say that a large majority of the House is along with me in the introduction of this measure; for a few telling speeches, which I heard both from the benches behind me and on my right, gave me the hope that those honourable members had gauged the situation correctly and that they were perfectly

3-15 p.m.

2196 A BILL TO AMEND THE MADRAS REVENUE RECOVERY ACT II OF 1864

[Mr. Muhammad Habib-ul-lah Sahib] [14th February 1922]

willing to arm the Government with such legislation as they consider necessary in the interests of the administration. And may I once more assure the House that it is not at all our intention to give full effect to this legislation wherever we have the least hesitation and when facts justify it? It is no doubt sad that we should have been called upon to have recourse to a piece of legislation like this. It will be sadder still if we are called upon to enforce it with all its rigour. It is left to the people to absolve us from this painful duty of having to introduce it in any area, and if they should render its application impossible, nobody would be gladder than the Madras Government. I only appeal to the House after they have given their assent to this Bill, which I hope they will, that they will try and see that the people so behave themselves in future as to render this piece of legislation absolutely unnecessary."

The Hon'ble Sir LIONEL DAVIDSON:—"I move that the question be now put."

The motion that the question be put was carried unanimously.

The main question was then put to the House and carried.

On the motion of Diwan Bahadur M. Ramachandra Rao Pantulu a poll was then taken with the following result:—

Ayes.

- | | |
|--|--|
| 1. The Hon'ble Sir Lionel Davidson. | 38. Mr. K. Sitarama Reddiyar. |
| 2. " Sir Charles Todhunter. | 39. Mr. T. Somasundara Mudaliyar. |
| 3. " Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur. | 40. Mr. S. Somasundaram Pillai. |
| 4. " Mr. K. Srinivasa Ayyangar. | 41. Diwan Bahadur K. Suryanarayana-murti Nayudu. |
| 5. " Mr. P. Ramarayaningar. | 42. Mr. T. C. Tangavelu Pillai. |
| 6. " Rai Bahadur K. Venkata Reddi Nayudu. | 43. Diwan Bahadur R. Venkataratnam Nayudu. |
| 7. " Rao Bahadur A. P. Patro. | 44. Diwan Bahadur M. Krishnan Nayar. |
| 8. Mr. C. P. Ramaswami Ayyar. | 45. Mr. P. Siva Rao. |
| 9. Mr. T. B. Moir. | 46. Mr. S. Muttumanioka Aobariyar. |
| 10. Mr. M. E. Couchman. | 47. Mr. K. V. Ramachari. |
| 11. Mr. N. Macmichael. | 48. Rao Bahadur Dr. C. B. Rama Rao. |
| 12. Mr. F. J. Richards. | 49. Sriman Sasihushana Rath. |
| 13. Mr. C. W. E. Cotton. | 50. Diwan Bahadur D. Sahagiri Rao Pantulu. |
| 14. Mr. R. Littlehales. | 51. Mr. S. Arpudawami Udayar. |
| 15. Mr. E. Periyanaayagam. | 52. Mr. T. Arumainatha Pillai. |
| 16. Mr. B. K. Shanmukham Chettiyar. | 53. Rai Sahib E. M. Masoorenhas. |
| 17. Mr. A. Ramaswami Mudaliyar. | 54. Mr. A. F. Palmer. |
| 18. Mr. K. Adinarayana Reddi. | 55. Mr. M. R. Rameswami. |
| 19. Mr. M. Appalarasayya Nayudu. | 56. The Raja of Ramnad. |
| 20. Rao Bahadur V. Appaswami Vandayar. | 57. Mr. K. Prabhakara Tampar. |
| 21. Diwan Bahadur C. Arunachala Mudaliyar. | 58. Rev. W. Weston. |
| 22. Rao Bahadur P. C. Ethirajula Nayudu. | 59. Abdul Qasim Beary Sahib Bahadur. |
| 23. " K. Gopalakrishnayya. | 60. Khan Sahib Muhammad Abdur Rahman Khan Sahib Bahadur. |
| 24. Sir P. Tyagaraya Chettiyar. | 61. Sayid Diwan Abdul Razaq Sahib Bahadur. |
| 25. Mr. S. T. Shanmukham Pillai. | 62. Muhammad Sadulla Bedaha Sahib Bahadur. |
| 26. Rao Bahadur I. Balaji Rao Nayudu. | 63. Khan Bahadur Muhammad Usman Sahib Bahadur. |
| 27. " T. A. Kamalinga Chettiyar. | 64. Mr. M. C. Raja. |
| 28. Mr. C. Kamalinga Reddi. | 65. Mr. L. C. Guruswami. |
| 29. Mr. O. Tanikachala Chettiyar. | 66. Mr. M. C. Madurai Pillai. |
| 30. Mr. W. Vijayaraghava Mudaliyar. | 67. Mr. G. Vandanam. |
| 31. Mr. B. Muniswami Nayudu. | 68. Rao Sahib P. Venkatarangayya. |
| 32. Mr. A. T. Muttukumaraswami Chettiyar. | 69. Mr. A. M. MacDougall. |
| 33. Mr. C. Natesa Mudaliyar. | 70. Rao Bahadur T. Namburumal Chettiyar. |
| 34. Mr. V. Pakkiriswami Pillai. | |
| 35. Mr. P. T. Tejan. | |
| 36. Rao Bahadur A. Ramayya Panja. | |
| 37. Mr. K. Sarabha Reddi. | |

A BILL TO AMEND THE MADRAS REVENUE RECOVERY ACT II OF 1864 2197

14th February 1922]

Noes.

- | | |
|--|---|
| 1. Mr. J. Kuppuswami. | 8. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 2. " N. A. V. Somasundaram Pillai. | 9. Rai Bahadur T. M. Narasimha Challa. |
| 3. " A. Tangavelu Naicker. | 10. Rao Bahadur C. V. S. Narasimha Raju. |
| 4. " K. C. Venkatachala Reddiyar. | 11. Rao Sahib U. Rama Rao. |
| 5. " P. Venkatasubba Rao. | 12. Mr. A. Ranganatha Mudaliyar. |
| 6. Diwan Bahadur M. Ramachandra Rao Pantulu. | 13. " M. R. Seturatnam Ayyar. |
| 7. Diwan Bahadur L. A. Govindaraghava Ayyar. | 14. " T. Sivasankaram Pillai. |
| | 15. " R. Srinivasa Ayyangar. |

Neutral.

- | | |
|--|------------------------------------|
| 1. Mr. W. P. A. Saundara Pandya Nadar. | 4. Mr. V. C. Vellingiri Goundar. |
| 2. " A. Subbarayudu. | 5. " C. V. Venkataramana Ayyangar. |
| 3. " P. Subbarayan. | 6. Sriman Bisvanath Das. |

The motion was carried, 70 having voted *for*, 15 *against* and 6 remaining *neutral*.

The Secretary then read the title of the Bill.

The Hon'ble Khan Bahadur Muhammad HABIB-UL-LAH SAHIB Bahadur:—"I now beg to move that the Bill be not referred to a Select Committee. It is unnecessary for me to recapitulate the grounds which have already been urged in support of the fact that this measure is of an extremely urgent nature. During the course of the discussion, it has appeared clear enough from the speeches of the honourable members of this House who hail from the infected area that this measure is an extreme urgency. Why? They have, I believe, gone to the length of sarcastically remarking that if the Government are guilty of anything, they are guilty of gross negligence in the past in not having adopted similar measures early enough, and that it is rather too late in the day for this measure to have been introduced. I therefore beg to appeal to the House to proceed with the discussion of the Bill immediately."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I second the motion."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I oppose the motion, Sir, and I do it only on a few grounds. I was listening with great interest to the various observations made. I observe the Leader of the House objected to my smiles; but I have known the Leader of the House smile even when he comes in with the greatest vindictiveness. Whatever that might be, the sole question is this: whether there is any necessity for any repressive measures. The House would agree that if the circumstances are as stated by the various members of the House, some case would have been made out for such repressive measures. The next question is the most important question whether this should at once be passed. The Hon'ble the Revenue Member in his feelings of infallibility of the Government has stated that this is most urgent. All that I say is that even the members of the Government are likely to make mistakes in thinking as to what would be the future. I do not want to quote various instances where the Government's anticipations have not been fulfilled, as, for instance, the Oath of Allegiance Act and such other things. But one thing is certain, i.e., whatever weight we may attach to the telegrams published in yesterday's papers, there is no doubt that the telegrams give us some hope that the Congress Working Committee and the District Congress Committee of Guntur have resolved that all the measures towards civil disobedience should be stopped. We do not, however, know what His Excellency the Viceroy would do under the circumstances. We must remember, Sir, that in the Calcutta speech the Viceroy expressed some sentiments and he never went back upon them. And the communiqué that was issued a few days ago in

[Mr. C. V. Venkataramana Ayyangar] [14th February 1922]

answer to Mahatma Gandhi showed that His Excellency still maintained that if his conditions were fulfilled he would fulfil his part of the speech. His only lamentations were that those conditions were not fulfilled. But yesterday's telegrams clearly show that the conditions have been fulfilled unless the All-India Congress Committee revokes that resolution of the Working Committee or for any other reason somebody else in a responsible position does something which is wrong. It has been over and over again said that many of these things of non-co-operation are being done for various reasons. The reasons are either personal veneration towards Mahatma Gandhi or some respect towards the leaders in the various places or as some others would say fear of the leaders and fear of the volunteers. The leaders would be faithful to the resolution and there would be no trouble. It is probable also the volunteers would be disbanded or at least they will not be given this work. Therefore

3-30 p.m.

prima facie we have got this fact that the non-payment of taxes will be given up. It was very curiously interesting for us to see a few people supporting the previous motion saying 'non-co-operation is nothing; there may be one non-co-operator here and one there; the whole thing is bluff.' The Hon'ble Sir Lionel Davidson said that in one particular village there were as many as 125 volunteers and that there were large numbers of volunteers in all parts of Andhradesa and therefore this Bill is very urgent. Whatever the reason, whether the number of volunteers is large or small, there can be no question whatever that all those will dwindle if the resolution of the Working Committee of the Congress is followed up by the resolution of the All-India Congress Committee and also if it is accepted, as I believe it will be, by the various leaders. My feeling is this. If His Excellency the Viceroy—as we have understood him as other people in the country have understood him—still sticks to his Calcutta speech and if, as many of us believe, all the conditions laid down by the Viceroy are fulfilled, what will be the result? He will to-morrow probably issue an order releasing all the prisoners, 5,660 or so from one place, viz., Calcutta, and a number of others in other places and have many of these repressive measures withdrawn. Well, Sir, this Council had the credit of being the only Council that passed the Oath of Allegiance Act. Let us not therefore have another credit of passing this Act, when probably the Viceroy will pass a resolution withdrawing all the repressive measures and when probably no other Government will consider it necessary to pass an Act like this. I simply say this: let us not place anything repressive on the Statute Book if it is not necessary. I do say that if there had not been any such resolution of the Working Committee or if we had to discuss this two days ago then probably there would have been a necessity for this measure. After all, what the Government says is that all that is said about non-payment of taxes is a bluff. Are we to meet a bluff with another bluff? It has been said by the Hon'ble the Revenue Member that sixty lakhs of rupees was the total revenue for that district. Out of that some ten lakhs has been collected. If the balance is not collected, for what reason; is it for non-co-operation or is it for other reasons, namely, the poverty of the people, or the usual reason that the grains are not yet ready for sale in the month of January or is it due to the fact that all or most of the village officers have resigned? We have heard most of the village officers have resigned. It may be that there is nobody to collect the tax and the ryot does not know to whom to pay the tax. Did the village officers resign on account of non-co-operation?"

14th February 1922]

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"Part of the campaign."

Mr. C. V. VENKATARAMANA AYYANGAR (*continuing*):—"Part of the campaign! But why should the ryots be blamed? The servants of Government themselves have resigned. We have been warning Government that if the pay of the village officers is not raised they might resign. I have in this the support of the communiqué issued by Government that it was not due to non-co-operation but because they were not given increase of pay and the Publicity Bureau leaflet also explains the same position. But the other side says the matter is very serious and so we need some legislation. All that I say is that it is reasonable to suppose that if things do not go back to what they were a few days ago some measures may be necessary. But as it is we have got some hope of better things in the near future, and the non-co-operators have surrendered and have shown the white flag. It is said that the white flag will be abused and things like that. The son becoming turbulent, the father prepares a big stick for the mother to beat the boy with, but the boy dies. 'But still let us prepare it,' the mother says, 'the junior wife is pregnant and probably she will have a male child.' Let us therefore wait and see; the Select Committee should take some time to consider it. Even the supporters of Government have clearly stated that every section of this Bill requires amendment. Five of the honourable members of this Council have given notice of various amendments for almost every clause of the Bill. Why not we wait? Why not we see how other provinces behave, as to how the Viceroy himself deals with the situation, as to whether the non-co-operators deserve or not this treatment of ours? If it is found that the recent resolutions of the Working Committee are only a bluff, we are meeting a few days afterwards, on the 4th and 7th March and when we meet again we can have this emergency measure passed. There will be a majority and we can surely pass it. There is no emergency to-day; probably it would be dangerous to go on with it now and irritate the people by selling all properties and doing all those things. It is probable that the Government may require it urgently and we can wire to the Viceroy and get his assent. The leader of the House said that it was only a bluff, but we must be armed against the bluff. If we pass this Bill to-day or to-morrow, the Bill will clearly show that it is a bluff also. My friends will pardon me, I suppose, for referring to the Oath of Allegiance Act. It was said that the heavens would fall if it was not passed at once. But the heavens have not fallen though the Viceroy took about two months to give his assent. These measures need not be passed in the face of yesterday's telegrams. Non-co-operators were after all dwindling and showing the white flag and waiting to be dispersed. Let us consider the Bill in the Select Committee where it will be thrashed out. My honourable friend Mr. Somasundaram Pillai wanted to maintain that the non-co-operators should be beheaded and killed like poisonous scorpions, and just as Satan was thrown down into the earth in a bottomless pit he would perhaps throw them into the Bay of Bengal.

"He would perhaps bring in an amendment to that effect. I believe there is no real use in the Bill as it is worded. Those things will not benefit Government to effect retrenchment. If property is not distrained in such haste, there may be some delay but the public may benefit. All that I say is that if time is given, more useful experiments and more effective methods

[Mr. C. V. Venkataramana Ayyangar] [14th February 1922]

such as daily fines similar to those in the case of income-tax can be devised to meet this non-co-operation. I therefore appeal to the House and to the front bench not to press that the whole thing should be discussed to-day. Even then it will take one or two days and we will not be able to do more important resolutions. The heavens are not going to fall on us if we wait for a few days. If necessary we can pass this Bill in the beginning of the next month and also get the Viceroy's permission by wire. With these few words, Sir, I oppose the motion not to refer this Bill to a Select Committee, but I appeal to the House that this matter be referred to a Select Committee."

Mr. A. RANGANATHA MUDALIYAR :—" Sir, if any justification were needed for the course adopted by those fifteen members who voted against the introduction of this Bill, I think that has been furnished by the motion which the Hon'ble the Revenue Member has now placed before the Council. He says there is great urgency for this Bill and should be passed almost in the form he has introduced it. Now, Sir, I beg to demur to that proposition. I am not at all inclined to attach too much importance to the resolution of the Working Committee of the Congress. It is just possible that that resolution may not be acted upon even by the leader of the movement himself. We all know how after the Bombay ryots he made a public confession of the mischievous character of the movement inaugurated by him, but, in a few days after that, he was very busy vigorously pursuing the campaign of civil disobedience. Not only that; there may be some misguided followers of his who may disregard the resolution and pursue civil disobedience for their own selfish purposes. But I do contend that after the resolution passed by the Working Committee of the Congress and after the resolution of the Andhra Congress Committee, there is no immediate danger and I do not at all think anything would be lost by giving a certain amount of time for the consideration of the Bill now before the House. The discussion that has taken place so far has, I think, conclusively shown that there are many matters which have not been carefully thought out by the Government and which require consideration. In these circumstances, I think that the Hon'ble the Revenue Member will do well to refer the Bill to a Select Committee; such a reference does not necessarily mean that the Bill would not be brought up for an indefinite length of time. The Revenue Member may take such steps as would ensure this Bill being brought up before the Council in the March meeting. Surely he can afford to give so much time. So I think this Bill should be referred to a Select Committee and I oppose the motion."

Mr. T. ARUMAINATHA PILLAI :—" Sir, when this Council lent its support to the principle of this Bill, I believe that it was because the Bill was a very urgent one and as an emergent measure was necessary in order to cope with the situation that has arisen in certain districts of this Presidency. This Council having committed itself to the acceptance of the principle contained in the Bill, now to come forward and say, 'let not this Bill be passed now, let this be adjourned to March or April meeting; let us wait for the Viceroy's declaration; let us wait as to what the Government of India would do after yesterday's publication of the decision of the Congress Working Committee' and to say further that the round table conference is much nearer now than it was before and all these reasons, Sir, are not to the point at all. If you are

14th February 1922] [Mr. T. Arumainatha Pillai]

not satisfied that this Bill was an emergent measure, if you are not satisfied that this Bill would meet the situation that has been created in certain districts, then it was time for my friends who oppose this motion now to have said so even then instead of remaining neutral . . ."

Mr. C. V. VENKATARAMANA AYYANGAR (*interrupting*) :—" I clearly stated that: as to why some measure is necessary but not the wording of the Bill as it is."

Mr. T. ARUMAINATHA PILLAI (*continuing*) :—" It was time then to have said that this Bill was not necessary and that there was no urgency for it. I was closely listening to my honourable friend Mr. Venkataramana Ayyangar as to what reason he would give for opposing the Bill not being referred to the Select Committee. But, Sir, we have had a very beautiful, a very virulent speech against the heavens falling down and all such things. I do not think all these things will ever convince us in this House. I submit, Sir, that one essential feature is this: that this Bill consists of four sections and four only, out of which the second and third refer to the acceleration of time during which the attachment and sale of property have got to take place and a number of amendments has been given to extend the time. Also I believe that by adjourning this Bill by referring it to a Select Committee nothing better is going to be done. Even if my friend, Mr. Venkataramana Ayyangar, were in the Select Committee, I do not think he would say that the whole clause ought to go. If that clause is not to go and if you are going to accept the principle of that clause but only we are going to find how many days we have got to give for the distraint and sale of the property, then why not we discuss it now and here."

"Now, Sir, taking section 4 of the Bill there are various amendments given, one to omit entirely clause 4. I am not in agreement with the Hon'ble the Revenue Member in his support of clause 4. But that is quite a different matter. But so far as the present motion before the House is concerned, either we omit clause 4 or if that fails we make some other amendment. What more, what better can be done, one cannot see. I submit, Sir, that so far as this Bill is concerned, convinced as we are about the emergency of it, it is not right to put any obstacle in the way of its being passed into law."

Rao Bahadur C. V. S. NARASIMHARAJU :—" Mr. President, I only want to bring to the notice of the House some information published by the Government in support of the fact that there is not any emergency and that the Bill may be referred to a Select Committee. I may be permitted to quote from the Communiqué of the Government, dated 9th February 1922. It reads:

'Reports from Guntur indicate that the energetic measures adopted by the district officers are having good effect, that some of the ryots affected in the areas affected by the non-co-operation movement are returning to a more sensible frame of mind and beginning to pay the overdue instalments of land-tax.'

"In the light of this statement of fact, I think the Council will be unwise to rush through this legislation. It has become a habit with this Council to rush through legislation as soon as a Bill is introduced. Again, I wish to correct the Hon'ble the Revenue Member in his reference to the representatives coming from the infected area. In the recent poll that was taken on the question of the introduction of the Bill only one honourable member out

121132/122 6234
N22-5315

[Mr. C. V. S. Narasimharaju] [14th February 1922]

of those coming from the Guntur district Mr. Etirajulu Nayudu voted in favour of the principle of the Bill while two honourable members, Messrs. Kuppuswami and Venkatasubba Rao opposed it."

Rao Bahadur P. C. ETHIRAJULU NAYUDU (*Interrupting*):—"Two members from Guntur voted for the Bill, myself and Mr. Abdur Rahman Sahib."

Rao Bahadur C. V. S. NARASIMHARAJU (*continuing*):—"Even then, Sir, it is a good ground for saying that the district itself is equally divided as to the desirability of pushing through this piece of legislation."

Mr. P. VENKATASUBBA RAO:—"I beg to oppose this motion that the Bill be not referred to the Select Committee. I do not consider that there is any urgency, so far as Guntur is concerned. For the last ten days matters have improved. People are paying their taxes and they are paying with a vengeance, without even the necessity of the village officers going to them. I am sure that all the taxes will be paid up in a short time. It is therefore right that the Bill should be referred to a Select Committee."

Mr. T. SIVASANKARAM PILLAI:—"Sir, in the course of my remarks on the previous motion I called for certain information from the Hon'ble Member to enable me to decide which way to vote. I have to repeat the same thing, and I have to ask in this connexion what was the number of instalments that obtained in the matter of revenue collections in Guntur district, how much was collected by this time last year and how much has been collected this year by now and what the difference is, how much is yet due and what are the prospects of the present collection. I want to see whether there is any necessity from this point of view for pushing on this Bill across the stage in such a cinema-film-like fashion."

Mr. S. SOMASUNDARAM PILLAI:—"Sir, the passing of this Bill is rather an obstacle race. At every step there is an obstacle put and I hope this House will overcome the obstacles and pass this measure. Once it is conceded that the Bill is an emergent measure, no time should be lost in getting it passed into law. If it is not passed now, it cannot be passed till after August, for the budget discussion will occupy the House for the next month and the Select Committee will take care not to submit their report before the budget discussion is finished. By that time the disobedience will be over and there will be no necessity for the Bill. When the Bill has been introduced as an urgent measure, it must at once be passed without a reference to a Select Committee which always meant delay. I therefore support the motion before the House."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I think, Sir, all that I need say is that my honourable friend Mr. Venkatramana Ayyangar tries to inoculate me with the feeling that the resolutions of the Working Committee of the Congress about which there was some information in the newspapers yesterday must be regarded as the last word in the future administration of India. And that so long as they have already issued orders or *hukums* to the people of India to pay the Government their taxes, there can in future be no disobedience of that order but that we might take it for granted that it will be implicitly obeyed as though it were almost scriptural. But, Sir, we have had our own experiences of the resolutions of the Working Committee, we have had our own experiences of the mandates of others who control the activities of the Working Committee and

14th February 1922] [Mr. Muhammad Habib-ul-lah Sahib]

we have known what effect has been given to previous resolutions. In any case, I should refuse to mould my own actions, my own views and my own ideas of the legitimate duty of Government according to the resolutions of the Working Committee. If they have given the order—I am not using all the seven "ifs" which my honourable friend on the other side used—if the people are going to obey that order and pay the taxes, so far so good; for they will certainly absolve themselves from the liabilities and obligations of the Bill which we are to-day discussing and which we hope we shall pass to-day. On the other hand, if there is again a similar respect shown to the resolutions of the Working Committee as has been the case in the past, I do not think that there will be time enough for this Government to consider the desirability of this measure, for the Council will not then be in session at all. There has been some effort by my friend who comes from the Guntur district, whose publications in the newspapers the other day were very interesting to read, and who tells us that things are bettering themselves. He considers that it is perfectly possible that all people will pay as there is now an indication in the district in general to pay. But may I ask, Sir, what it is that has brought them round to this sentiment if it exists at all? May I emphasise the fact, which until now I did not wish to do, that were it not for the bold front which this Government adopted, were it not for the resourcefulness with which they tackled the question in time promptly and sternly, were it not for the press communiqué which was issued on the 20th of January and were it not for notice of my motion to introduce the Bill which was published within four days after the press communiqué and to ask that no Select Committee need be appointed but that it shall be passed into law, it is highly doubtful whether things would have changed. All these have produced, I venture to think, better temperament in the minds of the people. If the House abandons the Bill to-day, if it is going to adopt its own way of thinking regarding the necessity of the Bill, if it is going to cry 'halt' at this stage, and if it is going to apply that old beaten-out principle of 'wait and see' in regard to this measure, I can assure the House that from tomorrow we shall have again a fresh campaign of civil disobedience and it will then be probably inevitable that I will have to come before the House again with probably measures more stringent, more severe and more drastic than the one that I have now placed before the House. I hope the House will avoid that necessity. Once it has been recognized that the present is a juncture when some special measures are necessary, I believe, it is wisdom to go ahead with the devising of the remedy. The House will have the fullest opportunity to discuss the Bill clause by clause. They will see where the remedy we have suggested is over-pitched and where it should be moderated; whether they could see eye to eye with us or whether they would suggest alterations in it. We are going to consider all sides of the arguments and then come to a decision as to the final shape of the Bill. Even after the Bill has been passed, if the happy anticipations which my honourable friend Mr. Venkatasubba Rao indulges in do happen, if he is going to be a true prophet as regards the future happenings in the Andhradesa, I can once more assure the House that the Government will be very glad not to put this measure into force at all. We shall take care to see that we do nothing more than what we deem absolutely essential."

The motion that the Bill be not referred to a Select Committee was then put and carried.

[14th February 1922]

On the motion of Mr. T. Sivasankaram Pillai poll was taken with the following result:—

Ayes.

- | | |
|--|---|
| 1. The Hon'ble Sir Lionel Davidson. | 36. Mr. V. Pakkiriswami Pillai. |
| 2. " Sir Charles Todhunter. | 37. " P. T. Rajan. |
| 3. " Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur. | 38. " K. Sarabha Reddi. |
| 4. The Hon'ble Mr. K. Srinivasa Ayyangar. | 39. " K. Sitarama Reddi. |
| 5. " Mr. Ramnarayaningar. | 40. " T. Somasundara Mudaliyar. |
| 6. " Rai Bahadur K. Venkata Reddi Nayudu. | 41. " S. Somasundaram Pillai. |
| 7. " Rao Bahadur A. P. Patro. | 42. Diwan Bahadur K. Suryanarayana-murti Nayudu. |
| 8. Mr. C. P. Ramaswami Ayyar. | 43. Mr. T. C. Tangavelu Pillai. |
| 9. " T. E. Moir. | 44. Diwan Bahadur K. Venkataratnam Nayudu. |
| 10. " M. E. Conchman. | 45. Diwan Bahadur M. Krishnan Nayar. |
| 11. " N. E. Marjoribanks. | 46. Mr. S. Muttumanicka Achari. |
| 12. " N. Macmichael. | 47. " K. V. Ramachari. |
| 13. " F. J. Richards. | 48. Rao Bahadur Dr. C. B. Raua Rao. |
| 14. " G. W. E. Cotton. | 49. Diwan Bahadur D. Seshagiri Dao Pantulu. |
| 15. " R. Littlehales. | 50. Mr. S. Arputaswami Udayar. |
| 16. " E. Perinayagam. | 51. " T. Arumainatha Pillai. |
| 17. " R. K. Shanmukham Chettiyar. | 52. Rai Sahib E. M. Masoreenhas. |
| 18. " A. Ramaswami Mudaliyar. | 53. Mr. A. T. Palmer. |
| 19. " K. Adinarayana Reddi. | 54. " M. Ratnaswami. |
| 20. Dr. M. Appalarasayya Nayudu. | 55. The Raja of Ramnad. |
| 21. Rao Bahadur V. Appaswami Vandayar. | 56. Rev. W. Weston. |
| 22. Diwan Bahadur C. Aranchala Mudaliyar. | 57. Khan Sahib Muhammad Ablur Rahim Khan Sahib Bahadur. |
| 23. Rao Bahadur P. C. Ethirajulu Nayudu. | 58. Munshi Muhammad Abdur Rahman Sahib Bahadur. |
| 24. Rao Bahadur K. Gopalakrishnayya. | 59. Saiyid Diwan Abdul Razaq Sahib Bahadur. |
| 25. Sir P. Tyagaraya Chettiyar. | 60. Khan Bahadur Muhammad Sidulla Badsha Sahib Bahadur. |
| 26. Mr. S. T. Shanmukham Pillai. | 61. Khan Bahadur Muhammad Usman Sahib Bahadur. |
| 27. Rao Bahadur T. Balaji Rao Nayudu. | 62. Mr. M. C. Raja. |
| 28. Rao Bahadur T. A. Rungalingam Chettiyar. | 63. " L. C. Guruswami. |
| 29. Mr. C. Ramalinga Reddi. | 64. " M. C. Madurai Pillai. |
| 30. " O. Tanikachala Chettiyar. | 65. " G. Vandanaam. |
| 31. " W. Vijayaraghava Mudaliyar. | 66. Rao Sahib P. Venkatarangayya. |
| 32. " B. Muniswami Nayudu. | 67. Mr. A. M. MacDougall. |
| 33. " A. T. Muttukumaraswami Chettiyar. | 68. Rao Bahadur T. Nambaram Chettiyar. |
| 34. " M. Narayanaswami Reddi. | |
| 35. " C. Natesa Mudaliyar. | |

Noes.

- | | |
|--|--|
| 1. Mr. A. Tangavelu Nayar. | 7. Mr. C. V. Venkataratnam Ayyangar. |
| 2. " K. C. Venkatachala Reddiyar. | 8. Rai Bahadur T. M. Narasimhaachari. |
| 3. " P. Venkatasubba Rao. | 9. Rao Bahadur C. V. S. Narasimharaju. |
| 4. Diwan Bahadur M. Ramachandra Rao Pantulu. | 10. Rao Sahib U. Rama Rao. |
| 5. Diwan Bahadur L. A. Govindaraghava Ayyar. | 11. Mr. A. Ranganatha Mudaliyar. |
| 6. Rao Bahadur A. S. Krishna Rao Pantulu. | 12. Sriman Subbushama Rath Mahasaya. |
| | 13. Mr. M. R. Seturatham Ayyar. |
| | 14. " T. Sivasankaram Pillai. |
| | 15. " R. Srinivasa Ayyangar. |

The motion was declared carried, 65 having voted for and 15 against it.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I now rise, Sir, to request the Hon'ble the President to suspend the operation of Standing Order

No. 39. I have, I think, given sufficient reasons for not referring the Bill to a Select Committee and my present request is made to enable me to proceed with the consideration of the Bill at once."

[14th February 1922]

The Hon'ble the PRESIDENT:—"By virtue of the discretion vested in me by the proviso to Standing Order 39, I hereby suspend the operation of that Order."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I beg to move, Sir, under Standing Order 45 that we do proceed at once to the consideration of the Bill."

The Hon'ble Mr. K. Srinivasa Ayyangar seconded the motion.

The motion was put to the House and carried unanimously.

The Hon'ble the PRESIDENT:—"I shall now have, I think, to use my discretion, as provided under Standing Order 48, and put the Bill clause by clause to the House."

Clause 1—Amendment No. 1.

Rao Bahadur K. GOPALAKRISHNAYYA:—"Sir, the amendment to clause 1, which stands against my name, reads as follows:—

'1. Omit the words beginning with 'temporary' and ending with '1923' and substitute the words 'Act Amendment Act, 1922' and add the words 'and it shall come into force at once.'

"Sir, I gave notice of this amendment with a view to have the combined effect of this and also the amendment suggested in clause 5. I thought that both these clauses would have a cumulative effect on the whole. But now I find that the new clause (5) does not serve the desired purpose inasmuch as the power of issuing notification to suspend the operation of the provisions of the Act lies with the Executive Government, and for this reason I do not want to move this amendment."

Amendment No. 1 was accordingly deemed to have been withdrawn.

Clause 1—Amendment No. 2.

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Sir, I move the following amendment:—

'2. Substitute "1922" for "1923."

"Now the Bill is a temporary one, and it is proposed that it shall be in force for two faslis. My object in sending this amendment is that it shall be operative only for one fasli, the current fasli, that is, till the end of June 1922. The reason is that we shall then have some working knowledge of the provisions of this Bill, and the Government will not at all be handicapped by bringing another Bill to extend it for another year, if need be. How the provisions of this Bill are working is a matter that shall have to be studied, and this would also strengthen the point of the Hon'ble Sir Lionel Davidson as to the genesis of this Bill. He made it clear that one experienced officer, a member of the Board of Revenue, was sent to Guntur to confer with the district collectors, and the joint production of all the heads put together there is the result of this Bill in a way. It has not emanated on account of any experiences gained in the working of the Act in the non-co-operation area. It is only a measure which the Government contemplated will be of great use to them. They may gain experience as to how the various provisions of this Bill do work in the course of these five or six months, and, if need be, they may bring forward another Bill to extend it for one year. All temporary Bills are as a matter of experience only put forward for one year and when

[Mr C. V. S. Narasimha Raju] [14th February 1922]

Clause 1—cont.

experience is gained, they are extended from time to time. For these reasons, I move that the operation of this Bill be restricted only till the end of this fasli. With these words, I move the amendment."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, I second the amendment. The only thing I may say is this. All repressive Acts are sometimes found to be repealed sooner or later as the Rowlatt Act. The Rowlatt Act was originally passed to be in force for three years, but it has now been found necessary to repeal it before that period. Probably instead of three years if the Act had originally been passed to be in force only for one year, there would have been no necessity for a repealing Act. If, on the other hand, it may be found necessary to extend it, there will be no difficulty at all. We have been told over and over again that the repressive laws which were passed would be kept as dead letter when found unnecessary. The objection is to keep such repressive laws as dead letters in the Statute Book. That, I think, will apply so far as this Bill also is concerned. When the Government introduced the Criminal Law Amendment Act into this Presidency, there were not sufficient members in the House to speak against it, but it has now been found unnecessary to extend it any further and it is practically a dead letter now. So, if this is found to be absolutely necessary, to have an Act like this, we shall have it for a few months, and if it is found necessary to extend it further, I hope the same Council is there to pass it. On the other hand, if it is not found necessary, then there will be no Act necessary to repeal it. It will simply go out of its own accord. Therefore, even from the point of view of the Government, there can be no objection to this amendment."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, this question as regards the exact duration of this emergency measure was very carefully considered before inserting the date that we find in clause 1. One fact has to be kept in view and that is this. If the amendment of my honourable friend, Mr. Narasimha Raju, is accepted, this measure could be in operation only for four months, but we expect a large volume of arrears of collections relating to the current fasli to be carried over to the following fasli as a result of the present movement. Even in normal times, it has become necessary to carry forward the arrears of one fasli on to the other fasli and collect them in the same way in which the original kists were collected. But under present conditions, we do not expect that the arrears will be only as small as they usually are in the normal years, but that they will be very heavy. For, even according to the figures that I have received just at this moment from the Collector of the Guntūr district, I find that there has not been much of progress since I quoted the figures this morning in my opening remarks. The total collections so far in that district have been only Rs. 8,43,818. Now, whatever may be the speeding up processes which we may resort to, and whatever may be the accelerated procedure that we may apply, still the fact will remain that in the short space of a month and a half that we still have at our disposal during the current official year, we will not probably be able to realize an appreciable amount. That would inevitably mean that we shall probably have a large amount of arrears to cope with in the next official year as well. Now, to ask the sanction of the House for a brief period of four months with this sure knowledge that the operation of the Bill would be necessary, from our own standpoint, for a much longer period than four months, and then again come up to the House for extending

14th February 1922] [Mr. Muhammad Habib-ul-lah Sahib]

Clause 1—cont.

the period, would probably be rather inconvenient. Further, I can hardly see what danger there is in allowing the figure 1923 to remain as it is. Surely, the mere fact that this temporary measure will be in operation until June 1923 will not by itself be any real ground for fear that this measure will be introduced in areas where it ought not to be introduced, or that it will be in operation for a longer period than what is considered absolutely essential. We merely ask for power to keep its operation until June 1923. If we realize all our revenues before June 1922, there will be no need whatsoever for its continuance after that. But if it becomes necessary to continue it even beyond June 1922—and we think it will not be so—then it will avoid the inconvenience of having to come up once more before the Council and ask for the continuance of that emergency measure for another period of one year. Of course, as I said, we have no intention of applying the provisions of this measure with anything like a light heart. We will take great care to see that it is not introduced in areas where it ought not to be, nor is it allowed to be in operation for a day longer than what it is found to be necessary. In these circumstances, Sir, I do not think that there is any need for changing the year 1923 into 1922."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"Mr. President, I am simply surprised at the opposition of the Hon'ble the Revenue Member to the amendment that has been moved by my friend Mr. Narasimha Raju, and I may confess that the speech of my honourable friend the Revenue Member has only heightened that surprise. I take it, Sir, that the object of those who have put in this amendment, or of those who are going to vote for this is this, that so far as the fasli now current is concerned, the Government will have the help of this Bill to realize the arrears. But if what are admitted to be extraordinary powers which this Bill clothes the Government with are necessary to be exercised in the coming fasli as well, the House must be given an opportunity of considering the position of the country and then making up its mind to help or not to help the Government in allowing them to further continue this Bill as law.

"Now the reasons that have been given by my honourable friend do not apply to a state of circumstances which he apprehends in respect to the coming fasli. He has contented himself with merely referring to the possible difficulties Government might feel with reference to the realization of the revenue. It is not, Sir, that supposing the measure is allowed to have effect only for the current fasli so as to expire with the 30th June 1922, Government is helpless. They have the penal provisions of the Revenue Recovery Act which will help them to realize whatever arrears of revenue might be due to Government. If, therefore, it was possible, after the kistbandi expires by the 10th February or the 10th March, for the Government to wait for another three months before they could realise their arrears notwithstanding the provisions of the Bill that the arrears could be collected by distraint of property liable to be sold after seven days after attachment and after 24 hours after distraint, if the Government allows these arrears to continue for at least three months if not longer wherein it was possible for them to avail themselves of the provisions of this Bill, it is somewhat difficult to understand why after three months are over and when the new fasli comes into existence the ordinary provisions of the Revenue Recovery Act will not be enough for realizing the arrears. If urgency is an important consideration Government might be clothed with

4-15 p.m.

[Mr. A. S. Krishna Rao Pantulu] [14th February 1922]

New clause after clause 1—cont

is only to avoid the possibility of any such mistakes, errors or blunders that I would suggest that in all fairness before a drastic measure, a repressive measure, which is intended to stifle the movement for the refusal to pay tax is enforced, it is but desirable that all law abiding citizens should be allowed to have an opportunity of stating whether an area is affected by this movement or not. As matters stand at present there is no provision at all for this contingency. As matters stand at present clauses 2, 3 and 4 might be brought forward by some secret or confidential correspondence from one officer to another, from the police to the magistracy and from the magistracy to the Government. What can possibly be the objection to the Government giving opportunity to the people to make suggestions within a short period of seven days? The final decision rests with the Government though they give an opportunity to the public to make representations about the state of affairs in particular areas. It is too much for the Government to think that their officers will do no wrong. Once these elementary principles are recognized, I think Government should in justice accept this amendment."

Mr. R. SRINIVASA AYYANGAR:—"I beg leave to second this amendment. Clauses 2 and 3 doubtless confer a power on the Local Government to issue a notification to make it applicable or to extend it to particular areas. All that the amendment proposes is without questioning the right of the Government to issue any notification or crippling its power, that the draft notification may be issued by the Government for consideration by the public for a period not less than a week. I do not think these notifications are issued by the Government all of a sudden without some amount of consideration and some amount of deliberation. These matters do seem to require the consideration by Government at least for some time. All that the amendment aims at or requires is that before the Government makes up its mind finally to issue the notification in a particular form or thinks of making a legislation absolute, let it also notify its intention to the public to enable it to consider objections or suggestions, if any, that may be made by the public before it finally makes up its mind to issue the notification. I therefore, submit that this amendment has also the merit of practical utility. With these words I beg leave to second the amendment."

Mr. O. TANIKACHALA CHETTIYAR:—"Mr. President, Sir, I beg permission of you and the House to move an amendment relating to the same subject but with a little modification from the present one. If I have the permission, Sir, I will move the amendment."

The Hon'ble the PRESIDENT:—"Does the honourable member propose to move an amendment to this amendment?"

Mr. O. TANIKACHALA CHETTIYAR:—"It is not an amendment of this amendment, Sir, but something akin to it."

The Hon'ble the PRESIDENT:—"Then the honourable member must allow this amendment to be disposed of first."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I rise to support the substance of the first portion of the amendment and to oppose both the substance and the wording of the second portion of it, i.e., the proviso. I will first dispose of the proviso. The proviso says that the Government before they introduce this Act into any particular area should publish a draft

14th February 1922] [Mr. M. Krishnan Nayar]

New clause after clause 1—cont.

notification inviting objections or suggestions from the people concerned within a particular time. Now, if that part of the amendment is to be accepted by this Council, the result will be to nullify practically the operation of the whole Act, the principle of which has been accepted by a majority of this House. The motion not to refer this Bill to a Select Committee has also been accepted by this House, the reason being that this is an exceptionally emergent measure. If now we accept this amendment which says that before this Bill is put into operation in any particular area, there should be a draft notification that objections should be received within a particular time, that these objections should be disposed of by the Government and that the Government should then finally publish the notification, it will practically render nugatory all the provisions of the Bill. For these reasons, I am entirely opposed to the second part of the amendment.

"Having stated that, Sir, I beg to support the substance contained in the first part of this resolution. I say the substance, for this reason: I do not know whether the wording contained in the amendment will be quite acceptable to the Council. Whatever it is, even if the Council does not accept this amendment as it stands, there are other amendments to the same effect, for instance that against the name of my honourable friend Mr. Gopalakrishnayya, having the same object in view, namely, the publication of the notification in the gazette. I am not very particular as to whether this amendment should be accepted or the other. What I want is that there should be a notification in the official gazette. Now, there is a provision in sections 2, 3 and 4 to the effect that the Government should publish a notification. It is only after the Government publishes the notification that the provisions of the Bill can take effect. But the manner in which that notification is to be published and the place or places where that notification is to be published are not mentioned in the Bill. If the Council does not carry an amendment having the substance contained in the first portion of this amendment, the result will be that the Government may publish a notification, which notification may reach a particular divisional officer or a Tahsildar or a Revenue Inspector and it is quite possible that the owners of the properties concerned may not know anything about the issue of the notification. But still the notification will have legal effect as soon as it is issued, and all these drastic provisions of this Bill may be put into operation quite legally; so that, it is desirable, nay it is absolutely necessary, that the public should be given an opportunity of knowing in what particular area this notification takes effect and the provisions of the Act are put into operation. This can be done only by giving a wide publicity, as wide a publicity as possible, in the emergent nature of the case, to the notification. This can best be done by publishing the notification in the Government gazette. Now, the Hon'ble the Revenue Member in his opening remarks when he introduced the Bill stated that the district gazette is published only once in a month.

"I shall be glad if the Hon'ble the Revenue Member listens carefully to this portion of my remarks.

"As I stated, my honourable friend in introducing the Bill stated—and stated quite correctly too—that the district gazette is ordinarily published only once in a month; so that if this notification is to be published in the district gazette, the object of this Bill may be frustrated. In the peculiar circumstances of the case, one month will be too long a period. The *Fort St. George Gazette* is published once a week and this notification may very

[Mr. M. Krishnan Nayar] [14th February 1922]

New clause after clause 1—cont.

well appear in that gazette. One week will not be too long a period. Or, as suggested by my honourable friend Mr. Venkata Reddi Naidu, it may be published, if necessary, even in a gazette extraordinary, either of the local gazette or of the *Fort St. George Gazette* or of both. All that I want is that before the Government put this Act into operation in any particular area, it should be made known to the public; and the best way of doing it is to publish it in the local gazette or in the *Fort St. George Gazette* or in a gazette extraordinary or in all. And that is why I commenced by saying that I support the substance contained in the first portion of the amendment and it is not exactly the wording that I support. If the Hon'ble Member on behalf of the Government is prepared to accept the substance of the first portion of the amendment, the necessary wording may be drafted. Probably my honourable friend Mr. Tanikachala Chettiyar had the same object in view when he wanted permission to move an amendment."

The Hon'ble Sir LIONEL DAVIDSON :—"The honourable member who has just sat down supported the first part of this amendment. May I explain, Sir, the reasons why I think the substance of the first part of the amendment is already in the Bill as laid before this House. The clauses of this Bill in each case direct that the decisions of the Government shall be notified. The word 'notify' has a technical sense derived from a particular section in the Madras General Clauses Act, 1891. The section to which I refer is section 21, which lays down—and it is as applicable to this Bill as to any other Bill before this Council—I read only the relevant portion :—"Where in any Act . . . it is directed that any order, notification or other matter shall be notified or published, such notification or publication shall, unless the Act otherwise provides, be deemed to be duly made if it is published in the *Fort St. George Gazette*". That, Sir, is a clear instruction as to what 'notifying' means. Now, when I first saw the wording of this amendment, I surmised that perhaps some special sense was attached to the expression 'local official gazette' and thought that Mr. Krishnan Nayar might be going to argue that the notification ought to be published in the district gazette."

Diwan Bahadur M. KRISHNAN NAYAR (*interrupting*) :—"It was not I that gave notice of this amendment, Sir."

The Hon'ble Sir LIONEL DAVIDSON (*continuing*) :—"Quite so. But Mr. Krishnan Nayar said that he supported the substance of the first part of the amendment. My surmise was that perhaps the expression 'local official gazette' was intended by the honourable mover and by his supporter Mr. Krishnan Nayar to mean the *Fort St. George Gazette*. In the course of his speech, however, Mr. Krishnan Nayar made it clear that he would be content with publication in either gazette but on the whole preferred notification in both. Under section 21 of the Madras General Clauses Act, 1891, 'notification' necessarily implies notification in the *Fort St. George Gazette*, and each one of the operative clauses of this Bill requires that the Local Government should 'notify' its decision; so that for all practical purposes action taken under this Act will inevitably be first notified in the *Fort St. George Gazette*, and there is clearly no need for a special provision that the application of the Act shall be notified in the 'local official gazette,' for the local official gazette is the *Fort St. George Gazette*."

14th February 1922]

New clause after clause 1—cont.

Diwan Bahadur M. KRISHNAN NAYAR :—"If the Government and the Law Adviser to the Government are satisfied that there is no need for a special provision to the effect that it must be published in the *Fort St. George Gazette* or the local district gazette, I shall be satisfied. But it seems to me—my knowledge of law is getting rusty—that in section 21 of the General Clauses Act it is not laid down that a notification in the *Fort St. George* or the District Gazette is necessary. What it says is that a notification under any Act or any rule framed under an Act shall be deemed to be duly made if it is published in the *Fort St. George Gazette*. But it does not follow, that unless a notification is published in the gazette it will not have any legal force. At any rate, Sir, if the Law Adviser to the Government is satisfied that no special provision is necessary in this behalf, I am also satisfied."

Mr. C. P. RAMASWAMI AYYAR (The Advocate-General) :—"Dealing with that section (section 21 of the General Clauses Act) it seems to me that the corollary from that section is this: if a notification is not published in the *Fort St. George Gazette* it is not duly published. I do not think there is a third meaning possible (*i.e.*) that it is possible to make a notification and still not publish it in the *Fort St. George Gazette*. I had to consider it in the course of dealing with the terms of the sections, and so far as I am concerned, I believe that it is obligatory that the notification should be published in the *Fort St. George Gazette*."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"Sir, if the object of my honourable friend Mr. Krishna Rao is to be carried out, 4.45 p.m. I fear it could not be carried out except by accepting the amendment that he has proposed. It has been pointed out by the Advocate-General that the notification suggested under sections 2, 3 and 4 cannot be a valid one unless it is published in the *Fort St. George Gazette*. If I may respectfully say so, I quite agree in that contention, but that is not the only object of this amendment. It will be noticed that the substantive clause to this amendment provides for in the first place the notification applying to a particular area and it also provides for the notification being published in the local official gazette; by that I take it that it is the District Gazette and not the *Fort St. George Gazette* that is meant, because in that case it will not be the local official gazette."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*) :—"May I ask, Sir, whether it would not simply clear this matter by asking the mover to state what he means by the 'local official gazette'?"

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I certainly mean the district gazette."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR (*continuing*) :—"The reason is obvious because we have got a particular area and the notification has to be published necessarily in the gazette which relates to that particular area."

"The second point, Sir, that I wish to mention with reference to the substantive portion of this amendment is this. No doubt it is true that there are notifications insisted upon by clauses 2, 3 and 4 but the House will notice that the areas or the cases to which these notifications will apply need not necessarily be all the same: so that we may have clause 2 applying to a particular area and clause 3 applying to another area and clause 4 applying to an area other than those to which the notifications under clauses 2 and 3

[Mr. L. A. Govindaraghava Ayyar] [14th February 1922]

New clause after clause 1—cont.

might apply. The object of this amendment is first to notify to the public that they bring themselves under the liability to have the provisions of this extraordinary measure applied to them. Then there will be further notifications applying clauses 2, 3 and 4 as occasion arises for the application of such clauses so that the House will notice that there is need for such a clause as the amendment proposed by my honourable friend to be inserted subsequent to clause 2.

"The next point, Sir, is with reference to the proviso. Now we have it stated with reference to the amendment as to why the Act should not be limited to the end of June 1922, that the officers under the control of the Government might be slack in their work and there might be difficulty in passing through the necessary preliminaries before the *fali* expires. Now if that be so and if there is likelihood of some difficulty in the matter of putting the process into action and if on that account some delay is likely to occur, then I submit it is a much better course for people to know that there is the danger, unless they are prepared to pay up the revenue due by them promptly, of the extraordinary provisions of this Bill being applied to them. Nothing would conduce better to the achievement of that purpose than to give them intimation beforehand of the risk they are running: so that it will be carrying out the purpose of this Bill, if this provision is accepted because it is stated that it is not so much the protection of revenue that is at the back of the bill as other considerations. It would be well that the people should know that the Government would not punish them by extending the provisions of this Bill if they pay up the arrears of revenue. The proviso is also helpful in another way; it enables the Government to understand the real state of affairs by means of communications or deputations that may be made to or that may wait on them; so that these communications or deputations might, wherever it is necessary, serve as a sort of check upon the representations made by the local officers who after all could not be considered to be infallible."

Rao Bahadur K. GOPALAKRISHNAYYA:—"Sir, I rise to support the substance as well as the wording of the amendment. Regarding the first portion of the amendment, it has been pointed out that in the matter of notification by the Government, if it is published in the *Fort St. George Gazette*, it satisfies the requirements of section 21 of the General Clauses Act. But here the amendment proposes that the notification should be published in the *gazette* of the place where these proclamations are intended to be applied. So I think there cannot be possibly any objection with regard to that. With regard to the proviso, I do not think the objections raised by my honourable friend Mr. Krishnan Navar could be upheld because here the proviso merely states 'that a draft notification shall be published in the local official *gazette* and objections or suggestions thereto invited by the Government.' No time limit is prescribed here for the disposal of such objections. This proviso merely provides for the entertainment of any objection which may be raised by people in that area and it does not prescribe any time limit for the disposal of such applications. Probably if the Government thinks that those objections are valid and that the draft notification might be cancelled, they may be in a position to cancel that notification. If the objections are not found to be valid, then they may be simply lodged and the draft notification becomes absolute. That is all what this proviso says. I do not think there is any real difficulty for the Government to satisfy the requirements of a notification of this sort. I therefore strongly support this amendment."

14th February 1922]

New clause after clause 1—cont.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, so far as I am able to see, the object that is sought to be achieved by the first clause of this amendment is practically the intention of the Government in the framing of this Bill itself. As has been already explained, it will be noticed that in every one of the clauses 2, 3 and 4, the issue of a notification ordering the application of that clause to the particular area has been rendered a *sine qua non*. When reading in the light of section 21 of the General Clauses Act about the application of which no less a legal luminary than the Advocate-General himself was called, as a witness in the box, we find that the interpretation of that section would make it obligatory on the part of the Government to publish that notification in a *gazette* and that *gazette* according to the interpretation of the Act would be certainly the *Fort St. George Gazette*. It says that the intention of any legislation, wherever it has been laid down that a notification shall issue, shall be regarded as having been fully complied with if it is published in the *Fort St. George Gazette*. That does not of course preclude the Government from issuing such notifications not merely in the *Fort St. George Gazette* but also in the district *gazettes*, by means of proclamations in the village, by means of drum or in such other manner which they may consider necessary. Therefore, the clause in question as it is worded at present gives absolute latitude to the Government to issue notifications in such manner as according to the merits of each case, they may consider desirable. I do not quite see why the discretion of the Government should be completely fettered by making it obligatory on their doing only a particular act and no other than that particular act. I say it is perfectly open to the Government to act in such manner that it may consider necessary according to the necessities of the particular area. Rather than doing that, I think it is not at all desirable to confine its discretion only to the local official *gazette* which in common official parlance is merely interpreted as the *Fort St. George Gazette*. If these words are added they would merely repeat the interpretation contained in section 21 of the General Clauses Act. We shall certainly not burden any Bill with unnecessary and superfluous words. As regards the proviso, I should certainly demur to the acceptance of any proviso like that, for I think I have already explained more than once that I regard this measure as of such urgent nature that I had to seek the indulgence of the House as also the indulgence of the President for permitting me to go ahead with this measure immediately. I have already explained that it cannot afford to suffer any further delay necessarily involved in the matter of issue of preliminary notice, of inviting objections and final considerations thereof and possibly hearing deputations also! These are all leisurely methods contemplated to be adopted in ordinary and normal conditions. If they are sought to be applied even on special occasions like this, I should certainly oppose any such proposal."

Rao Bahadur C. V. S. NARAYANA RAJU:—"From the speech of the Hon'ble the Revenue Member, it is clear that publication in the *Fort St. George Gazette* is not the only method by which a notification may be effected. The whole issue is whether it is necessary to make it obligatory on the part of the Government to make a local proclamation or notification in the district *gazette*. Of course some difficulty was pointed out regarding the meaning of the word 'local official *gazette*.' Of course the difficulty is due to the fact that the Bill is not examined in the Select Committee. Then both sides have

(Mr. C. V. S. Narasimha Raju)

[14th February 1922]

New clause after clause 1—cont.

agreed that besides the publication in the *Fort St. George Gazette*, some other publication is necessary. I think the Hon'ble the Revenue Member will see his way to accept some reasonable amendment. It may be that the amendment as it stands may not be acceptable. But seeing that the Bill was not referred to a Select Committee, and also seeing that the Government too are convinced of the necessity of making publication in the local gazette, I appeal to the Hon'ble the Revenue Member to make it obligatory on the part of the Government to make a local proclamation or publication in the area to which the Bill is intended to apply."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I am quite ready to issue the necessary executive instructions in regard to the very wide publication of any notification which may be issued."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I am really surprised, Sir, that even this amendment has been opposed by the Government. So far, the Council has been very considerate in dealing with this Bill. It has dispensed with any reference to the Select Committee, and it has consented to treat this Bill as an emergency measure. If, in spite of this, it is to be suggested that there should be no such amendment, and that not even a period of seven days should be allowed for objections or suggestions, and representations, I think, Sir, that it would be a very bad day if this Bill were passed into law. It is true that some emergent occasions may arise. Is it to be supposed that the vast numbers of people who are proposed to be affected ought to have no voice in the matter, and ought to have no opportunity of making representations? I attach importance to the proviso in this amendment. If the Government should consider that their hands would be fettered by the acceptance of the motion, I can understand it. If the Government should consider that a long period would elapse between the date of the publication and the date of the notification, I can understand it. All that I ask is—do not rush through it without giving a week's time to the public. If the Government oppose it, I will ask the House to consider whether it is a reasonable attitude for the Government to take, in rushing through this measure, however urgent it may be. Now, in regard to the first portion, I have made my position clear. If there is any doubt about the term 'local gazette' there is no objection to substitute 'district gazette' for it. I may point out with due deference to the Hon'ble the Revenue Member that the Government ought not to leave the whole matter to executive orders. We are dealing with a statute.

"Then there are supplements issued to district gazettes, and gazettes extraordinary; these can be issued to avoid delay. If the above principle is accepted, why should the Council be called upon to rely on executive instructions alone? Why should it not form part of the Act itself? If necessary a verbal alteration, viz., the substitution of 'district gazette' for 'local gazette' may be adopted."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Sir, will you consider the desirability of putting both the parts separately?"

The Hon'ble the PRESIDENT:—"I fear it cannot be done like that at this stage."

The amendment was then put and lost.

14th February 1922]

New clause after clause 1—cont.

On the motion of Rao Bahadur A. S. Krishna Rao Pantulu a poll was taken with the following result:—

Ayes

- | | |
|--|---|
| 1. Mr. K. Adinarayana Reddi. | 14. Diwan Bahadur L. A. Govindaraghava Ayyar. |
| 2. Rao Bahadur K. Gopalakrishna Ayya. | 15. Rao Bahadur A. S. Krishnan Rao Pantulu. |
| 3. " T. A. Ramalingam Chettiyar. | 16. Mr. P. Siva Rao. |
| 4. Mr. J. Kuppuswami. | 17. " C. V. Venkataramana Ayyangar. |
| 5. " B. Muniswami Nayudu. | 18. Sriman Biswanath Das. |
| 6. " M. Narayanaswami Reddi. | 19. Rai Bahadur T. M. Narasimha Chariu. |
| 7. Rao Bahadur A. Ramayya Punja. | 20. Mr. K. V. Ramachari. |
| 8. Mr. T. Somasundara Mudaliyar. | 21. Sriman Sasibhushan Ratha. |
| 9. " N. A. V. Somasundaram Pillai. | 22. Mr. M. R. Seturathnama Ayyar. |
| 10. " A. Subbarayudu. | 23. " K. Srinivasa Ayyangar. |
| 11. Diwan Bahadur K. Suryanarayana-murti Nayudu. | 24. " T. C. Srinivasa Ayyangar. |
| 12. Mr. P. Venkatasubba Rao. | 25. " T. Arumvathas Pillai. |
| 13. Diwan Bahadur M. Ramachandra Rao Pantulu. | 26. Rao Bahadur J. V. S. Narasimha Raju. |
| | 27. Mr. K. Prabhakaran Tambar. |

Noes

- | | |
|--|---|
| 1. The Hon'ble Sir Lionel Davidson. | 15. Mr. S. T. Shanmukham Pillai. |
| 2. " Sir Charles Todhunter. | 16. Rao Bahadur T. Balaji Rao Nayudu. |
| 3. " Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur. | 17. Mr. W. Vijayaraghava Mudaliyar. |
| 4. " Mr. K. Srinivasa Ayyangar. | 18. " S. Somasundaram Pillai. |
| 5. " Mr. P. Ramarayaningar. | 19. Diwan Bahadur R. Venkataratnam Nayudu. |
| 6. " Rai Bahadur K. Venkata Reddi Nayudu. | 20. Diwan Bahadur D. Seshagiri Rao Pantulu. |
| 7. Rao Bahadur A. P. Patro. | 21. Rai Sahib E. M. Mascarenhas. |
| 8. Mr. T. E. Moir. | 22. Mr. A. T. Palmer. |
| 9. " M. E. Coughman. | 23. " M. Ratnaswami. |
| 10. " N. Macmichael. | 24. Rev. W. Meston. |
| 11. " O. W. E. Cotton. | 25. Khan Sahib Muhammad Abdur Rahim Khan Sahib Bahadur. |
| 12. " R. Littlehales. | 26. Munshi Muhammad Aldur Rahman Sahib Bahadur. |
| 13. " E. Periyarayagam. | 27. Rao Sahib P. Venkatarangayya. |
| 14. " A. Ramaswami Mudaliyar. | 28. Mr. A. M. Mac Dougall. |

The amendment was declared lost, 27 having voted *for* and 28 *against*.

The Hon'ble the PRESIDENT:—"Honourable members are aware that under Rule 3 of the Legislative Council Rules any one of the members forming the panel of Chairmen may be nominated by the President to preside over the Council in the absence of the President and Deputy President, when so required by the President, or, in his absence, by the Deputy President. Honourable members are also aware that the Deputy President, Diwan Bahadur P. Kesava Pillai, is away from Madras and is not likely to be back before the end of the session. I have requested Diwan Bahadur R. Venkataratnam Nayudu to preside over the Council whenever I am absent and I beg to inform honourable members accordingly."

The Council then adjourned at 5-10 p.m. to meet again at 11 a.m. on Wednesday the 15th February 1922.

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 15th February 1922, 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.]

Nadars' marriage processions in Melamarnadu, Sattur taluk.

1261 Q.—Mr. S. ARPUDASWAMI UDAIYAR : Will the Hon'ble the Home Member be pleased to state—

(a) whether it is a fact that the District Magistrate of Ramnad who granted police protection on 7th May 1921 for the Nadars' marriage procession, as against the Naicks, along the Pillayar Koil street in Melamarnadu, Sattur taluk, countermanded the order on 9th July 1921 by forbidding the said procession; and

(b) what action has been taken in the matter by the Government in view of the fact that the Naicks, who applied to the civil courts for temporary injunction against the Nadars' procession, failed in revision as well as appeal?

A.—A copy of the District Magistrate's order of the 9th July 1921 is laid on the table.* The Government have not taken any action in the matter except to enquire what the facts were.

Premature retirement of I.C.S. officers.

1262 Q.—Mr. BHASKARA RAJA RAJESWARA SETUPATI : Will the Hon'ble the Member for Finance be pleased to state whether any I.C.S. officer has retired or proposes to retire prematurely on account of the introduction of the reforms, and, if so, to give the names?

A.—The Government are precluded from giving the information asked for.

Mr. BHASKARA RAJA RAJESWARA SETUPATI :—“ May I ask how and by whom they are precluded from giving the information asked for? ”

The Hon'ble Sir LIONEL DAVIDSON replying on behalf of the Hon'ble the Finance Member said :—“ I should prefer to have notice of that question. All I can say now is that the Government are precluded from giving that information.”

Mr. BHASKARA RAJA RAJESWARA SETUPATI :—“ May I also bring to your notice, Sir, that some of my questions still remain unanswered even though they were sent in so early as the first week of January or so? ”

* Appendix on page 2225 infra.

[15th February 1922]

The Hon'ble the PRESIDENT :—" I think we are enforcing the rule now that the Government should give answers to questions in time except when they take permission from me for extension. If the honourable member will kindly furnish a list of the questions he is complaining about to the Secretary, I shall look into the matter and see whether there has been avoidable delay in dealing with them."

Brahmans in the Revenue divisional offices in the North Arcot district.

1263 Q.—Mr. C. NATESA MUDALIYAR: Will the Hon'ble the Member for Revenue be pleased to state—

(a) whether the income-tax accountant and the three accountants in the revenue divisional offices in the North Arcot district are all Brahmans, and whether they possess the qualifications prescribed in the Government Order sanctioning the appointment;

(b) whether it is a fact that there are half a dozen non-Brahmans qualified for deputy tahsildar's place and who have not yet been appointed as deputy tahsildars; and

(c) whether it is also a fact that outsiders are being introduced into the North Arcot district to fill up deputy tahsildar's posts?

A.—The Government have no information.

Communal representation in the North Arcot Collectorate.

1264 Q.—Mr. O. NATESA MUDALIYAR: Will the Hon'ble the Member for Revenue be pleased to state the number of Brahmans, and non-Brahmans including Muhammadans and Christians, employed in the several grades in the North Arcot Collectorate as it stood on 1st January 1921?

A.—The Member is referred to the list of revenue establishment in the North Arcot district corrected up to 1st January 1921, a copy of which is now placed in the Legislative Council Library.

Retirement of Mr. K. Pattabhiram Nayudu, Deputy Jailor.

1265 Q.—Mr. A. T. PALMER: Will the Hon'ble the Law Member be pleased to state—

(a) whether it is a fact that Mr. K. Pattabhiram Nayudu, formerly Deputy Jailor, Berhampur, was compelled to retire, being declared physically unfit to continue in service;

(b) whether he was declared to be insane; and

(c) whether in the matter of his compulsory retirement he was allowed all the rights provided for by the rules of the Jail Manual?

A.—(a) The deputy jailor was not compulsorily retired but was invalidated by a medical board.

(b) The certificate of the medical board does not say that he was declared insane.

(c) What particular rights or rules the honourable member has in mind is not known. So far as the Government is aware, the officer in question was not denied any rights allowed to him.

[15th February 1922]

Vaccination.

1266 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state why the percentage of success obtained in vaccination by the use of glycerine lymph in the year 1920-21 in the local fund areas was as low as 31.3, while that in municipalities was 88.2?

A.—The Government have no information as to the cause of the difference but have called for a report.

The Excise Advisory Committee.

1267 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Education and Public Works (Excise) be pleased to state—

(1) in what respects the functions of the Excise Advisory Committee appointed in G.O. No. 2642, dated 2nd December 1921, differ from those of the Standing Committee to the appointment of which the Hon'ble the Minister agreed in his speeches on 3rd August 1921 on the resolutions relating to the improvement of excise administration and reduction of consumption of intoxicants;

(2) whether any rules have been framed as to (a) by whom and when the meetings of the committee should be convened, (b) who should keep a record of the proceedings of the committee, and (c) the conduct of business generally at the committee meetings; and

(3) whether a copy of the transactions of each meeting has been arranged to be transmitted to those present at the meeting and other members as well, for their information and guidance as soon after each meeting as practicable?

A.—(1) The attention of the Member of the Legislative Council is drawn to the Government Order appointing the Advisory Committee.

(2) The meetings of the Advisory Committee are convened by the Secretary of the department whenever the President requires the advice of the Committee on matters referred to by him.

The Member of the Legislative Council being a member of the Committee is aware of the procedure.

(3) The resolutions recorded are read out and there is no objection to forward copies of resolutions to members.

Amendment of the Indian Registration Act.

1268 Q.—Mr. R. SRINIVASA AYYANGAR: Will the Hon'ble the Minister for Education be pleased to state whether there is a proposal to move the Government of India to amend the Indian Registration Act (XVI of 1908) by taking away the jurisdiction of the sub-registrars to enquire into cases of wills the genuineness whereof is disputed and vesting the same in the district registrars in order to place wills on a par with ordinary documents of which execution is denied or not admitted?

A.—The answer is in the negative.

[15th February 1922]

The punishment of youthful offenders.

1269 Q.—Mr. R. SRINIVASA AYYANGAR: Will the Hon'ble the Law Member be pleased to state with reference to the answer given to my question No. 109 regarding the punishment of youthful offenders whether any notification has since been issued under sub-section (2) of section 1 of Madras Act IV of 1920 directing the operation of the said Act either throughout the Presidency or any portion thereof, and if so to lay it on the table?

A.—The answer is in the negative.

Buildings are not ready and an enquiry is being made whether existing buildings can be used at least temporarily.

Arrests under Criminal Law Amendment Act.

1270 Q.—Mr. T. C. TANGAVELU PILLAI: Will the Hon'ble the Home Member be pleased to state—

- (a) the number of arrests under the Criminal Law Amendment Act in the various districts of this Presidency;
- (b) the number of persons discharged;
- (c) the number of persons convicted; and
- (d) the number of persons released for want of evidence or otherwise?

A.—No arrests are known to have been made under the Criminal Law Amendment Act in the Madras Presidency.

Darkhast lands in Trichinopoly.

1271 Q.—Mr. T. C. TANGAVELU PILLAI: Will the Hon'ble the Member for Revenue be pleased to state the number of acres of land available for darkhast in each of the taluks in the Trichinopoly district?

A.—The Government have no information.

Mr. T. C. TANGAVELU PILLAI:—"Will the Government be pleased to call for information?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I am afraid, Sir, no useful purpose would be served by calling for that information, inasmuch as in the category of darkhast lands available for assignment are included so many minor heads that it would be rather a great statistical trouble to do so."

The clerical establishment in the office of the Collector of Customs, Madras.

1272 Q.—Mr. O. TANIKACHALA CHETTIYAR: Will the Hon'ble the Member for Finance be pleased to state whether it is a fact—

- (1) that the Collector of Customs, Madras, has in the general revision of his clerical establishment taken into his office an outsider (a Brahman) who holds a permanent lien as a clerk on Rs. 60 in the office of the Board of Revenue and appointed him as a deputy superintendent on Rs. 125—5—175;
- (2) that out of thirty appointments in Rs. 65—4—85 grade allotted to clerks drawing Rs. 52 and over, the Collector gave five appointments to junior Brahman clerks drawing Rs. 30 and Rs. 20 only thereby overlooking the claims of eight senior non-Brahman clerks who are eligible to and have yet to be provided for in that grade;

15th February 1922]

(3) that a fortnight thereafter the Collector removed the names of three non-Brahman clerks on Rs. 52 whom the Collector in his first sanctioned list appointed to the Rs. 65—4—85 grade and replaced them by three Brahman clerks on graded pay who are juniors to clerks on fixed Rs. 40 and placed the clerks so removed in the lower grade, viz., Rs. 40—1½—55—1—65;

(4) that the Accountant-General has objected to the Collector's principle of promoting juniors in this general revision and asked the Collector to send in a revised bill prepared as per rulings of the Local Government;

(5) that the Accountant-General has also addressed the Local Government on the subject of the promotions made by the Collector;

(6) that out of the five junior Brahman clerks promoted from Rs. 30 and Rs. 20 to Rs. 65—4—85 grade and referred to in question (2),

(a) two have been sent out to the office of the Auditor of Customs Accounts in India with a lien on their increased grade in the Collector's office, and

(b) one is a shorthand-typist (elementary) of two years' service on Rs. 20 only for which place a special allowance of Rs. 15 is sanctioned by Government; and

(7) to place on the table the papers relating to the arrangements made in the general revision of 17th August 1921 in the clerical establishment of the Collector of Customs, Madras, following the sanction given by the Government, and to state whether some of these arrangements do not contravene the provisions laid down in G.O. No. 711, dated 11th July 1921, G.O. No. 215, dated 4th March 1921 (page 3), Government Memorandum No. 1147, Revenue Department, dated 20th March 1921; and

(8) (a) whether it is a fact that in making the arrangements referred to in question (3), the Collector has acted contrary to the principles laid down in Government Memorandum No. 1147, Revenue Department, dated 20th March 1921;

(b) whether the Collector has rectified the irregularities pointed out by the Accountant-General and referred to in questions (4) and (5); and

(c) whether the shorthand-typist promoted as aforesaid and referred to in question (6) (b) is related to one of the superintendents in the same office?

A.—(1) The facts are as follow:—

The officer in question served in the Madras Custom-house from 1904 to 1918 and was then transferred to the Separate Revenue department of the Board of Revenue where he worked as Customs clerk till 1920. He then returned to the Customs department as an acting Assistant Inspector of Customs, Masulipatam, on Rs. 125 plus Rs. 25 temporary allowance. He held this post till September 1921, when he was appointed to the Madras Custom-house. He was selected for a Deputy Superintendent's appointment on Rs. 125—5—175 on probation and posted to the Correspondence section on account of his abilities and experience both in the Custom-house and in the Board's office.

- (2) Five junior clerks were selected for promotion to the Rupees 65—4—85 grade on grounds of merit. Their seniors, who were not found fit to perform other than routine work, were not promoted to this grade which is intended to be filled by

[15th February 1922]

- clerks capable of discharging more important duties. Four of the men so promoted are Brahmans. The clerks who were superseded have not, however, suffered any diminution in their emoluments. With the exception of one, whose total emoluments remain unaltered, they all draw more pay after the revision than before. Of the eight senior men including the three clerks referred to in clause (3) *infra*, one is a Brahman, one a Muhammadan and six are non-Brahmans.
- (8) The answer is in the affirmative. The Collector's action was determined with reference to the dates on which the pay of Rs. 40 was attained.
- (4) & (5) Yes.
- (6) The facts are as follow :—
- (a) Only one Brahman clerk has actually been transferred to the office of the Examiner of Customs Accounts, the other, a non-Brahman, was offered an appointment by the Examiner who, however, subsequently withdrew his offer because the clerk, owing to ill-health, was unable to join his appointment in time.
- (b) The shorthand-typist referred to has put in nearly four years' service and has passed the Intermediate grade examination in Shorthand. His abilities as a clerk and shorthand-typist make him particularly useful to the Collector and his assistant.
- (7) & (8) (a) It is presumed that by the words "the papers relating to the arrangements made in the general revision of 17th August 1921" the Member is referring to the *provisional* list of promotions in the new time-scale of pay issued by the Collector on the 17th August 1921. A copy of the list will be furnished to the Member. No orders of Government have been contravened, for the principles underlying Mr. Knapp's scheme of reorganization of the clerical establishment are not applicable in all respects to the scheme sanctioned by the Government of India for the establishment of the Custom-house. Two important features, viz., increase in the number of appointments in the higher grade and the concession of counting past service in the existing grades for the purpose of increments in the new time-scale, differentiate that scheme. The only similarity between it and Mr. Knapp's general scheme is that the standard scales prescribed in the latter have for the most part been adopted in the former.
- (b) Final orders have not yet been issued.
- (c) The answer is in the negative.

Mr. O. TANIKACHALA CHETTIYAR :—"Sir, with reference to (8) (b) it is stated that 'final orders have not been issued.' May I have an assurance that the irregularities pointed out will be rectified?"

The Hon'ble Sir LIONEL DAVIDSON, replying on behalf of the Hon'ble the Finance Member, said :—"In the absence of the Hon'ble the Finance Member, I have no hesitation in stating that he will do his utmost to rectify any irregularities which admit of rectification and which are established to his satisfaction."

15th February 1922]

APPENDIX.

[Vide answer to question No. 1261 asked by M.R.Ry. S. Arpudāswami Udaiyar, at the meeting of the Legislative Council held on 15th February 1922, page 2219 supra.]

Copy of the District Magistrate's order, dated the 9th July 1921.

The order passed by the High Court is not a final order on the matter which is still the subject of proceedings in the Civil Court, namely, whether or not the street in question is a public street. The High Court merely refused to grant an injunction on the material before it. Until the Civil Court has finally decided the point now in issue I decline to grant police protection to the party which claims to assert a right which it has never before exercised. The police will be directed to prevent any procession by the Nadars along the street in dispute meanwhile.

II

A BILL TO AMEND THE MADRAS REVENUE RECOVERY ACT II OF 1864—cont.

The Hon'ble the PRESIDENT :—"The House will now resume consideration of the Bill to amend the Madras Revenue Recovery Act II of 1864."

Clause 1—cont.

Mr. O. TANIKACHALA CHETTIYAR :—"I ask for leave to move an amendment to clause 1."

The Hon'ble the PRESIDENT :—"Clause 1 has been passed."

Mr. O. TANIKACHALA CHETTIYAR :—"No doubt it has been passed. But my amendment is like this—

'This Act shall apply to such areas as the Local Government may, by notification in the Fort St. George Gazette and in the local gazette in the vernacular and if necessary, by an extraordinary issue in each area, direct.'

"I have struck out 'the local official gazette' in Mr. Krishna Rao's amendment and put in the words 'Fort St. George Gazette and in the local gazette in vernacular and if necessary by an extraordinary issue in each area.'"

The Hon'ble the PRESIDENT :—"This looks remarkably like the amendment we disposed of yesterday."

Mr. O. TANIKACHALA CHETTIYAR :—"There is a difference in this sense, that whereas in the amendment moved by my honourable friend Mr. Krishna Rao there was a proviso that before such notification takes effect, objections shall be received and entered within a period of one week, there is not that proviso here for issuing a notification, but only a provision for the benefit of the people who will be affected thereby. Because it has been pointed out that the notification implies a notification in the *Fort St. George Gazette* and as it is very doubtful whether such notifications will reach the affected areas, it is very necessary that a notification should also appear in the language of the district in the local gazette. But the local gazette is a monthly publication as against the *Fort St. George Gazette* which is a weekly publication. To await publication in the local gazette until such time as it may issue will cause inconvenience. I therefore suggest that it should be published in an extraordinary issue of the local gazette, if it is necessary. It is very necessary, before notifying, and before this Act is enforced against them that the ryots should have full opportunity of knowing the details.

[Mr. O. Tanikachala Chettiyar] [15th February 1922]

Clause 1—cont.

According to the intentions of Government, when it is intended to give away land, it is necessary to authorize the servants of Government to take sufficient precautions to prevent fraud which is likely to be caused, and in their own interests it is necessary that there should be a full publication. Therefore it is that I move that it should also be published in the local gazette in the language known to the people there and also in the extraordinary gazette."

The Hon'ble the PRESIDENT:—"I fear the honourable member is out of order. The amendment that he now wants to move is to do away with the proviso in the amendment which was lost at yesterday's meeting. The proper course was for the honourable member to have moved an amendment to that amendment, to omit the proviso. That is what he should have done. The Advocate-General has stated that under the General Clauses Act publication in the *Fort St. George Gazette* is what is meant by the word 'notification' in the several sections of the Bill, and if I remember right, the Hon'ble the Revenue Member has stated that it would be his endeavour to give the widest possible publicity when bringing this law into operation in different districts. I assume that in the vote which was taken yesterday of 28 against 27 the House accepted the assurance given by the Hon'ble the Revenue Member, and I cannot permit any honourable member now to go back upon the decision by moving an amendment which covers practically the same ground. I also see it stated in the chit sent to me that the honourable member Mr. O. Tanikachala Chettiyar has the consent of the Hon'ble the Member in charge of the Bill to move this amendment. Is that so?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Any amendment in regard to the publication of the notification in any manner that was suggested by the House might more fitly come under clauses 2, 3 and 4. Inasmuch as clause 1 has already been passed and become part of the Bill, there is yet an opportunity for the same question being raised when clauses 2, 3 and 4 are taken up for consideration, and I would be prepared to accept, as far as possible, the idea of the honourable mover of this amendment to give wider publicity than probably is in the back of his mind by the mere indefinite insertion of the words 'by notification'."

The Hon'ble the PRESIDENT:—"That being so, I would suggest to the honourable member that the proper course is for him to settle the matter with the Hon'ble the Revenue Member; it should be possible for both honourable members to put their heads together and to make suitable amendments to the later clauses. With these words I rule this amendment to be out of order."

Clause 2—Amendment No. 4.

Rai Bahadur T. M. NARASIMHACHARLU:—"Mr. President, the amendment that stands in my name is this:

4. 'Insert the words "in sections 2 and 6 of the Madras Rent and Revenue Sales Act VII of 1839 and" between "contained" in line 14 and "in" in line 15.'

"The object of this amendment is not to oppose clause 2 in any way but to make the intention of the clause quite clear and without being in conflict with

15th February 1922] [Mr. T. M. Narasimhacharlu]

Clause 2—cont.

the provisions of Act VII of 1839. Before I proceed to elaborate I may repeat here what I said yesterday to the charge laid against me of being inconsistent by my honourable friend, Mr. Tanikachala Chettiyar, that there is absolutely no inconsistency in this and also in my opposing the principle of the Bill. In a spirit of co-operation I pointed out the inexpediency of introducing such a Bill when my point was overruled; and in the same spirit I want to point out that the intention of clause 2 may be made quite clear without there being any doubt about it. Then I proceed to the substance of the amendment. Clause 2 runs like this: 'Notwithstanding anything contained in sections 9 and 22 of the principal Act, the local Government may by notification authorize any officer distraining movable property within a particular area to sell the distrained property, etc.' A perusal of this clause would make us to understand ordinarily that sections 9 and 22 of the principal Act authorize somebody else to sell. Otherwise there will be no meaning in the words 'notwithstanding anything contained in sections 9 and 22 of the principal Act.' But my submission is, it is not these sections that authorize somebody else to sell distrained property, but it is sections 2 and 6 of Act VII of 1839. That will be quite clear by a perusal of sections 9 and 22 and also sections 2 and 6 of Act VII of 1839. Section 9 says 'when the amount due shall not have been paid pursuant to the terms of the demand and no arrangement for securing the same shall have been entered into for the satisfaction of the Collector or other officer empowered by the Collector in that behalf the distrainer shall transmit an inventory of the property distrained to the nearest public officer empowered to sell distrained property under Act VII of 1839 in order that it may be publicly sold for the discharge of arrears due with interest, hatta and cost of distraint.' It will be noticed that in this section the officer empowered to sell is referred to as the officer to whom an inventory of the distrained property shall be sent by the distrainer. That is all. This does not at all authorize the public officer empowered under Act VII of 1839 to sell. It is the other Act. Similarly, Sir, a perusal of section 22 of the principal Act shows this: 'The public officer empowered under Act VII of 1839 to sell distrained property shall cause to be affixed, etc.' Neither this section enables any officer to sell.

"Now, let us turn to sections 2 and 6 of Act VII of 1839. Section 2 says: 'All tahsildars within the territory subject to the Presidency of Fort St. George shall be vested with the powers of Commissioner for the sale of property distrained for arrears of rent or revenue and shall be subject to all rules and provisions to which by any law or regulations such commissioners are subject.' Section 6 says: 'It is hereby enacted that a tahsildar shall have authority, subject to the orders of the Collector to delegate the powers vested in him by the sections of this Act to any public servant placed under his authority etc.' So that my contention is that the object aimed at by the legislature under clause 2 is not attained unless you take power under this clause to modify sections 2 and 6 of the Act VII of 1839. For, if this is not so modified or amended as I suggest, I submit the power taken under this clause to authorize the distrainer to sell the movable property will be *ultra vires*. Unless you modify the Act which empowers tahsildars and public servants delegated by him to sell the distrained property, the power taken under this clause will be *ultra vires*, because this section no doubt authorises the Local Government to empower the distraining officers to sell

[Mr. T. M. Narasimhacharlu] [15th February 1922]

Clause 2—cont.

but this leaves also the power under sections 2 and 6 of Act VII of 1839 untouched. Unless you amend it in a way that the power given here is the power which is sought to be exercised in authorising the distraining officer to sell the property it seems to me that the object will not be attained and there will be objection in the course of the actual proceedings, processes and sales under these sections. Especially it will be so when we consider that on account of the haste with which these provisions are sought to be introduced these irregularities are not sometimes generally noticed and there will be troubles later on. For instance, if this Bill is passed into law it may be introduced at once in any local area especially in Guntur and I understood yesterday from what the Hon'ble the Revenue Member stated that the instalments have been reduced from three to two and that was done by the Board of Revenue. But a perusal of section 3 will clearly show that that reduction of the number of instalments is absolutely *ultra vires*. The section says: 'The Board of Revenue can alter or fix from time to time the amount of the several kists or instalments and the dates on which they shall respectively become payable.' It does not empower the Board of Revenue to alter the number of kists or instalments."

The Hon'ble the PRESIDENT:—"Before the honourable member proceeds further I wish to know how the question whether the Board of Revenue acted rightly or wrongly in reducing the number of kists in the Guntur district from three to two is relevant to this particular amendment."

Rai Bahadur T. M. NARASIMHACHARLU (*continuing*):—"My objection is simply, Sir, to show that unless this power is taken, the illegality will be multiplied."

The Hon'ble the PRESIDENT:—"I take it that the honourable member has proposed his amendment to cure the illegality on the part of the Board of Revenue." (*Laughter*).

Rai Bahadur T. M. NARASIMHACHARLU (*continuing*):—"No, Sir."

The Hon'ble the PRESIDENT:—"Then how is it relevant?"

Rai Bahadur T. M. NARASIMHACHARLU (*continuing*):—"I wanted to reduce the possibility of these illegalities multiplying. But if you think it is too remote I have no objection to abide by your ruling."

The Hon'ble the PRESIDENT:—"I do not want to interrupt the honourable member. But in view of the very heavy agenda before us if we begin to go beyond the limits of the agenda I very much fear that we shall have an impossible task. I would appeal to all honourable members to consider whether we may not in dealing with this Bill in its further stages confine ourselves strictly to the issues before us."

Rai Bahadur T. M. NARASIMHACHARLU (*continuing*):—"I bow to your ruling, Sir. My point is this. In clause 2 the last sentence is: 'All references in the Principal Act to the officer empowered to sell under Act VII of 1839 shall be deemed to refer to the distraining officer empowered to sell under this section.' It may be said that the last sentence in clause 2 is an answer to my objection. But if you would read the language and understand the meaning it ordinarily conveys, it simply says 'wherever an officer empowered to sell' is mentioned, read it as 'a distraining officer'. If we so read it, its obscurity is all the more. Supposing, Sir, we follow the direction given in clause 2 in last sentence, it means that the distraining

15th February 1922]

[Mr. T. M. Narasimhacharlu]

Clause 2—cont.

officer shall transmit an inventory of the properties distrained to the nearest public officer empowered to sell distrained property, etc., i.e., the public officer empowered to sell distrained property under Act VII of 1839. This sentence is aimless and a surplusage. Therefore, I think, Sir, that if the Government wish that the object which they have in view should be clear, viz., that the officer distraining movable property shall have power to sell the property, they must not only modify the language of sections 9 and 22 of the Principal Act, but they should also take power to modify sections 2 and 6 of Act VII of 1839. At the same time I submit that the sentence is quite insufficient to meet the objections that I have raised. It is with the object of making the intention quite clear that this amendment is suggested."

Mr. S. MUTTUMANIKKA ACHARI:—"I second it."

Mr. R. SRINIVASA AYYANGAR:—"Mr. President, I fear I shall have to oppose the amendment before the House. The honourable mover of this amendment seems to have perceived some illegalities where really none exist. There is apparently no inconsistency between the Rent and Revenue Sales Act of 1839 and clause 2 before the House. As I interpret the section, it connotes this idea, namely that the Local Government may by notification authorize any officer distraining movable property within a particular area to sell the distrained property. Act VII of 1839 empowers the Local Government to vest powers of distraint and sale in certain classes of officers. That Act is by no means exhaustive. All that section 2 of that Act says is that all tahsildars within the territories subject to the Presidency of Fort St. George shall be vested with certain powers for the purpose of distraining and selling property. Then, coming to section 6 of Act VII of 1839, that section empowers the tahsildars so empowered, to delegate the powers vested in them to any public servant placed under their authority. Reading the two sections together, it is quite obvious that the Local Government really contemplates to authorize only such officers who are otherwise competent under the prior Act of 1839, and I do not think it is within the contemplation of the Government to enlarge the scope of the prior Act of 1839 or to commit or to be a party to the commission of any absurdity such as was complained of by the honourable mover of this amendment. But apart from that, no exception could be taken to section 2 of the Act as it stands. I do not think there is anything in the language of the Act of 1839 to preclude or to deprive the Local Government of the inherent right which it possesses of empowering all officers other than those contemplated by the Act of 1839 to be distraining officers under this Act. Reading the two Acts together, the inconsistency vanishes. Even then, there is nothing to prevent the right of the Government to enlarge the scope of this Act by even authorizing other classes of officers for the purpose of distraint and sale. There is thus no repugnancy nor absurdity nor inconsistency. I, therefore, beg leave to oppose this amendment."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I must confess that when I looked at this proposed amendment I was hardly in a position to comprehend what exactly was at the back of the mind of the honourable mover when he had sent up this amendment. Reading clause 2 as it now stands, the inevitable conclusion is that we wish to deviate from the plan of section 22 of the Principal Act in the matter of officers authorized to sell. For, we declare in the very first opening sentence of this clause that 'Notwithstanding anything contained

[Mr. Muhammad Habib-ul-lah Sahib] [15th February 1922]

Clause 2—cont.

in sections 9 and 22 of the Principal Act, the Local Government may by notification authorize any officer distraining movable property within a particular area to sell the distrained property.' Thus while the procedure laid down in section 22 is that the officer competent to sell is the officer who is designated as public officer empowered under Act VII of 1839, we do not wish that he and he alone shall be the officer who should be permitted to conduct sales under this Bill, but that any other officer whom the Local Government may by notification authorize to sell shall have the authority to sell. There is, therefore, nothing inconsistent between section 22 of Act II of 1864 and sections 2 and 6 of Act VII of 1839. As has been very well pointed out by the speaker who has preceded me, section 2 does not at all debar Government from vesting the power of sale in any other officer than the one specified therein. All that it says is that the tahsildar shall have as a matter of right the authority to sell, but that does not preclude the Government from authorizing any other officer to sell. Therefore, we are not at all erring against the intentions of section 2 of Act VII of 1839 by authorizing some other officer by means of this Bill to conduct the sale, and inasmuch as a particular officer has been mentioned in section 22 of Act II of 1864 as the officer authorized to sell, we wanted to make it sufficiently clear that whatever may be the provisions of section 22 of the Principal Act, we may in future authorize such officer as we may determine to conduct the sale. Therefore, Sir, there is nothing inconsistent, nothing incomplete about the provision in clause 2, and nothing need be added to make it clearer than what it is alleged to be at the present moment. It is absolutely unnecessary to burden any piece of legislation with superfluous words. I am therefore, Sir, unable to agree to this amendment. Of course, I have also had the benefit of taking legal opinion on that matter from the Hon'ble the Advocate-General as well as my Hon'ble Colleague the Law Member and both of them agreed with me in thinking that clause 2 as it stands at present is quite all right."

Rai Bahadur T. M. NARASIMHACHARLU :—" I only doubt, Sir, whether the Government has got that power which it now says it has of empowering any person to sell. I very much doubt whether the Government is right there, because section 2 of Act VII of 1839 says that tahsildars shall be vested with the powers of commissioners for the sale of property distrained for arrears. Originally there were commissioners appointed for the sale of property distrained, and those powers were vested in the tahsildars. But apart from this power which the commissioners had possessed and the tahsildars possess under the Act of 1839, no authority has been quoted to show that the Government have got the right to appoint without statutory authority any person to sell distrained property. I very much doubt, Sir, whether such a large power as is now claimed for the Government apart from the statute can be conceded at all by the Legislative Council."

Mr. C. P. RAMASWAMI AYYAR (Advocate-General) :—" Mr. President, when the scope of the Madras Rent and Revenue Sales Act of 1839 is considered, it will be found in the first place that it does not purport to be a limiting enactment, but that it is an enabling enactment."

" Section 2 says :—

' All tahsildars shall be vested with the powers of commissioners for the sale of property distrained for arrears of rent or of revenue and shall be subject to all rules and provisions to which by any law or regulation such commissioners are subject.'

15th February 1922] [Mr. C. P. Ramaswami Ayyar]

Clause 2—cont.

" Turning to section 6 of that Act, the power referred to as vested in tahsildars is also referred to as subject to the right of delegation. Now, if this Act is not taken as exhaustive of these rights, or as a code regarding these rights, I do not think the difficulty really arises. Let us now turn to sections 9 and 22 of the Madras Revenue Recovery Act of 1864. Section 9 reads thus :—

' When the amount due shall not have been paid pursuant to the terms of the demand and no arrangement for securing the same shall have been entered into to the satisfaction of the Collector or other officer empowered by the Collector in that behalf, the distrainer shall transmit an inventory of the property distrained to the nearest public officer empowered to sell distrained property under Act VII of 1839 in order that it may be publicly sold for the discharge of the arrear due with interest, batta, and cost of distraint.'

" Then, section 22 says :—

' The public officer empowered under Act VII of 1839 to sell distrained property shall cause to be affixed to the outer door of the defaulter's house, or on the premises where the property may have been distrained, etc.'

" The clause now introduced is this :—

' Notwithstanding anything contained in sections 9 and 22 of the Principal Act, the Local Government may by notification authorize any officer distraining movable property within a particular area to sell the distrained property at such time and place, etc.'

" Therefore the present clause takes into account Act VII of 1839, that is, there are certain persons empowered in Act VII of 1839 to act either *suo motu* or by virtue of delegation. There are certain powers given to them for acting under sections 2 and 6 of Act VII of 1839 by virtue of sections 9 and 22 of the Principal Act. The object of the present Bill is that, notwithstanding these provisions, namely, the provisions of sections 9 and 22 of Act II of 1864, the Local Government may authorize any officer distraining movable property to sell. It seems to me that this really covers the ground embraced by Act VII of 1839 and sections 9 and 22 on the Principal Act and that there is no inconsistency or any question of *ultra vires* involved in this matter."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, with reference to what has been stated by the Hon'ble the Advocate-General, I agree with his contention that there is no necessity for the amendment which has been proposed by my friend, Mr. Narasimhacharlu. But, I should like to point out that the general effect of the discussion is this: that under the Revenue Recovery Act, the distraining officer is bound to forward the list of property distrained to the selling officer. The present clause 2 brings into existence a third kind of officer who is both empowered to distrain and to sell. To that extent clause 2 is perfectly logical. But I really do not understand the latter portion of clause 2, which reads, ' All references in the Principal Act to the officer empowered to sell under Act VII of 1839, shall be deemed to refer to the distraining officer empowered to sell under this section'. I am rather afraid, Sir, that these words may create some difficulty in the construction of clause 2. It is perfectly clear that clause 2 is intended to create a third kind of officer, not a distraining officer, not a selling officer, but an officer who is empowered to distrain as well as to sell. Therefore I should like to ask the Hon'ble the Advocate-General what the special significance of the latter portion of this clause is, because the reference to selling officer, who is the officer referred to in the latter portion of the clause, might mean the officer who is empowered to distrain as well as to sell. He is certainly not the officer referred to in Act VII of 1839. I should like to know both from the Honourable Member in charge of the

[Mr. M. Ramachandra Rao Pantulu] [15th February 1922]

Clause 2—cont.

Bill as well as the Advocate-General what the special significance is of these words, 'All references to the Principal Act to the officer empowered to sell under Act VII of 1839, shall be deemed to refer to the distraining officer empowered to sell under this section.' "

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Sir, it is really put in as a matter of precaution, so far as I can understand. If we look at section 22 of Act II of 1864, it starts by saying 'The public officer empowered under Act VII of 1839 to distrain property shall cause to be affixed to the outer door, etc.' If we read clause 2 as it now stands, it starts by saying that the Local Government may 'by notification authorize any officer distraining movable property within a particular area to sell the distrained property at such time and place as may be specified by him after causing such proclamation, etc.' Certain provisions are introduced both in section 9 and section 22 of Act II of 1864 pertaining to the functions of the officer who is designated in Act VII of 1839. For instance, we have section 9 under which the distraining officer has to send a list of the properties distrained to the public officer. And yet an ingenious lawyer might contend that the list has to be sent although that public officer having no functions will necessarily have to put it in the waste paper basket. To avoid such strained construction, the latter clause is introduced and it will make clear that the distraining officer is not bound to send a list."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"I have looked into the Revenue Recovery Act and I find there are only two sections wherein reference is made to Act VII of 1839 and those are sections 9 and 22. We find that the first sentence in clause 2 says: 'Notwithstanding anything contained in sections 9 and 22 of the Principal Act,' and the distraining officer is by notification given certain powers. If therefore, this 'strained construction' to which the Hon'ble the Law Member refers, i.e., some 'ingenious lawyer' stating that although the distraining person under Act VII of 1839 is authorized to sell, it is yet necessary that he should have been sent a copy of the properties to be distrained to the selling officer, then the obvious reply would be that the powers of the person who is to sell are governed by clause 2 which enables him, once he has followed the procedure that is prescribed by that clause, to proceed to the selling of the property; so that this is an unnecessary procedure for him to be sending a list of the distrained property to the officer empowered under the Act and that need not be adopted and the absence of the procedure could not vitiate the sale. To the extent that sections 9 and 22 of the Principal Act conflict with what is provided for by clause 2, to that extent sections 9 and 22 are abrogated and the provisions of this clause take their place. Then we have the second sentence to which my honourable friend, Mr. Ramachandra Rao, has drawn the attention of the House. If, notwithstanding the fact that the first sentence takes the place of sections 9 and 22 of the Revenue Recovery Act we have another sentence wherein it is stated, 'All references in the Principal Act, to the officer empowered to sell under Act VII of 1839 shall be deemed to refer to the distraining officer empowered to sell under this section', it is competent for a person in construing the clause as it is to put himself the question whether it is a mere surplusage or whether the legislature intended to convey any additional meaning. And since all rules of construction prohibit taking any particular words as a surplusage he will try to give it some meaning, and it

15th February 1922] [Mr. L. A. Govindaraghava Ayyar]

Clause 2—cont.

is here that the difficulty comes in. If there is a reference to Act VII of 1839 in any section of the Act other than those which are specifically referred to, viz., sections 9 and 22, this is intelligible. But seeing—I may be corrected—that there is no other section where any reference is made to that Act, this clause instead of making the meaning more perspicacious will only lead to obscurity and difficulty of construction and will give unnecessary room for litigation."

Mr. C. P. RAMASWAMI AYYAR (Advocate-General):—"Mr. President, I speak with all respect to the honourable member that has just sat down (Mr. L. A. Govindaraghava Ayyar), and it must be noted that the words 'notwithstanding, etc.', do not amount to an abrogation of section 9. They do amount to a modification of section 9 in regard to matters in which the several notifications have issued."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"My contention is, whether the list is sent or not to the officer, this clause gives him the power to sell."

Mr. C. P. RAMASWAMI AYYAR (Advocate-General):—"That makes my position clear. Nevertheless it seems to me to be necessary to avoid any contingency."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I wish to say one word, Sir. I understand the Advocate-General to say that under the construction he places upon clause 2, it is necessary for the officer empowered to sell to send the list to himself. And this illustrates the criticism of my honourable friend Mr. K. Srinivasa Ayyangar that this provision was intended particularly for ingenious lawyers . . ."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I only said that it is quite possible for an ingenious person to construe it like that, and as a greater precaution this clause was added. Personally I do not think the last clause is necessary, if the previous portion is reasonably construed. We know that unreasonable constructions are likely to be put when you say that the list should be sent. Such a construction would not be possible. And then, again, in section 22 there are provisions which a distraining officer should know and under which he has to do various things. In order to avoid all that, this provision is introduced."

Rai Bahadur T. M. NARASIMHACHARLU:—"A short discussion has shown how divergent are the views, so that there is no use of calling one construction stupid or another construction wise. When we find eminent gentlemen like the Hon'ble the Law Member and the Hon'ble the Advocate-General themselves differing upon the amendment I have given notice of, all I am led to think is that poor mortals like myself, practising in the mufassal, must be content with hearing the differing opinions of luminaries of the law. Under these circumstances, if the Government do not want to clear up matters and say that it is already clear, I have no ground to quarrel with them. Let them take the consequence of enacting a law which will give rise to different judgments by different judges. It is said it is necessary in order to meet some ingenious construction. Anyway, Sir, I take it as a compliment coming as it does from such a worthy person. Under the circumstances, I shall leave the Government to themselves and beg leave to withdraw the amendment."

The amendment was then by leave withdrawn.

[15th February 1922]

Clause 2—Amendment No. 5.

Rao Bahadur K. GOPALAKRISHNAYYA :—“ Sir, the amendment that I move is to this effect :

‘ 5. After the word “ notification ” in line 16, add the words “ in the local official gazette ”.’

“ Considerable difficulty has been felt by some honourable members like myself since yesterday that the word ‘ notification ’ was not amplified. Even now, Sir, the words I suggest to be inserted in this clause after the word ‘ notification ’ do not satisfy the intentions that have been expressed by the previous honourable member. Therefore I ask for your permission, Sir, to substitute some other words and I wish to add, Sir, ‘ in the Fort Saint George and the District Gazettes ’. That I think would satisfy the intentions that have been expressed by some honourable members of this House.

12 noon. “ The summary manner in which this Act is to be put into operation will require, I think, greater publication of the intention of the Government not only by way of notifying in the *Fort St. George Gazette* but also in the local official gazette, that is, the District Gazette, the Gazette which is published in the local area where this Act is intended to be put into operation, and as such the new words which I intend to be substituted for the original words which I wanted to insert, would satisfy all the requirements of a proper notification. I therefore ask for your permission to use the words ‘ in the Fort St. George and District Gazettes ’ instead of the words ‘ in the local official gazette ’.”

The Hon’ble the PRESIDENT :—“ The House will see that the amendment as tabled is to add the words ‘ in the local official gazette.’ But now it is proposed to alter that into ‘ in the Fort St. George and District Gazettes.’

“ I believe the House gives permission to the change.”

The House signified its assent to the alteration.

Rao Bahadur K. GOPALAKRISHNAYYA :—“ I do not think, Sir, many words are necessary to commend this amendment to the acceptance of this House because as you have seen that according to the word ‘ notification ’ occurring in section 21 of the General Clauses Act, the requirements of a notification would be satisfied if the matter is published in the *Fort St. George Gazette*. But that would not be sufficient publication to the public if it is to reach those who are directly to be affected by it, and as such the words ‘ District Gazette ’ would certainly obviate that difficulty because the public would be in a position to know what the Government has intended to do. Of course the district gazette is published in the vernacular language of the district, and so it need not be specified in the Bill that it should be in the vernacular of the district. My honourable friend Mr. Tanikachala Chettiyar wanted to have an amendment to that effect in a previous motion. I think he used the words ‘ in the vernacular of the district ’ or ‘ in a gazette extraordinary ’. I don’t think these words are necessary. Because publication in the gazette will mean that the gazette may be ordinary or extraordinary. The words ‘ extraordinary gazette ’ are included in the words ‘ ordinary gazette ’ and as such no particular attention need be paid to the use of the word ‘ extraordinary ’, nor the use of the word ‘ vernacular ’ because the district gazette is published in the vernacular of the district.

15th February 1922]

[Mr. K. Gopalakrishnayya]

Clause 2—cont.

Therefore the new words I want to be inserted are necessary in order to give a wider publication of the intention of the Government before they put into operation this Act, and as such I pray that this amendment may be carried.”

Rao Bahadur P. C. Ethirajulu Nayudu seconded the amendment.

The Hon’ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“ Sir, as I have already stated, I certainly have not the slightest objection to give as wide a publicity to the notifications which may be issued under any of these clauses, and I then suggested that under clauses 2, 3 and 4 it was open to the honourable members to suggest as many modifications to the clauses as they consider necessary to carry out their intentions. Therefore, Sir, having made that promise, I still stick to it.

“ May I, Sir, with your permission, make a slight verbal alteration again to the amendment which the honourable mover has already moved and which may not be unknown to the House in regard to its correct form. In any case, the wording should not be ‘ in the Fort St. George and District Gazettes ’, but it would be more correct to say ‘ in the *Fort St. George Gazette* and in the official gazette of the district.’”

Mr. O. P. RAMASWAMI AYYAR (Advocate-General) :—“ I second it.”

Rao Bahadur K. GOPALAKRISHNAYYA :—“ I accept the change.”

The amendment as altered, viz.—

“ After the word ‘ notification ’ in line 16, add the words ‘ in the *Fort St. George Gazette* and in the official gazette of the district ’ ” was put and carried.

Clause 2—Amendment No. 6.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ Sir, I have the honour to move the following amendment :—

6. ‘ Omit the words “ and place ” in lines 19 and 20 and the words “ after causing such proclamation as he may consider necessary to give due publicity to the sale ” in lines 20 to 23.’

“ Honourable members of the Council will see that the clause as it stands reads as follows :—

‘ Notwithstanding anything contained in sections 9 and 22 of the Principal Act, the Local Government may by notification authorize any officer distraining movable property within a particular area to sell the distrained property at such time and place as may be specified by him after causing such proclamation as he may consider necessary to give due publicity to the sale provided that such sale shall not take place within 24 hours of the time of distraint.’

“ If the amendment moved by me is accepted, it will read as follows :—

‘ Notwithstanding anything contained in sections 9 and 22 of the Principal Act, the Local Government may by notification authorize any officer distraining movable property within a particular area to sell the distrained property at such time as may be specified by him provided that such sale shall not take place within 24 hours of the time of distraint.’

“ I have specifically asked for the deletion of that portion of this clause which gives the distraining and selling officer a free hand in the matter of proclamation without regard to the provisions already contained in the Principal Act. If clause 2 is passed as it is, the distraining officer need not observe the formalities prescribed in the Principal Act and he need not observe a specified mode of publication. But he is given a large order to cause such proclamation as he considers necessary which may be no proclamation at all.

[Mr. A. S. Krishna Rao Pantulu] [15th February 1922]

Clause 2—cont.

The Hon'ble the Advocate-General has just now told us, and I agree in his contention, that so far as the new clause does not expressly abrogate or modify the provisions in the Principal Act, those provisions stand good. Sections 9 and 22 are now to be considered in order that we may realize what the exact publication is. I will first refer to section 9 which states that the distraining officer shall transmit an inventory of the property distrained to the nearest public officer, with regard to which there has been a discussion while dealing with the previous amendment.

"I wish more particularly to refer to section 22, because that is the section which specifies the manner in which the attachment should be published :

'The public officer empowered under Act VII of 1839 to sell distrained property, shall cause to be affixed to the outer door of the defaulter's house or on the premises where the property may have been distrained, a list of the property to be sold, with a notice specifying the place where, and the day and hour at which the distrained property will be sold, and shall cause proclamation of the intended sale to be made by beat of drum in the village to which the lands on which the arrear has accrued may belong, and in such place or places as the Collector, or other officer empowered by the Collector in that behalf, may consider necessary to give due publicity to the sale.'

"The second portion of it says :

'No sale shall take place until after the expiration of a period of fifteen days from the date on which the notice may be so affixed.'

"The effect of accepting the amendment moved by me is that the publication prescribed in section 22 which I have just now read out to the Council will stand good. It will be necessary for the distraining officer to affix to the premises a list of the property to be sold and a notice specifying the place where, and the day and hour at which it is to be sold and to cause a proclamation by beat of drum in the village and such other villages as the Collector may specify. I would point out, Sir, that if the Government are not prepared to accept my amendment they will go far beyond their original intention in bringing this Bill into existence. At no time is it their object to affect the present mode of publication of the distraint. It is not their object even to take away the necessary safeguards that now appear in the existing Revenue Recovery Act to enable the persons who fall into arrears to know what is due from them and what properties of theirs are to be sold and where.

"Even in the statement of objects and reasons, it will be found that all that is stated by the Hon'ble the Revenue Member is that 'it is proposed to shorten the procedure, giving only a minimum period after attachment for payment and empowering the officers concerned to sell thereafter promptly,' and even if you go back to the original order, dated the 20th January 1922, relating to this question, there has been no suggestion made as to the necessity for any departure from the well-known procedure prescribed for proclaiming notice, or for proclamation of the attachment of properties to be sold. Therefore neither in the communiqué of the 20th January 1922 nor in the statement of objects and reasons accompanying this Bill, have the Government declared it to be their intention to modify the procedure prescribed in the Principal Act either for proclaiming notices or for giving notice to the persons concerned. It is therefore unreasonable for them to suspend these sections of the Principal Act and give the distraining officer a free hand in the publication of notices with the consequence that there would be no more any real publication of the notice. For these reasons, I would suggest

[15th February 1922] [Mr. A. S. Krishna Rao Pantulu]

Clause 2—cont.

that this amendment should be accepted so that the original intention may be allowed to stand good and that nothing is done to detract from the safeguards provided in section 22 of the Principal Act. It is for these reasons that I move this amendment."

Rai Bahadur T. M. NARASIMHACHARLU :—"I second it."

Mr. C. P. RAMASWAMI AYYAR (Advocate-General) :—"Turning to the Statement of Objects and Reasons to which reference has been made, it will be noticed that it is not only one object that was sought to be attained, namely, the shortening of the procedure, but it will be seen that 'in view of this situation the procedure for distraint of movables or for attachment of land and their subsequent sale is unnecessarily lengthy. The provisions of the Revenue Recovery Act as it stands were intended for normal conditions and are inadequate to meet a combined attempt to resist collection.' So it is not only with that object that the Act has been framed, but also to simplify the procedure. It seems to me that the objection raised by the honourable member who just moved his motion for amendment is to insist upon all minutiae referred to in section 22, and I take it his object is that all the details and minutiae of the proclamation of the intended sale should be given effect to as on normal occasions. There is no question of law involved in this matter. It is only a question of policy and it will be noticed that so far as the new Bill is concerned the proclamation is specified to be such proclamation as the officer may consider necessary to give due publicity to the sale. It has been considered that, whilst not insisting upon all the detailed procedure, publicity may be attained and the people concerned may know of the intended sale and that not only the person in default but also the people who are intending purchasers know of the proclamation. If the difficulties of the situation will be recognized and appraised when you see the time that is fixed is 24 hours from the date of distraint, that is in clause 2, then all this difficult and detailed procedure might not be gone through, but at the same time a shorter and more expeditious method may according to circumstances be devised by the officer concerned for the purpose of giving due publicity to the sale."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I am surprised at 12-15 p.m. the statement made by the Hon'ble the Advocate-General when he simply stated that it was proposed to simplify the procedure so as to give a discretion to the selling officer. I expected some indication on behalf of the Government as to what possible procedure this officer could think of and devise. No one on behalf of the Government has stated that there is any other simple procedure which will give notice to the persons concerned regarding the fact of the arrears and the sale therefor of the properties. Some specific provisions are made in the earlier Act and my contention is that they should continue. If the Government tell us that there is any other simpler procedure which will give notice to the persons concerned as to what arrears are due and as to the sale of the properties, it is open to the Council to consider that aspect. But if the Government state that there is no other procedure to be thought of and simply leave it to the good sense of the officer, I submit, Sir, the Council will not be doing its duty properly but will be treading upon dangerous ground if it consents to the provision. I expected a statement to be made that the procedure was cumbersome in such and such respects and a modification was therefore necessary. But no such statement has been made. I would therefore suggest

[Mr. A. S. Krishna Rao Pantulu] [15th February 1922]

Clause 2—cont.

that this House will be justified in insisting upon the procedure which has been in existence in this country for many years, which has been found satisfactory and regarding which objection has not been taken, instead of giving an indefinite discretion to the distraining officer who is now made the selling officer. Already we have in consideration of the special occasion, invested him with special powers. It is itself a departure from well-known established practices. We have now ratified the somewhat extraordinary procedure of allowing the distraining officer to send an inventory to the selling officer. Both these functions are now merged in one and the same officer. If we are called upon to vote upon a measure which gives him further powers, I think we shall not be justified in supporting it."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"There was, Sir, a definite question asked as to whether we were going to abrogate all forms of notice to the party concerned and merely proposing to invest a certain officer with the authority to distrain the property on the spot without even the defaulter knowing what the officer was doing and then sell. In reply to that, Sir, all that I need point out for the information of the House is that we have not at all abrogated section 8 which now finds a place in the Act. Section 8 lays down a certain preliminary procedure which must be followed before either distraint or sale can be attempted. Section 8 says:—

'In the seizure and sale of movable property for arrears of revenue, the following rules shall be observed:—

'First, the Collector, or other officer empowered by the Collector in that behalf, shall furnish to the person employed to distrain the property of a defaulter, a demand in writing and signed with his name, specifying the name of the defaulter, the amount of the arrear for which the distress may be issued, and the date on which the arrear fell due. The person employed to distrain shall produce the writing which, if the arrear together with the batta due to him, under section 53, be not at once paid, shall be his authority for making the distress, and on the day on which the property may be distrained, shall deliver a copy of such writing to the defaulter, endorsing thereon a list or inventory of the property distrained and the name of the place where it may be lodged or kept.

'Second, the writing shall further set forth that the distrained property will be immediately brought to public sale, unless the amount with interest, batta and all the expenses of the distress be previously discharged.

'Third, when a defaulter may be absent, a copy of the writing, with the endorsement, shall be fixed or left at his usual place of residence, or on the premises where the property may have been distrained, before the expiration of the third day, calculating from the day of the distress.'

"Now, Sir, inasmuch as this safeguard which already exists in the Act has not been abrogated, I can hardly see what it is that my honourable friend on the other side has in mind. It is only after compliance with the terms of section 8 that the proposed Bill contemplates to speed up the processes which follow thereafter and if we are not going to be authorized to speed up the later processes, all that I can say is that we shall remain where we were and as such the necessity for an emergent piece of legislation like this can hardly be effective."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I think the Honourable Member in charge of this Bill has really missed the point of this amendment. If he had referred to section 22 which deals with the proclamation of sale, I think the position would have been made clear. The words which are now sought to be deleted refer to the proclamation of sale, to the sale of the distrained property at such time and place as are specified by him after causing such proclamation as he may consider necessary, to give due publicity to the sale. Now, Sir, I would invite the attention of the

15th February 1922] [Mr. M. Ramachandra Rao Pantulu]

Clause 2—cont.

Honourable Member in charge of the Bill to the provisions of section 22. There are four specific provisions made here for due publication. First, the fixing to the outer door of the defaulter's house of a list of the property to be sold and second, a notice has also to be fixed, specifying the place, the day and the hour on which the sale is to take place, and lastly the proclamation is to be published to the outer world by beat of drum. The first and second methods are intended for the benefit of the defaulter. As regards the outer world, for inviting bidders to be present at the auction, there is a proclamation by beat of drum which is absolutely necessary because about 90 per cent of our population are illiterate and the beat of drum generally informs the whole village to be present at the sale. Fourth is, the Collector has to fix the place of sale. These are the four safeguards for due publicity not only to the defaulter but also to the outer world. Now, I should like to know from the honourable member because many of these amendments on the list are intended to preserve one or the other of these safeguards what the policy of the Bill is, whether these four conditions are entirely left to the distraining officer. The clause as drafted is very extraordinary. It leaves entirely to the option of the distraining officer to fix the place of sale. He may publish a proclamation according to his sweet will and pleasure; he may not give any information at all; he need not publish by beat of drum the fact of the sale; he need not mention the time of the sale. Honourable members would see that some of the amendments are intended to secure publication in the chavadi or in some conspicuous part of the village. Some others wish to enlarge the time and others still wish to have the sale put off for ten days at least. If the honourable member would say what is the kind of publicity that is contemplated by him which he wishes the distraining or the selling officer should adopt, it would satisfy many of us. Will he tell us which of these items he wishes to be superseded and whether he is going to invent altogether new methods of publication. Let us know what the selling officer is expected to do. I submit, Sir, we are entitled to ask at this stage for a clear declaration from the Government as to the kind of publication they contemplate. We are perfectly willing not to place any unnecessary difficulties or to have any very long processes of publication. If the entire option is left to the selling officer, it will cause much heart-burning, it will lead to much fraud and properties will be sold without the knowledge of the persons concerned. We understand the intention of the Government is to allow Government servants to purchase at the sales. It is charitable to do so as also the intention of benefiting the depressed classes. All these the Government have announced at the expense of the unfortunate and misguided people who will not pay their taxes. I do not want to speak on it further but I wish the honourable member to inform the House what sort of publicity is contemplated by the Government."

Mr. S. T. SHANMUKHAM PILLAI:—"With your permission, I beg to say that the language of the amendment would make it appear that the proclamation is more formal than real. The words 'to be made' occurring in section 22 of the Act of 1864 may be inserted in clause 2 of the Bill between 'such proclamation' and 'as he may consider necessary' in lines 21-22. I think it is a serious omission and I hope there will be no objection to insert the words in the Bill."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I have no objection to do so, Sir."

[15th February 1922]

Clause 2—cont.

Mr. T. ARUMAINATHA PILLAI:—"Sir, I am afraid there is some sort of misconception on the part of the honourable mover in moving this amendment, and I think that if this amendment is carried, the object for which he labours will not at all be achieved. I submit this for this reason, Sir, that this clause begins with the wording 'Notwithstanding anything contained in sections 9 and 22 of the Principal Act'. So far as this thing is concerned, this clause beginning with 'Notwithstanding' does not limit the exception to the taking away of the operation of sections 9 and 22 to certain portions of those sections and leaves the other portions of the sections operative. It says that so far as these sections 9 and 22 are concerned, whatever might be stated therein, or whatever might be contained therein, the Government now takes the power to appoint an officer to distrain the property of a defaulter, and the Government says: 'now we are taking that power and we must be able to give some sort of proclamation.' Supposing these words relating to the proclamation given in clause 2, which my honourable friend wants to take away, are taken away, then what would be the effect? Some distraining officer might like to give due proclamation and abide by all the other things contained in section 22. But suppose another distraining officer does not abide by any rules contained in section 22. Would that order of that distraining officer be illegal, because the present clause says that in spite of whatever might be contained in sections 9 and 22, any action of this distraining officer will be correct? So instead of leaving the entire power into the hands of the distraining officer, we should follow the conditions laid down in sections 9 and 22. It is far better to have some sort of proclamation by which the defaulter might know whether his property is at stake or not. Therefore, Sir, I believe that it is far better to leave this thing as it is. Moreover, ever since this Bill was introduced into this Council, we have been asking for more public proclamation, and for greater publicity and we even wanted to say also that this proclamation and the greater publicity should be inserted in the Bill itself. Instead of that, we are taking away even the small publicity that is provided in this Bill and handing over the whole thing to the discretion of the distraining officer, which my friend Mr. Krishna Rao himself would stoutly oppose. Therefore, Sir, I submit that this amendment is unnecessary."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"Mr. President, I am afraid Mr. Arumainatha Pillai has to some extent misconceived the scope of the amendment of Mr. Krishna Rao. I quite agree—and in fact the Hon'ble the Advocate-General himself has pointed out—that to the extent that this clause does not interfere with the principal sections of the Revenue Recovery Act, those provisions will stand, and it is only where the provisions of this clause and the provisions of the Principal Act conflict that the provisions of this clause would take precedence over the provisions of the Revenue Recovery Act. Now let us take it that Mr. Krishna Rao's amendment is accepted. The effect of that will be this, that instead of, as contemplated by the Principal Act, the distraining officer being a different individual from the selling officer, the distraining officer will be the same as the selling officer. To that extent the provisions of the original Act become abrogated. The other provision is, instead of 15 days being the interval between the date of the distraint and the date of the sale of the distrained property, the interval will have to be only 24 hours. Except in these two particulars, if my honourable friend Mr. Krishna Rao's amendment be carried, the

15th February 1922] [Mr. L. A. Govindaraghava Ayyar]

Clause 2—cont.

provisions of the original Act will remain. Whereas, if you allow the clause to stand as it does, it tampers with the provisions of the original Act so far as they relate to the manner of the publication of the sale; and the object of my honourable friend the mover of this amendment was that those provisions should continue to be in tact and shall have to be preserved notwithstanding this Bill comes into force as law. Now, Sir, the Hon'ble the Revenue Member pointed out that there was no attempt made to interfere in any way with the applicability and the operation of section 8 of the Revenue Recovery Act. If I may say so, Sir, section 8 has absolutely nothing to do with the present question. The Act contemplates, and I take it that the Honourable the Revenue Member also allows, that that should be the procedure hereafter to be followed. The Act contemplates that first there should be a distress, and then after the distress has been effected, there should be a sale. Section 8 refers only to the distress. No doubt in the first clause of that section you hear of seizure and sale, but that is only for the purpose of showing that the provisions contained in section 8 are by way of a preparation for the sale. The provisions which really enable the sale to be made, which prescribe the procedure that has to be adopted for effecting the sale are what are contained in section 22. Section 8, therefore, has no relevancy whatever in the consideration of the question as to what shall be the procedure to be adopted if a sale is to be effected. My honourable friend Mr. Ramachandra Rao has pointed out that section 22 refers to certain items of procedure which have to be gone through. The Hon'ble the Revenue Member has stated that the object of this Bill is to speed up the recovery of revenue arrears. Now, Sir, sympathising with that object, the question still remains to be answered, which of the items of procedure which are referred to in section 22 as items to be adopted before the sale actually takes place, which of them which relate to the proclamation which precedes the sale, which of these items is a clog upon the speedy recovery of the revenue and such a clog as to necessitate its being abrogated for the purpose of carrying out this specific object. As I understand, what is sought—in fact that is what you find to be the actual object of this Bill—is you want a large, unlimited, indiscriminate discretion to be vested in the executive officers, uncontrolled and untrammelled by any provisions of the law. That, I submit, Sir, is not a proper attitude for the Government to take up especially when they themselves recognize that it is an extraordinary provision that they want to place on the Statute Book. To the extent that the interests that they have at heart cannot be considered to be in any way interfered with, to that extent they would be well advised in adhering to the provisions of the law as it already stands. I would, therefore, ask my honourable friend what is the item in section 22 which he would like to be abrogated. If he is not able to answer that question, then I submit, Sir, it is desirable that you adhere to the original provisions. Now I can easily point out a case which supposing this clause as it is now put before the House is adopted, is likely to work hardship. Supposing a distraining officer who is also the selling officer takes it into his head to generally have it stated in the village that it is competent for any villager to go to a particular spot—it may be the village chavadi, or somewhere else—wherein every morning from 6 to 7, or from 7 to 8, he can ascertain what the properties are that are to be sold, and that in his opinion that is enough to constitute sufficient proclamation, will this House be satisfied that a power such as this should be vested in the selling officer? Now, I for one should

[Mr. L. A. Govindaraghava Ayyar] [15th February 1922]

Clause 2—cont

think, Sir, that it would be dangerous to give a wide latitude to the distraining officer without at all making him understand as to how that discretion has to be exercised. The law as it stands gives, consistently with the interest of the ryots, sufficient latitude to the selling officer, or to the officer who has the control over the selling officer to determine what exactly the procedure is that has to be adopted before the sale is effected; and as far as I was able to follow the Hon'ble the Revenue Member, and the Hon'ble the Advocate-General, I find, Sir, that no kind of light has been thrown as to what exactly is the policy that is sought to be adopted which will have the effect of speeding up the recovery of the arrears of revenue, but which would still not in any way interfere with the essential principles which find their exposition in section 22 of the Revenue Recovery Act."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, as has already been pointed out, section 8 is mainly intended to give notice to the defaulter of the property that has been distrained. It has nothing to do with the settlement of sale and the proclamation of sale. Whereas the provisions of section 22 are intended to give notice to the defaulter that his property will be brought to sale on such and such a date at such and such a time and what property will be sold, and at the same time the latter portion of the section is intended to give due publicity. From a perusal of the Bill it is clear that the Government do not want to abrogate that portion of section 22 regarding notice to the defaulter, but they only want to modify the procedure regarding due proclamation of sale. In section 22 two methods are prescribed for due proclamation of the sale. The first thing is that it must be proclaimed in the place where the distraint was effected, or in the place where the land is situated regarding which the distraint is effected. Secondly the place and the time of publication are to be fixed by the Collector. Now all this is to be given up and discretion is to be given to the distraining officer to sell the property without giving him any direction as to all these details. That means he is to settle himself the place of sale, the time of sale, and what is to be the nature of the publicity of the proclamation that has to be given effect to. How far it is desirable that this wide discretion should be given to him and how far it is inconvenient to give effect to the provisions as they stand are the main questions for consideration. Now the provision says that the Collector can fix the method of proclamation and there is nothing to prevent the Collector from time to time to revise the method of proclamation as he watches the distraint procedure going on in the district, and I do not see any reason why that power should be taken away from the Collector and be given to a subordinate officer, who will probably be a revenue inspector, or even a much lower subordinate. I think if we leave the section as it is and omit this portion only, no hardship will be caused to the public and at the same time there will not be any delay in effecting sales of distrained properties."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Sir, I merely want to say a few words to clear one or two misconceptions with regard to this matter. I want the House to see that under section 8 at the time of the distraint certain things have to be done and they are being done now. The scheme of the Act is that there should be one distraining officer and another person to sell that property. Now, we are rolling both these officers into one.

"Another point which I will ask the House to remember is that under the law as now stands, 15 days' time before the sale takes place is prescribed,

15th February 1922] [Mr. K. Srinivasa Ayyangar]

Clause 2—cont.

while according to the amended section, or the clause of the Bill now introduced, we are giving only 24 hours after the attachment. I am drawing attention specifically to section 8, because in the speech of my honourable friend Mr. A. S. Krishna Rao he said: 'What notice has the defaulter? Why should we go and sell his property really without his knowledge?' It is in answer to that I believe that my hon'ble friend the Revenue Member drew attention to section 8. Now just let me read the section—

'In the seizure and sale of moveable property . . . the following rules shall be observed.'

"I do not think the House need be troubled with regard to the collector or other officer empowered by the collector. He may empower his peon to do that. There is no point in saying that he may be an inferior officer, or any other man. Whether the Government ask a particular officer to do it, or the collector does it could not make very much difference with regard to the capacity and integrity of the officer who goes there for the purpose of making the distraint.

"Then, Sir, before a distraint is made, he has to do this: 'furnish to the person employed to distrain the property of a defaulter a demand in writing and signed with his name, specifying the name of the defaulter, the amount of the arrear for which the distress may be issued, and the date on which the arrear fell due.' And that is for the purpose of giving distinct notice to the person who may be ignorant that so much is due from him and that it fell due on such and such a date.

"The person employed to distrain shall produce the writing which, if 12-45 p.m. the arrear together with the batta due to him, under section 53, be not at once paid . . . 'So he makes a demand that it has already become due and that the amount should have been paid before. This gives an opportunity to the person who through ignorance may not be aware of the arrears to be paid. Then the section says: 'shall be his authority for making the distress, and on the day on which the property may be distrained, shall deliver a copy of such writing to the defaulter.' So he cannot merely throw it in the waste paper basket but he has to give it to the defaulter. Again the section says: 'endorsing thereon a list or inventory of the property distrained.' He has to say, 'I have taken over such and such property of yours.' 'The writing shall further state that the distrained property will be immediately brought to public sale, unless the amount, with interest, batta, and all the expenses of the distress, be previously discharged.' I lay special stress on the word 'immediately.' When a defaulter may be absent, note it again, 'a copy of the writing with the endorsement shall be fixed or left at his usual place of residence or on the premises where the property may have been distrained, before the expiration of the third day, calculating from the day of the distress.' That is notice to the defaulter and all persons concerned that unless the dues are paid immediately the property will be sold. Under section 9 the distrainer is required to transmit an inventory of the property distrained to the nearest public officer empowered to sell distrained property, because he is a different person. When the public officer comes in for the purpose of selling, he in his turn does exactly the same thing as is prescribed in section 8 for the distraining officer because he is a different officer. Section 9 says 'when the amount due shall not have been paid pursuant to the terms of the demand, and no arrangement for securing the same shall have been

[Mr. K. Srinivasa Ayyangar]

[15th February 1922]

Clause 2—cont.

entered into to the satisfaction of the collector or other officer empowered by the collector in that behalf, the distrainer shall transmit an inventory of the property distrained to the nearest public officer empowered to sell distrained property under Act VII of 1839, in order that it may be publicly sold for the discharge of the arrear due, with interest, batta and cost of distraint. Now he is to sell the property in the list which is sent to him. Therefore for the purpose of selling, the selling officer gives the notice in terms similar to that which has already been given, for there are two different officers. As you have got only one officer now, there is no need to further fix all these notices to the outer door of the house, i.e., the notice specifying the place where and the day on which the distrained property is to be sold. If it is a question of proclamation it is a question which can be discussed in the other amendments coming later on. I am speaking on the points on which the Hon'ble the Revenue Member laid stress, so that even if you reject the amendment of Mr. A. S. Krishna Rao, there is still an opportunity for the House, if it thinks necessary, to deal with the method of proclamation. I consider that all this is a reduplication, because the objects are the same and the whole thing has to be done again within 24 hours."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I will begin with the remarks made by the Hon'ble the Law Member and the Hon'ble the Revenue Member in opposing this amendment. It would have been noticed that notwithstanding the fact that there are four amendments to the question of proclamation, notwithstanding the fact that specific questions were raised as to the policy of the Government in regard to proclamation, not one member has suggested what is proposed to be done in this connexion. It is not that anyone is anxious to commit the House exactly to the wording contained in section 22 unless it be that there is some difficulty in working out those particular provisions. It is suggested in this amendment as in other amendments that the specific notice or proclamation should be made in accordance with the principle contained in section 22 of the Act. But the Government were not in a position to frankly state their policy and say, 'this is what we are prepared to do. Some have suggested 2, some 3 and some 10. We are prepared to go so far and so forth'. Then it would have been possible for the members of the Council to come to a conclusion as to how far they could go. But, Sir, we stand in this position. My amendment suggests that there is no justification to depart from section 22. Some doubt has been thrown by referring to section 8 which refers to the demand notice usually served before proceedings are taken. That notice states the amount of arrears and suggests that a particular property will be sold. Section 8 has nothing to do with the question now. It may have some bearing on the property to be sold. But the notice of sale has to be considered. Is the Council prepared to be satisfied with this limited proclamation or publicity in view of the emergency of this measure? So far as no objection has been raised to the specific provisions in section 22, the Council should confine itself to section 22 and vote for this amendment. Section 22 has been read in the Council. It specifically suggests that the notice should be fixed at the outer door of the house of the defaulter. It specifically suggests that there should be a due proclamation by beat of drum and all the rest of it. It does not materially affect the period of notice. I therefore request the House to vote for the amendment especially in view of the attitude of the

15th February 1922.]

Clause 2—cont.

Government notwithstanding the repeated requests made to it to explain the policy. The attitude the Government has taken is one of perfect silence."

A poll was taken with the following result:—

Ayes.

- | | |
|---|---|
| 1. Mr. K. Audinayana Reddi. | 16. Diwan Bahadur L. A. Govindaraghava Ayyar. |
| 2. " C. Ramalinga Reddi. | 17. Rao Bahadur A. S. Krishna Rao. |
| 3. " O. Tanikachala Chettiyar. | 18. Mr. C. V. Venkataramana Ayyangar. |
| 4. " W. Vijayaraghava Mudaliyar. | 19. Sriman Biswanath Das. |
| 5. " J. Kuppuswami. | 20. Rai Bahadur T. M. Narasimhaachari. |
| 6. " B. Muniswami Nayudu. | 21. Rao Bahadur C. V. S. Narasimha Raju. |
| 7. " A. T. Muthukumaraswami Chettiyar. | 22. Mr. A. Ranganatha Mudaliyar. |
| 8. " N. Narayanaswami Reddi. | 23. Sriman Sasibhusana Rath. |
| 9. Rao Bahadur Ramayya Punja. | 24. Mr. M. R. Seturatnam Ayyar. |
| 10. Mr. K. Sarabha Reddi. | 25. " T. Sivasankaram Pillai. |
| 11. " A. Thangavelu Nayagar. | 26. " R. Srinivasa Ayyangar. |
| 12. " Venkatachala Reddiyar. | 27. " T. C. Srinivasa Ayyangar. |
| 13. Rao Bahadur K. Venkata Ranga Reddi. | 28. " M. Suryanarayana. |
| 14. Mr. P. Venkatasubba Rao. | 29. " K. Prabhakaran Thampam. |
| 15. Diwan Bahadur M. Ramachandra Rao. | 30. " P. Siva Rao. |

Noes.

- | | |
|--|---|
| 1. The Hon'ble Sir Lionel Davidson. | 25. Mr. S. Somasundaram Pillai. |
| 2. " Sir Charles Fodhunter. | 26. Diwan Bahadur K. Suryanarayanamurti Nayadu. |
| 3. " Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur. | 27. Mr. T. C. Thangavelu Pillai. |
| 4. The Hon'ble Mr. K. Srinivasa Ayyangar. | 28. " S. Muthumanikkachari. |
| 5. " P. Ramarayanagar. | 29. Diwan Bahadur D. Seshagiri Rao. |
| 6. " Rai Bahadur K. V. Reddi Nayudu. | 30. Mr. S. Arpudaswami Udayar. |
| 7. " Rao Bahadur A. P. Patro. | 31. " T. Arumainatha Pillai. |
| 8. Mr. C. P. Ramaswami Ayyar. | 32. Rao Sahib E. C. M. Mascarenhas. |
| 9. " M. E. Couchman. | 33. Mr. A. T. Palmer. |
| 10. " N. Macmichael. | 34. " Hamid Sultan Marakkayar Sahib Bahadur. |
| 11. Mr. F. J. Richards. | 35. Mr. Saiyid Ibrahim Ravuttar. |
| 12. " C. W. E. Cotton. | 36. " Abdul Qasim Beary Sahib Bahadur. |
| 13. " B. Littlehales. | 37. Khan Sahib Muhammad Abdur Rahim Khan Sahib. |
| 14. " E. Periyannayakam. | 38. Khan Sahib Saiyid Diwan Abdul-Rasaak Sahib. |
| 15. " R. K. Shanmukam Chettiyar. | 39. Khan Bahadur Muhammad Sadulla Badsha Sahib Bahadur. |
| 16. " A. Ramaswami Mudaliyar. | 40. Khan Bahadur Muhammad Usman Sahib Bahadur. |
| 17. Rao Bahadur V. Appaswami Vandayar. | 41. Mr. M. C. Madurai Pillai. |
| 18. Rao Bahadur P. C. Ethirajulu Nayudu. | 42. Rao Sahib P. Venkatarangayya. |
| 19. Mr. S. T. Shanmukham Pillai. | 43. Mr. MacDougall. |
| 20. Rao Bahadur T. Balaji Rao Nayudu. | 44. Rao Bahadur T. Numbermal Chettiyar. |
| 21. Mr. C. Natesa Mudaliyar. | |
| 22. " V. P. Pakiriswami Pillai. | |
| 23. " P. T. Rajan. | |
| 24. " K. Sitarama Reddi. | |

The amendment was declared lost, 30 having voted for and 44 against.

Clause 2—Amendment No. 6-A.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU moved—

"6-A. Put a semicolon after 'him' in line 20 and omit all the words from 'after' in line 20 up to 'distrain' in line 25; and substitute the following:—

1 p.m. "Such officer shall cause to be affixed to the outer door of the defaulter's house, or on the premises where the property may have been distrained, a notice specifying the place where and the day and hour at which the distrained property will be sold and shall cause proclamation of the intended sale to be made by beat of drum in the village to which the lands on which the arrear has accrued may belong. Where proclamation by beat of drum cannot be made such officer may cause the proclamation to be made in such manner as he may consider necessary to give due publicity to the sale."

[Mr. M. Ramachandra Rao Pantulu] [15th February 1922]

Clause 2—cont.

In doing so he said :—" By introducing the semicolon, I want to make the first sentence complete : thus it will stand as follows :—

'Notwithstanding anything contained in sections 9 and 22 of the Principal Act, the Local Government may by notification authorize any officer distraining movable property within a particular area to sell the distrained property at such time and place as may be specified by him'.

" Then I propose that the rest of that sentence should be omitted and the sentence mentioned in the notice paper be substituted."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" May I rise to a point of order, Sir? One portion at least of this amendment is covered by the amendment which has already been lost, and that is with regard to the affixing of the notice to the outer door of the defaulter's house, etc."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I have already pointed out that under section 22 there are four methods of publication of a proclamation of sale of the property. As has already been stated, it is somewhat surprising that the Hon'ble Member in charge of the Bill did not give us any idea as to which of these four methods of publication it is his intention to still retain. Therefore, in order to remove all possible doubts I move this amendment to the effect that the officer concerned should affix, as stated in section 22, to the outer door of the defaulter's house, or on the premises where the property may have been distrained, a notice specifying the place where and the day and the hour at which the distrained property will be sold and secondly that the proclamation of the sale should be published in the village by beat of drum before the sale takes place. The Hon'ble the Law Member has already referred to section 8 and said that the procedure will have to be duplicated. As I construe section 8, I think that at the time when the distraint is made the distraining officer will inform the defaulter of the place where the property will be sold and of the exact property which will be sold. It is true that at first five properties may be distrained and the officer may then make up his mind to sell only four. I consider still that it is necessary that the defaulter should know expressly the items of property which will be sold. Therefore I suggest in this amendment that the defaulter should have notice of the exact items of property to be sold and of the place where and the day and hour at which the distrained property will be sold. The next point is that the sale should be proclaimed by beat of drum. This is in the old section and it is a very effective and well-known method of publication and I think it should be retained. It may be contended that it may not be possible in a village which has wholly adopted the principle of non-co-operation to secure persons to proclaim by beat of drum and I therefore add the next clause that 'Where proclamation by beat of drum cannot be made, such officer may cause the proclamation to be made in such manner as he may consider necessary to give due publicity to the sale'. I therefore consider, Sir, that the three essentials mentioned here are absolutely necessary both to the defaulter and to the general public. As already stated, the Hon'ble the Revenue Member would not inform us what items of proclamation mentioned in section 22 it is his intention that the selling officer should adopt and we have no other alternative except to put forward proposals which would be considered reasonable. I therefore commend this amendment for the acceptance of this House."

15th February 1922]

Clause 2—cont.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I second it."

Mr. M. E. COUCHMAN :—" Mr. President, comparing the terms of the amendment with section 22 of the Principal Act, we find that the amendment aims at restoring the provisions contained in section 22 of the Principal Act with the omission of the one relating to 15 days' notice. The Principal Act contains four chief stipulations. In the first place, a list of property has to be affixed to the outer door of the house with a notice specifying the place of the sale; a proclamation has to be made by beat of tom-tom in the village and the sale shall not take place till 15 days have elapsed after notice has been affixed. The present amendment would reintroduce all these stipulations. The matter has already been discussed by the Advocate-General and I need not repeat all the arguments.

" I shall first refer to the Statement of Objects and Reasons. In that we find that 'the procedure for distraint of movables or for attachment of land and their subsequent sale is unnecessarily lengthy. The provisions of the Revenue Recovery Act, as it stands, were intended for normal conditions and are inadequate to meet a combined attempt to resist collection. It is proposed to shorten the procedure giving only a minimum period after attachment for payment and empowering the officers concerned to sell thereafter promptly'. Well, in view of the Statement of Objects and Reasons, the amendment really means that the mover disagrees with the principle of the Bill. The House has passed the principle of the Bill by an overwhelming majority and therefore I do not think it will have much hesitation in declining to accept this amendment. I am further fortified in my hope by the consideration that Mr. Ramachandra Rao himself yesterday described clause 4 as the only effective clause of the Bill. I therefore think that he himself does not attach much importance to this amendment. If this Bill, as it stands, is going to be ineffective, why should he take all this trouble to move so many amendments? Therefore I am not without hope that he will himself withdraw this amendment. This is the first of a good many of similar amendments each of which in itself may be rather insignificant in importance but the cumulative effect will be such as to seriously detract from the efficacy of the Bill. We see that amendments Nos. 8, 9, 10 and 11 aim at lengthening the time for sale, and so on. What I ask this House to realize is that although each of the amendments in itself is not of much importance, yet the cumulative effect would be to make the power which the Government desire to put into the hands of the Collector much weaker than it would otherwise be. The more formidable it is, the less probability there is that it will be necessary to use it at all.

" Again, if the Bill is passed substantially in the present terms, it will show to the non-co-operators that the Government have really made up their mind to adopt stern measures. I think they will one and all see that it is better to pay their dues and not lose their lands. The safeguard that exists in section 8 of the Principal Act seems to be quite sufficient to give the defaulter full notice that his property will be sold immediately unless he pays his dues. Therefore, I cannot see what grievance he will have if the time of sale was reduced to 24 hours."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" May I point out that I am not at all referring to the question of time that should elapse before the sale takes place? That is the subject of another amendment."

[Mr. M. Ramachandra Rao Pantulu] [15th February 1922]

Clause 2—cont.

In doing so he said :—“ By introducing the semicolon, I want to make the first sentence complete : thus it will stand as follows :—

‘Notwithstanding anything contained in sections 9 and 22 of the Principal Act, the Local Government may by notification authorize any officer distraining movable property within a particular area to sell the distrained property at such time and place as may be specified by him’.

“ Then I propose that the rest of that sentence should be omitted and the sentence mentioned in the notice paper be substituted.”

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—“ May I rise to a point of order, Sir? One portion at least of this amendment is covered by the amendment which has already been lost, and that is with regard to the affixing of the notice to the outer door of the defaulter's house, etc.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“ I have already pointed out that under section 22 there are four methods of publication of a proclamation of sale of the property. As has already been stated, it is somewhat surprising that the Hon'ble Member in charge of the Bill did not give us any idea as to which of these four methods of publication it is his intention to still retain. Therefore, in order to remove all possible doubts I move this amendment to the effect that the officer concerned should affix, as stated in section 22, to the outer door of the defaulter's house, or on the premises where the property may have been distrained, a notice specifying the place where and the day and the hour at which the distrained property will be sold and secondly that the proclamation of the sale should be published in the village by beat of drum before the sale takes place. The Hon'ble the Law Member has already referred to section 8 and said that the procedure will have to be duplicated. As I construe section 8, I think that at the time when the distraint is made the distraining officer will inform the defaulter of the place where the property will be sold and of the exact property which will be sold. It is true that at first five properties may be distrained and the officer may then make up his mind to sell only four. I consider still that it is necessary that the defaulter should know expressly the items of property which will be sold. Therefore I suggest in this amendment that the defaulter should have notice of the exact items of property to be sold and of the place where and the day and hour at which the distrained property will be sold. The next point is that the sale should be proclaimed by beat of drum. This is in the old section and it is a very effective and well-known method of publication and I think it should be retained. It may be contended that it may not be possible in a village which has wholly adopted the principle of non-co-operation to secure persons to proclaim by beat of drum and I therefore add the next clause that ‘Where proclamation by beat of drum cannot be made, such officer may cause the proclamation to be made in such manner as he may consider necessary to give due publicity to the sale’. I therefore consider, Sir, that the three essentials mentioned here are absolutely necessary both to the defaulter and to the general public. As already stated, the Hon'ble the Revenue Member would not inform us what items of proclamation mentioned in section 22 it is his intention that the selling officer should adopt and we have no other alternative except to put forward proposals which would be considered reasonable. I therefore commend this amendment for the acceptance of this House.”

15th February 1922]

Clause 2—cont.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ I second it.”

Mr. M. E. COUCHMAN :—“ Mr. President, comparing the terms of the amendment with section 22 of the Principal Act, we find that the amendment aims at restoring the provisions contained in section 22 of the Principal Act with the omission of the one relating to 15 days' notice. The Principal Act contains four chief stipulations. In the first place, a list of property has to be affixed to the outer door of the house with a notice specifying the place of the sale; a proclamation has to be made by beat of tom-tom in the village and the sale shall not take place till 15 days have elapsed after notice has been affixed. The present amendment would reintroduce all these stipulations. The matter has already been discussed by the Advocate-General and I need not repeat all the arguments.

“ I shall first refer to the Statement of Objects and Reasons. In that we find that ‘the procedure for distraint of movables or for attachment of land and their subsequent sale is unnecessarily lengthy. The provisions of the Revenue Recovery Act, as it stands, were intended for normal conditions and are inadequate to meet a combined attempt to resist collection. It is proposed to shorten the procedure giving only a minimum period after attachment for payment and empowering the officers concerned to sell thereafter promptly’. Well, in view of the Statement of Objects and Reasons, the amendment really means that the mover disagrees with the principle of the Bill. The House has passed the principle of the Bill by an overwhelming majority and therefore I do not think it will have much hesitation in declining to accept this amendment. I am further fortified in my hope by the consideration that Mr. Ramachandra Rao himself yesterday described clause 4 as the only effective clause of the Bill. I therefore think that he himself does not attach much importance to this amendment. If this Bill, as it stands, is going to be ineffective, why should he take all this trouble to move so many amendments? Therefore I am not without hope that he will himself withdraw this amendment. This is the first of a good many of similar amendments each of which in itself may be rather insignificant in importance but the cumulative effect will be such as to seriously detract from the efficacy of the Bill. We see that amendments Nos. 8, 9, 10 and 11 aim at lengthening the time for sale, and so on. What I ask this House to realize is that although each of the amendments in itself is not of much importance, yet the cumulative effect would be to make the power which the Government desire to put into the hands of the Collector much weaker than it would otherwise be. The more formidable it is, the less probability there is that it will be necessary to use it at all.

“ Again, if the Bill is passed substantially in the present terms, it will show to the non-co-operators that the Government have really made up their mind to adopt stern measures. I think they will one and all see that it is better to pay their dues and not lose their lands. The safeguard that exists in section 8 of the Principal Act seems to be quite sufficient to give the defaulter full notice that his property will be sold immediately unless he pays his dues. Therefore, I cannot see what grievance he will have if the time of sale was reduced to 24 hours.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“ May I point out that I am not at all referring to the question of time that should elapse before the sale takes place? That is the subject of another amendment.”

[15th February 1922]

Clause 2—cont.

Mr. M. E. COUCHMAN :—“ I pointed out that out of the four stipulations in section 22, this amendment aims at retaining three only and leaves untouched the other relating to fifteen days' notice. That is all I have to say with regard to the present amendment. But I think that the House should remember that it has accepted yesterday by an overwhelming majority the principle of the Bill, and it will be inconsistent now to allow it to be whittled away by accepting amendments of this sort.”

Mr. P. SIVA RAO :—“ I am sorry that I cannot see eye to eye with the honourable mover of this amendment. It was only 1-15 p.m. yesterday that the whole provisions of the Bill were discussed and it was decided by a large majority that the executive under such circumstances should be vested with some summary powers of dealing with the situation. Sir, we very often forget that the Bill under consideration is an emergency measure, meant for special purposes and that it is bound to be short-lived, extending only till the end of June 1923, that is, for two faslis. The principle which was voted upon yesterday was that it was desirable that the executive should be vested with certain summary powers to combat the movement known as mass civil disobedience. Now, Sir, having voted for this principle, are we justified in trying to whittle away its effect by trying to reproduce section 22 wholesale by way of this amendment? I have closely compared section 22 with the amendment that is moved by the honourable mover, and I have found that except in one small particular which I shall mention later on, the amendment is word for word a reproduction of section 22. If the principle is conceded that a special evil should be combated, is it desirable to continue all these elaborate formalities which are bound to take some time and to perpetuate these dilatory processes which are suited only to normal conditions and which are most unsuited to cope with the no-tax campaign? Now the essence of this Bill is that the process should be tightened up and the process should be made simpler and the tedious formalities should be dispensed with. If that principle is conceded, is there any justification for transplanting section 22 altogether?

“ Then I shall go to the small particular in which this amendment varies from section 22. It gives discretion to the selling officer in case he finds it impossible to order proclamation by beat of drum to resort to any other mode. Now, I respectfully ask the mover in what circumstances will the selling officer find it impossible to order the proclamation. I submit that he will always find it possible to order proclamation by beat of drum. Then it comes to this, that we are trying to reproduce in this amendment all the four formalities which were embodied in the Principal Act. No doubt the honourable mover is one of those who voted against the principle of the Bill. It is quite consistent on his part to have brought forward this amendment to whittle away the effect of this amending Act. As I am one of those who thought that the executive should be armed with some special summary powers to deal with the situation, I cannot give my support to the amendment of the honourable mover.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ Mr. President, I believe the important point with reference to this amendment, namely, that of observing the formalities mentioned in section 22, is really missed. The Government contend that by observing the formalities mentioned in section 8, everything was done. But they seem to forget that there is another section 17 of the

15th February 1922] [Mr. T. M. Narasimhaacharlu]

Clause 2—cont.

Act under which if we distrain movable property thinking that it is the property of the defaulter, the real owner may come in and tell the distraining officer ‘ Well, Sir, that is not his property, that is mine’. I think the formalities under section 22 are intended to invite such people to mention any objections they may have for the sale of the property as belonging to the defaulter, so that the Government may not sell a property as belonging to the defaulter when it really belongs to another. Therefore it cannot be said that the provisions in section 22 are redundant. The one is intended for things to be done before the actual distraint. Then certain formalities are to be observed not only for the benefit of the defaulter but also for the benefit of persons whose properties are sought to be sold. Further we also see in section 17 that if we sell the property of one which turns out to be the property of another, remedy lies in a civil court.

“ Section 17 says—

‘ Where any person not being a defaulter or responsible for a defaulter may claim a right to the property distrained and the distrainer may, notwithstanding, cause the same to be sold, such claimant on proof of such right in any civil court of competent jurisdiction and in the event of the distrainer being unable to prove the responsibility for the arrear of the revenue on account of which the property may have been sold shall recover from the distrainer the full value of such property with interest, costs and damages according to the circumstances of the case.’

“ So this section contemplates that claims may be advanced, that claims may be investigated by the distraining officer and that claims may be allowed or disallowed, so that it cannot be said that notices given under section 8 is enough and that the formalities prescribed in section 22 are unnecessary. I therefore think that this aspect of the question must be considered in considering the amendment.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ Sir, I am one of those who want to help the Government in a time of emergency and so I voted for the principle of the Bill yesterday; but the position of myself and others like me who support the principle of the Bill is that we should support the Government in a time of emergency without at the same time taking away the rights of the people. We know, Sir, as people having to do with attachment, distraint and sale that very often information regarding attachment and sale is not given to the party concerned. Very often we have got elaborate proceedings taken with regard to these when petitions are filed to set aside sales. So in a measure like this which is intended to meet an emergency, we should provide safeguards. Well, Sir, the number of amendments of which notice is given with reference to these safeguards in regard to this clause will show the volume of feeling among the members against the words that have been used. The clause itself is very vague. It practically leaves all discretion in the hands of the person who distrains or sells. My submission is that this sort of things should not be allowed to remain. At least such of the safeguards as are possible to be provided in this clause without really making the position of the Government difficult in an emergency situation like this should be provided. In fact that is my position and I believe that is also the position of several honourable members here in regard to this matter. The necessity that is felt with regard to this matter is this. The proclamation has to be made in the village itself; for if it is not made in the village itself, it is not possible to know actually anything about the sale or about the time of sale or the place or about the property that is going to be sold. The clause as it stands will

[Mr. T. A. Ramalinga Chettiyar]

[15th February 1922]

Clause 2—cont.

make it possible for a distraining officer to have the proclamation made in some village other than the one in which the distraint is made. Such sort of safeguards ought to be avoided. Then again with regard to the time within which the property could be sold: it is stated that the property ought not to be sold within 24 hours of distraint. When it is stated 'within 24 hours of distraint', it may be pointed out that there may be no interval at all fixed now between the proclamation and sale. Then again it is also a question whether 24 hours is sufficient at all. It seems to me, Sir, that these are the three ways in which safeguards may be provided without really taking away from the emergency of the measure or the necessity for it. If the Hon'ble the Revenue Member will assure us which of the amendments of which notices have been given he will accept and in what particular and which he will not accept, then it will relieve us to a great extent and it will help us to settle with regard to the support or otherwise to be given to the several amendments on the agenda. If the Hon'ble the Revenue Member will only give us the assurance with regard to what he is prepared to accept, then we may not be inclined to support the amendment of Mr. Ramachandra Rao. Otherwise probably having no other alternative with regard to that point, I for one should support the amendment for want of a better or a more satisfactory one. That is the real position which some of us feel we are in and I hope the Hon'ble the Revenue Member will clear up the situation."

Rao Bahadur K. GOPALAKRISHNAYYA:—"Sir, I find considerable difficulty with reference to the amendment moved by 1-30 p.m. Mr. Ramachandra Rao. Of course I agree with the fundamental idea which is contained in his amendment. The same idea is conveyed through the amendments which Mr. Muniswami Nayudu and myself have given notice of, viz., the amendments 7 and 8 as tabled in the agenda. I feel some technical difficulty may be raised if we move the amendments after this is disposed of. I want to know whether these amendments are to be discussed in the order in which they are placed in the agenda or whether all these amendments can be discussed together. I am afraid I cannot vote upon some of the portions of the amendment moved by Mr. Ramachandra Rao. If on this account I do not vote upon it and if you rule me out of order, when I move my amendment, under Standing Order 65, there will certainly be much inconvenience. Therefore, Sir, I appeal to you to allow us to move these three amendments together so that in the course of the debate we may be able to decide which of the amendments should be adopted. I want your ruling as to whether these three amendments cannot be taken together as substantially they are more or less the same."

The Hon'ble the PRESIDENT:—"They cannot be taken up together. Evidently, the honourable member wants to know what I am likely to do if two other amendments in one of which he is interested, covering the same ground, are moved after this is disposed of. Really I cannot answer the honourable member now. He must wait and see. (Laughter). I may, however, indicate, when a situation like that arises, what honourable members should do. If a particular amendment is moved and if an honourable member who has given notice of a similar amendment coming later on does not see eye to eye with the mover of the particular amendment, the

15th February 1922]

[The President]

Clause 2—cont.

former should read carefully the amendment coming first and give notice of a suitable amendment to it to give effect to his own views. The best course in all these cases is for the several honourable members to put their heads together, not under my eyes in the Council, but outside and to come to some settlement. I have gone out of my way in giving this advice. I mention it as we are all new to our task."

Rao Bahadur T. A. RAMALIGAM CHETTIYAR:—"Notice of this amendment was only received last night."

Diwan Bahadur M. KRISHNAN NAYAR:—"I received it only last night."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I also received it only last night."

The Hon'ble the PRESIDENT:—"Then the best course is to adjourn for lunch." That would give time to honourable members." (Laughter).

The Council then adjourned for lunch at 1-34 p.m. and re-assembled at 2-35 p.m.

Rao Bahadur K. GOPALAKRISHNAYYA:—"With regard to this amendment moved by Mr. Ramachandra Rao, some difficulty has been felt as to the method of proclamation, the place where the proclamation is to be made and also the manner of proclamation. I have brought to the notice of the House that notice of a similar amendment has been given by me, and I would like to move it by way of amendment to the amendment of Mr. Ramachandra Rao. From my amendment I would like to delete 'within 24 hours of distraint'. My amendment would then read thus:—'In lines 20 to 23, for the words after causing such proclamation . . . to the sale' substitute the following:—'after giving due publicity to the sale by causing proclamation of sale by beat of drum and by affixing copies of proclamation of sale in conspicuous places of the village where the movable property is distrained, and if necessary in any other neighbouring village or villages, I am very particular about the beat of drum which is the only effective method of notification in villages'."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"I rise to a point of order whether the honourable member is in order in moving amendment No. 8 on the agenda?"

The Hon'ble the PRESIDENT:—"I think he will move an amendment to the amendment of the honourable Member Mr. Ramachandra Rao. I am waiting to see what it is he is moving."

The Hon'ble Sir LIONEL DAVIDSON:—"I understood he was substantially moving with a slight verbal alteration his own amendment No. 8."

The Hon'ble the PRESIDENT:—"When I adjourned the House it was with the object of giving the Hon'ble the Member in charge of the Bill and others an opportunity of devising out a form which will be acceptable to the majority."

The Hon'ble Sir LIONEL DAVIDSON:—"As a matter of fact such a form has been worked out. It would certainly have been acceptable to several of the honourable members."

[15th February 1922]

Clause 2—cont.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" May I say that I looked into the form to which reference has been made by the Hon'ble Sir Lionel Davidson ? I only want that the words ' beat of drum ' should appear in the amendment. That I understand to be the desire of many of the honourable members. They are of opinion that publication by beat of drum should be insisted upon so that the people in the village may know what is taking place. That I take it is the general sense of the House. If my honourable friend, Sir Lionel Davidson, consents to the insertion of the words ' by beat of drum ' in his amendment, it will meet our requirements."

The Hon'ble the PRESIDENT :—" Order, order. I think I had better enforce the rules of procedure. If no settlement has been arrived at, I do not think I should allow a discussion on that. What the House is now dealing with is the amendment put forward by the honourable member Mr. Ramachandra Rao, viz., 6-A. The honourable member Mr. Gopalakrishnayya will be justified if he moves an amendment to that amendment and if he says specifically what change he proposes. In that case he will be in order; but he will have to get permission to move his amendment in view of the fact that he has not given the prescribed notice."

Rao Bahadur K. GOPALAKRISHNAYYA :—" My amendment is this: To omit the whole wording of Mr. Ramachandra Rao's amendment and insert in place thereof the following words: ' After giving due publicity to the sale by causing proclamation of sale by beat of drum and by affixing copies of proclamation of sale in conspicuous places of the village where the movable property is distrained and if necessary in any neighbouring village or villages '."

" I think I am perfectly in order provided you, Sir, give me permission to move this amendment to that amendment."

The Hon'ble the PRESIDENT :—" I confess I do not quite see what the amendment is. It is not a complete sentence, nor is it clear what words should go into and what words should be taken away from the amendment of Mr. Ramachandra Rao which the House is considering."

Rao Bahadur K. GOPALAKRISHNAYYA :—" I have stated, for the words ' after causing proclamation of the sale ' substitute the words which I have just given."

Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" That is exactly item 3 of the agenda."

Rao Bahadur K. GOPALAKRISHNAYYA :—" In lines 20 to 23, for the words ' after causing such proclamation ' to substitute the words which I have given."

The Hon'ble the PRESIDENT :—" The honourable member is out of order. It is hardly an amendment to say that the whole of another member's amendment should be revoked and that one's own amendment should take that place. I cannot allow this to go forward."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Myself and the Hon'ble the Revenue Member have agreed on this form of amendment to take the place of the amendment in my name. That is, ' such officer shall cause to be fixed or left at the usual place of residence—'."

15th February 1922]

Clause 2—cont.

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I rise to a point of order. How can the mover of an amendment move another amendment ?"

The Hon'ble the PRESIDENT :—" Let the honourable member Mr. Ramachandra Rao finish."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" The amendment to take the place of my amendment is: ' Such officer shall cause to be affixed or left at the usual place of the residence of the defaulter or on the premises where the property may have been distrained a notice specifying the place where and the date and the hour at which the distrained property will be sold and shall cause a proclamation of the intended sale to be made in the village where the distraint was made in such manner as he may consider necessary to give due publicity to the sale.' Honourable members will see that in the original amendment there are two or three points. The first is that notice specifying the place where and the date and hour at which the distrained property will be sold should be affixed to the outer door of the defaulter's house or on the premises. In the amendment which is to take the place of that on the paper, the same idea is retained. My original amendment provided that the proclamation should be made by beat of drum in the village to which the lands on which arrears had accrued might belong. In regard to that matter, the words in the new draft are ' shall cause a proclamation of the intended sale to be made in the village where the distraint is made in such manner as he may consider necessary to give due publicity to the sale.' The effect is that publication by beat of drum is not there. But there is some difference of opinion and it is open to the honourable members to amend it in any way they like."

The Hon'ble the PRESIDENT :—" The point raised by Mr. C. V. S. Narasimha Raju is that it is not open to the mover of an amendment himself to move a further amendment. There is some force in that contention. The amendment which holds the field is 6-A. The proper course would be, if, as I understand, an arrangement has been arrived at between the opposition and the Government, to put forward an amendment which should satisfy both sides. The honourable member may withdraw his own amendment 6-A and allow the amendment decided upon to be moved by the Member of the Government, in which case the procedure will be regularized. It is for the honourable member Mr. Ramachandra Rao to decide."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I beg to withdraw the amendment as it is on the paper."

Amendment 6-A was by leave withdrawn.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, I beg to move the following amendment to clause 2 of the Bill :—

Immediately after the words ' him ' in line 20 there shall be a semi-colon. And in lieu of the word beginning with ' after ' in line 20, and ending with the word ' distraint ' in line 25, the following sentence be substituted :—

" Such officer shall cause to be affixed or left at the usual place of the residence of the defaulter or on the premises where the property may have been distrained a notice specifying the place where and the day and hour at which the distrained property will be sold and shall cause proclamation of the intended sale to be made in the village where the distraint was made in such manner as he may consider necessary to give due publicity to the sale."

[15th February 1922]

Clause 2—cont.

The Hon'ble the PRESIDENT:—"Before the matter goes further, I would invite the attention of the House to the fact that the Hon'ble the Revenue Member has now put forward an amendment of which the prescribed notice has not been given. Does any member object?"

The RAJA OF RAMNAD:—"May I know whether it is open to an honourable member to move an amendment to an amendment which has been discussed and withdrawn?"

The Hon'ble the PRESIDENT:—"No objection having been raised, the Hon'ble the Revenue Member is given leave to move his amendment."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"In moving the amendment, I merely want to point out to the House that the Government are quite prepared to accede to the suggestions of this House as far as it is possible to do so. The original amendment of my honourable friend opposite (Mr. Ramachandra Rao) contained certain stipulations which the Government were doubtful whether they could carry out at all and the clause in the original amendment laying it down as an obligation that the notice should be affixed to the outer door of the defaulter's house was likely to create some difficulty in the work of fixation of such notices if there was no outer door to a house or a defaulter had deliberately removed his outer door so as to render all proceedings which had taken place subsequently absolutely nugatory. We therefore considered that we had better follow the same phraseology as finds place in section 8 of the Land Revenue Recovery Act and which we have not abrogated at all.

"Then as regards the other one, the beat of drum in the village to which the lands on which the arrear has accrued belong, I believe we have already placed before the House a catalogue of the difficulties which we are now passing through on account of this movement which it is our effort to overcome by means of this special legislation. We are shorn, as it were, of the very necessary village officers in several villages in that tract of the country. We have no vettis, no talaiyaris, no totis in some of the villages. It is perfectly possible that any one whom we may like to hire for the occasion to carry out this duty of beating drum may not have the boldness to come forward and offer his services for this purpose. If in any particular place some half a dozen gentlemen should take it into their heads to render the subsequent proceedings illegal they might at once come forward and say that in some particular place there was no beat of drum and so the seizure was illegal. In view of the situation we have to grapple with we consider that we ought to allow sufficient amount of latitude and discretion to the distraining officer as regards the manner in which the distraint and sale should be conducted and we have therefore eliminated these few words. Barring that, Sir, we have retained the intention, as it were, of the House, namely, that there shall be a fixation of all notices, so that the person whose property has been distrained shall know it and with that notice if there is to be a proclamation, the proclamation shall be made in such public manner as the circumstances of each case would permit.

"In regard to the beating of drum, Sir, about which I know there is some feeling, I may say that it generally plays a very important part in the publication of notices in villages. All that I may assure my honourable friends in this House is that, although I would personally object to the retention of

15th February 1922] [Mr. Muhammad Habib-ul-lah Sahib]

Clause 2—cont.

that word as an obligatory condition in legislation, a slight deviation from which might render all proceedings in issue illegal, I would certainly not in the least object while enacting the Bill when it becomes law to issue instructions to the district authorities to take care that wherever it is possible to publish notices by beat of drum they had better do so and that it is only where such publication is not at all possible that they may give discretion to the officer concerned."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I second it."

The Hon'ble Sir LIONEL DAVIDSON:—"I only wish, Sir, to explain what may perhaps seem an unnecessary alteration in the wording."

3 p.m. I refer to the words 'shall be fixed or left at the usual place of residence of the defaulter'. I need only draw attention to the fact that this is the formula used in section 8 of the Madras Revenue Recovery Act of 1864. The intention being that the proclamation of sale and the notification of distraint should be made almost simultaneously, it was thought better that the same formula should be used."

Mr. T. SIVASANKARAM PILLAI:—"It is said that these words will go away. I should like to know whether it is provided that such sale should take place within 24 hours of the time of distraint. Is it that the effect of the amendment would be that the 24 hours' minimum time would also be deleted? I just want to know if this is the intention of the amendment."

The Hon'ble the PRESIDENT:—"Does the honourable member wish me to read out the amendment again? I shall do so with pleasure."

Mr. T. SIVASANKARAM PILLAI (*continuing*):—"I have heard it read. I should like to know whether the 24 hours' minimum time limit is to be deleted altogether from the clause."

The Hon'ble the PRESIDENT:—"The honourable member had probably wait a little and hear the debate; some enlightenment may come."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"That was just the question I was going to deal with. I beg leave to move an amendment that no sale shall take place within three days after due proclamation. It was understood that this would form part of the amendment moved by the Hon'ble the Revenue Member. Since it has not been moved by the Hon'ble the Revenue Member I am moving the amendment. I have no doubt the Hon'ble the Revenue Member will accept it.

"Then as regards the beat of drum, in view of the feeling that there is in the matter I would earnestly ask the Revenue Member to accept an amendment that wherever possible there will be beat of drum. The amendment moved by the Hon'ble the Revenue Member will, if my proposal is not accepted, mean that there will be no interval at all between the proclamation and the sale. That was not the intention either of the honourable mover or the other members. So I move formally, Sir, that these words 'no sale shall take place until after the expiry of three days from the date of proclamation' be added at the end of the clause as proposed to be amended by the Hon'ble the Revenue Member and the words 'by beat of drum if practicable' be added after the words distraint was made."

The Hon'ble the PRESIDENT:—"I confess I do not understand what the amendment is that the honourable member is moving."

[15th February 1922]

Clause 2—cont.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I move, Sir, an amendment to add 'by beat of drum if possible' after the words 'distrainment was made' and the sentence I read out at the end of that clause."

The Hon'ble the PRESIDENT :—" I believe this is the honourable member's amendment. He wants, in the amendment which has been put forward, after the words 'distrainment was made,' to insert the words 'by beat of drum if practicable', secondly, to insert the word 'other' between 'such' and 'manner' in the next line, and thirdly to add the following to that sentence, i.e., 'no sale shall take place until after the expiration of a period of three days from the date of such proclamation.' These are the three changes which the honourable member proposes to make. It is now my duty to enquire whether any honourable member objects to this amendment being brought forward on the score of want of notice."

The House gave its assent.

The Hon'ble the PRESIDENT :—" No honourable member having objected on the score of want of notice I allow the amendment to go forward. The discussion will now be on this amendment which Mr. Ramalinga Chettyiar is to move. It will have to be discussed and disposed of, and, if it is carried, further discussion will be upon the amendment moved by the Revenue Member as amended by Mr. Ramalinga Chettyiar. That will then have to be discussed and disposed of."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I formally move my amendment."

Diwan Bahadur M. KRISHNAN NAYAR :—" I second it."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I may say at this stage that there is a considerable feeling that the publication of the sale in the village by beat of drum is being opposed by the Government on the score that it is not practicable to procure in certain cases the services of a drummer. I am sure the Hon'ble the Revenue Member will give us an assurance that in all cases where sales under distrainment are taking place instructions will be issued to the executive officers that beat of drum will be the rule and only in cases where it is absolutely impossible to adopt this mode of publication other means of publication should be secured. If he issues such instructions for the wide publication of the sales in the villages, it will enable people to know that the Government have done their best in the matter. The words 'if practicable' are no doubt there and I trust the executive officers will not take undue advantage of the phrase and evade the law by not resorting to the method which admittedly is the method which the legislature has indicated in this amendment, i.e., the method by beat of drum; I trust therefore that instructions will be issued to the executive officers that they should adopt this method and that no attempt should be made to evade the intention of this House. With these few words I support the amendment and hope that the intention of the House will be rightly understood by the officers of the Government."

Rao Bahadur K. GOPALAKRISHNAYYA :—" I am really surprised to see that the Government are alarmed at the beat of the drum. I do not know how it is impossible for the Government to find a drummer if not from that very village where the property is distrained, at least from the neighbouring

15th February 1922]

[Mr. K. Gopalakrishnayya]

Clause 2—cont.

village, or from neighbouring district. It is rather very surprising that the Government would be in a position not to find a drummer for this purpose. With all the resources at the command of the Government, at least they could take a drummer from one of the bandsmen from Madras. In all seriousness I do not think that the Government would not be in a position to secure a drummer. I feel that the beat of drum is the only effective method of giving publicity to the sale of distrained properties, in villages especially where there are illiterate people and especially when such a summary procedure is adopted and summary powers are given under this Act and it is most essential to have the drum to play the most prominent part in the various processes of law now adopted by Government. Though I feel that the introduction of the beat of drum is most essential, inasmuch as the Hon'ble the Revenue Member has given us the assurance that he would take care that the process of beating of drum will be adopted by his subordinates who would officiate under this Act, I do not want to press the amendment regarding the beating of drum as being the only method of proclamation of distrainment or sale as any alternative method is also suggested in the amendment."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, I have already stated that it was my intention in any case to issue executive instructions to the heads of districts, while communicating this Act, that they should, as far as possible, and wherever they could secure, use the drum which of course we could easily manufacture in any one of the jails in sufficiently large numbers (and I am quite sure that my honourable colleague will be quite willing to help me with the drums). I am only afraid that I could not get the men to beat the drums. For, we know that the beating of the drum is generally performed by people whom we call the depressed classes. The castemen whom I might secure for doing other duties in the villages and towns in connexion with the collection of taxes etc., cannot be expected to put a drum round their necks and go on beating it. The difficulty about the drum itself was not what was in my mind, but the real difficulty was to secure the men to beat it. In the circumstances existing at the present moment, I cannot guarantee the publication of every notification and proclamation by beat of drum. But wherever it is practicable or wherever it is possible, Government would not certainly hesitate to instruct their executive officers to do so. Now that the amendment moved by Mr. Ramalinga Chettyiar allows that latitude which I was claiming, I certainly have not the least objection to accept this amendment."

The amendment proposed by Rao Bahadur T. A. Ramalinga Chettyiar to the amendment which had been put forward already by the Hon'ble the Revenue Member, was then put to the House and carried unanimously.

Mr. C. P. RAMASWAMI AYYAR (Advocate-General) :—" Mr. President, consequent upon the passing of this amendment, another amendment becomes necessary, and with your leave, Sir, I beg to move it. There was considerable amount of discussion this morning about the last village, or from the neighbouring district. It is rather very surprising that sentence, namely, 'All references in the Principal Act to the officer empowered to sell under Act VII of 1839, shall be deemed to refer to the distraining officer empowered to sell under this section,' and differences of

[Mr. C. P. Ramaswami Ayyar] [15th February 1922]

Clause 2—cont.

opinion arose as to this matter and both my honourable friends, Mr. Ramachandra Rao and Mr. Narasimhachari spoke on that matter. Now, in consequence of the amendment which has now been accepted by the House which imposes specific duties upon this officer, the above sentence becomes a surplusage."

The Hon'ble the PRESIDENT:—"Order, order. I believe the honourable member wants to omit the last sentence in the clause. I will come to that at a later stage."

Mr. C. P. RAMASWAMI AYYAR (Advocate-General):—"Very well, Sir."

Mr. B. MUNISWAMI NAYUDU:—"Sir, in giving my support to this amendment . . ."

The Hon'ble the PRESIDENT:—"What amendment is the honourable member referring to?"

Mr. B. MUNISWAMI NAYUDU:—"The amendment moved by the Hon'ble the Revenue Member as amended by Mr. Ramalinga Chettiyar, Sir. I feel it necessary to state that the only possible way in which the rights of the people whose properties are distrained in the country would be . . ."

Mr. A. RANGANATHA MUDALIYAR:—"I think, Sir, that the amendment has been already passed unanimously."

The Hon'ble the PRESIDENT:—"Mr. Ramalinga Chettiyar's amendment has been passed; that is to say, the amendment which had been moved by the Hon'ble the Revenue Member has been amended and the amendment as amended is now before the House."

Mr. B. MUNISWAMI NAYUDU:—"I feel sure that it is only reasonable that protection should be given and what ought to be secured by a Bill of this sort is that the people whose properties are likely to be sold must know that fact, and they have to be made aware of that. It was with that intention that notice was given of an amendment by Mr. Gopalakrishnayya to the effect that the proclamation must be made by beat of drum in the villages. The people are almost all illiterate. It is rather insufficient to suggest that the proclamation must be affixed to the house or chavadi. They are I think mere formalities which are not generally carried out, and even if carried out do not give the people any notice of the fact as desired. With this intention, myself and Mr. Gopalakrishnayya gave notice of some amendments more than 10 days ago, but all of a sudden we find another amendment coming up from Mr. Ramachandra Rao. After that amendment is discussed and disposed of, myself as well as Mr. Gopalakrishnayya find it difficult to move our amendments of which we had already given notice. I want to know, Sir, if you would be pleased to give your ruling on the matter."

The Hon'ble the PRESIDENT:—"I should like to understand what exactly the complaint is that the honourable member is making."

Mr. B. MUNISWAMI NAYUDU:—"My complaint is this, Sir. If, in the usual course, amendments already tabled had been taken up, it would have been possible for the amendment of Mr. Gopalakrishnayya to come in immediately and then the question as regards that amendment would be first put to the House, which might be accepted or not . . ."

15th February 1922]

Clause 2—cont.

The Hon'ble the PRESIDENT:—"Amendments are arranged not according to the dates on which they arrive, but according to the sequence of sentences, that is to say, an amendment relating to an earlier sentence takes precedence of one relating to a later sentence. The amendments tabled have been carefully arranged by the Secretary and the fact that an amendment of a later date comes in earlier than one of an earlier date is due to the fact that it affects the portion of the clause which comes earlier in the Bill. The honourable member may rest assured that these things are done according to definite instructions issued to the office by me."

Mr. B. MUNISWAMI NAYUDU:—"I thank you, Sir, and apologise for any remarks I have made. I only gave vent to an expression of feeling in the matter. Taking the question of the beating of drum, we think it must be made compulsory, but the wording of the amendments which come before our amendments are different. As it is, we are not in a position to move our amendments. The previous amendments are put before us to be accepted or not, and we have to accept them because if we do not do so, our amendments would also go out. We would feel this especially when we come to amendments to clause 3. For this purpose, I want to draw the attention of the Council so that those who have already given notice of amendments may not be disabled from moving them."

"So far as this amendment is concerned, I am glad the Hon'ble the Revenue Member has found it possible to accept practically, and in effect what we press for with regard to the raising of the period from 24 hours to three days, and also with regard to publication being made by beat of drum. I wish it were possible for the Government to accept the clause regarding beating of drum without any qualification, as 'wherever possible', etc. We know that it is not every officer that rigidly follows and applies the procedure. It is quite possible that the officials to whom this work is entrusted may very well avoid the difficulty by taking shelter under the ambiguous words 'wherever possible'. We may however rest satisfied with the assurance given by the Hon'ble the Revenue Member that instructions would be given to the executive officers as to the publication by beat of drum. The Hon'ble the Revenue Member seems to think that it is only the depressed classes that would do the work of beating the drum. What we want is adequate publication. The drum may be a tin box by means of which some noise may be made, so that the attention of the people may be attracted, that they may gather at the place and know what the matter is that is sought to be published. At least some such thing can be done by other people than the depressed classes. With these few words, I support the amendment."

The Hon'ble the PRESIDENT:—"I would now put the amendment to the House, and probably it would be convenient to honourable members if I read out the amendment. It runs thus:

"In clause 2 of the Bill put a semi-colon after the word 'him' in line 20 and omit all the words from 'after' in line 20 to 'distrain' in line 25, and substitute the following for those words—Such officer shall cause to be fixed or left at the usual place of residence of the defaulter or on the premises where the property may have been distrained a notice specifying the place where and the date and hour at which the distrained property will be sold and shall cause proclamation of the intended sale to be made in the village where the distraint was made by beat of drum if possible and in such other manner as he may consider necessary to give due publicity to the same. No sale shall take place until after the expiration of a period of three days from the date of such proclamation."

[15th February 1922]

Clause 2—cont.

The amendment was put to the House and carried unanimously.

The following amendments which stood in the names of the members mentioned before each, were not moved and were therefore deemed to have been withdrawn:—

Clause 2—Amendment No. 7.

Mr. B. MUNISWAMI NAYUDU:—

7. Insert between 'such proclamation' and 'as he may consider' the following words:—

"in the village to which the lands on which the arrear has accrued may belong and in such place or places."

Clause 2—Amendment No. 8.

Rao Bahadur K. GOPALAKRISHNAYYA:—

8. In lines 20 to 23, for the words 'after causing such proclamation . . . to the sale' substitute the following:—

"after giving due publicity to the sale within 24 hours of distraint by causing proclamation of sale by beat of drum and by affixing copies of proclamation of sale in conspicuous places of the village where the movable property is distrained, and if necessary in any other neighbouring village or villages."

Clause 2—Amendment No. 9.

9. In line 24, for the words '24 hours' substitute '48 hours'.

Clause 2—Amendment No. 10.

Mr. B. MUNISWAMI NAYUDU:—

10. For the words 'within 24 hours' substitute 'within 10 days'.

Clause 2—Amendment No. 11.

Rao Bahadur C. V. S. NARASIMHA RAJU:—

11. Substitute '72' for '24'.

Clause 2—Amendment No. 12.

12. Substitute the words 'giving due publicity of the sale' for the words 'the time of distraint' after the words 'that such sale shall not take place within 24 hours of'.

Clause 2—Amendment No. 13.

Rao Bahadur T. M. NARASIMHACHARLU:—

13. Add at the end of the clause the words "And it shall not be necessary for such distraining officer to transmit an inventory of the property distrained to the officer mentioned in section 9."

Clause 2—Amendment No. 13-A.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—

13-A. Add the following at the end of clause 2:—

'No sale shall take place until after the expiration of a period of three days from the date on which the notice may be so affixed or the proclamation may be so made.'

15th February 1922]

Clause 2—cont.

Mr. C. P. RAMASWAMI AYYAR (Advocate-General):—"Sir, as I have already stated, in consequence of these amendments which have now been carried, the last sentence in clause 2 becomes unnecessary. I do not think it is necessary to go into the matter again, as I have already given the reasons. I move that the last sentence of clause 2, beginning with the words 'All references' and ending with the word 'section' be deleted."

The Hon'ble Mr. K. Srinivasa Ayyangar seconded the motion.

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. C. P. Ramaswami

3-30 p.m. Ayyar should take permission to move his amendment to delete the last sentence. I wish to point out that the infallibility of the Government . . ."

The Hon'ble the PRESIDENT:—"Order, order. At this stage no speech can be made. If the honourable member objects to grant of leave, he will simply say so."

Mr. C. V. S. NARASIMHA RAJU:—"I object."

The Hon'ble the PRESIDENT:—"I over-rule the objection and allow the amendment to go forward."

The amendment was then put to the House and carried unanimously.

Clause 2 as it stood amended finally and which ran as follows was then put to the House and carried:—

2. Notwithstanding anything contained in sections 9 and 22 of the Principal Act, the Local Government may, by notification in the *Fort St. George Gazette* and in the official gazette of the district, authorize any officer distraining movable property within a particular area to sell the distrained property at such time and place as may be specified by him; such officer shall cause to be fixed or left at the usual place of residence of the defaulter or on the premises where the property may have been distrained a notice specifying the place where and the date and hour at which the distrained property will be sold and shall cause proclamation of the intended sale to be made in the village where the distraint was made, by beat of drum, if practicable, and in such other manner as he may consider necessary to give due publicity to the sale. No sale shall take place until after the expiration of a period of three days from the date of such proclamation."

Clause 2 as above was then passed and added to the Bill.

Clause 3—Amendment No. 14.

Rao Bahadur K. GOPALAKRISHNAYYA:—"My amendment No. 14 is to add in line 33 after the word 'notification' the words 'in the local official gazette.' But in view of the amendment that has been accepted by the Government when we discussed clause 2, No. 5, of the list of amendments, I wish to add with your formal permission, Sir, after the words 'notification' the words 'in the *Fort St. George Gazette*, and in the official gazette of the district.' Of course, I need not repeat my reasons once again for moving this amendment. The same arguments as were advanced for No. 5 of the amendments apply here also, and I do not think that the Government will have any objection in accepting this."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I second the motion. The reasons have already been explained in connexion with clause 2 and I trust there is no further necessity for any discussion of the amendment. I therefore second the amendment as proposed by Mr. Gopalakrishnayya."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I agree to the amendment proposed."

The amendment was then put to the House and carried.

[Mr. M. Ramachandra Rao Pantulu] [15th February 1922]

Clause 3—cont.

the officer empowered to sell immovable property to sell the same by public auction at such time and place as may be fixed by him after causing such proclamation as he may consider necessary to give due publicity to the sale'. So that it comes to this: the selling officer fixes his own time, he fixes his own place, and he has also absolute discretion to publish it in any manner he likes. I venture to think that if immovable property is to be sold under these circumstances, very many innocent people stand to lose their properties. Sir, having some experience of civil courts as well as of revenue courts, honourable members will permit me to say that there are always numerous applications in civil courts where proclamations of sale and notices of attachment have been served according to the existing law and where nevertheless numerous frauds have been committed. Intending purchasers are not informed by interested persons, and several kinds of frauds are committed even by the court officers and applications are made under section 310-A of the Civil Procedure Code which is the section corresponding to section 36 of this Act to set aside these sales. Such being the facts, the Hon'ble the Revenue Member seriously expects us to trust the distraining and selling officer, a Government official who may have an interest in these sales, under a state of things when they are not going to publish it on any part of the land; it may not exactly be he who bids but he may put up a benamidar. Now, I ask you whether it is the policy of this House to permit an attachment and sale of the properties as mentioned in this clause. The original section 27 provided that the attachment should first be published in the district gazette so that the people, including the defaulter, may know that the property has been attached. Section 36 provides that the subsequent sale should be proclaimed by a notification with all the detail about the property to be sold at the four places mentioned, namely, the collector's office, the taluk cutcherry, the nearest police station and on some conspicuous part of the land. The present clause 3 does not even provide for the proclamation on the land itself or even in the village. Now under these circumstances I think my honourable friend is entirely unreasonable in putting forward such a proposal for the acceptance of this House. I think, Sir, people value their property and honourable gentlemen who come from different parts of the Presidency, especially from those districts which the Hon'ble the Revenue Member has stated to be infected areas, will realize that it is the duty of this Council to take proper and appropriate safeguards before properties are attached and before they are brought to sale. Under these circumstances this amendment merely proposes that the procedure prescribed in sections 27 and 36 should be followed. There should be a publication in the district gazette of the fact of attachment, there should be a publication of the proclamation of sale in those four places so that intending bidders and the defaulter may know what is going on and there should be publication in some conspicuous part of the land and in the nearest police station as people ordinarily resort to the police station and it is likely they will hear about it there.

"Now, Sir, it has been stated that when the amending Act I of 1909 was enacted the necessity of section 37-A formed the subject of investigation and the section was referred to various district officers. Their opinions were all before the Council in 1909 and I need not read to the Council the statements made by them, but they said that the existing provisions were not enough, that there were numerous frauds in the sale of the properties

15th February 1922]

[Mr. M. Ramachandra Rao Pantulu.]

Clause 3—cont.

and that it was necessary that every opportunity should be given even to the defaulters—even to the non-co-operators I should say now—to redeem their properties, and to know that their properties are being sold. But the Hon'ble the Revenue Member has not given us any indication in connection with clause 2 as to any other proposals than those embodied in clause 3. Under those circumstances, we have no other alternative except to ask that the existing provisions in regard to the publication and attachment should be retained."

Mr. C. P. RAMASWAMI AYYAR (Advocate-General):—"Mr. President, Sir, the result of this amendment would be really to affect only clause 1 of section 36. Clause 1 of section 26 speaks of the time and place of sale and clause 2 relates to the manner in which the sale is to be conducted including the notification. I take it therefore that the object of the mover of this amendment is to keep entirely intact all the formalities prescribed in clause 2 of section 36, that is, previous to the sale the Collector shall issue a notice specifying the name of the defaulter, the position and extent of land, the amount of revenue, the time and place and the conditions of sale, and fix the notice in the four specified places. The difficulty that has arisen is not with reference to the collector's office, the taluk cutcherry or the nearest police station but, for reasons which have been detailed in this House, the difficulty is with regard to the fixing of the notice on some conspicuous part of the land. It is unnecessary to go into the circumstances which gave rise to that difficulty. Those have been explained by the honourable mover in his speech. It is on account of that difficulty it is found impracticable to accept this amendment. As the section stands it will make it obligatory to fix up the notices in all those places as has been specifically stated by the honourable member Mr. Ramachandra Rao."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"While I am very anxious that we should as far as possible incorporate in this Bill sufficient safeguards for the purpose of enforcing that all persons concerned are duly apprised of the coming sale, I am rather afraid that the present amendment may not achieve that object in the manner in which we all desire. That is one aspect which I wish to place before this House. I must state at the outset that giving a large discretion to the selling officers in the manner suggested is highly objectionable and this Council ought not to give its assent to such a position. The only point for consideration is whether this Council ought to achieve that object by accepting the amendment now before the House or an amendment like the one which comes later on, amendment No 17 in the name of my honourable friend Mr. K. Gopalakrishnayya, which is specific and which suggests definitely in what way it ought to be notified and in what villages and by beat of drum, etc., and that is an amendment which would probably more freely express the views of this House than the present one which unless the officers of Government are prepared to work it liberally may have the contrary and opposite effect. If we expect that the officers of Government will deal fairly even with the properties of non-co-operators, they may have such a large discretion. Suppose on the other hand the construction put upon this amendment, if it is accepted, is that they need not make any proclamation at all, then the position will be really dangerous, if in this clause we do not specify, that they should issue a proclamation in such and such a manner and give notices to such and such persons, that they should proclaim by beat of drum in the village and they should fix up notices in particular

[Mr. M. Ramachandra Rao Pantulu] [15th February 1922]

Clause 3—cont.

the officer empowered to sell immovable property to sell the same by public auction at such time and place as may be fixed by him after causing such proclamation as he may consider necessary to give due publicity to the sale'. So that it comes to this: the selling officer fixes his own time, he fixes his own place, and he has also absolute discretion to publish it in any manner he likes. I venture to think that if immovable property is to be sold under these circumstances, very many innocent people stand to lose their properties. Sir, having some experience of civil courts as well as of revenue courts, honourable members will permit me to say that there are always numerous applications in civil courts where proclamations of sale and notices of attachment have been served according to the existing law and where nevertheless numerous frauds have been committed. Intending purchasers are not informed by interested persons, and several kinds of frauds are committed even by the court officers and applications are made under section 310-A of the Civil Procedure Code which is the section corresponding to section 36 of this Act to set aside these sales. Such being the facts, the Hon'ble the Revenue Member seriously expects us to trust the distraining and selling officer, a Government official who may have an interest in these sales, under a state of things when they are not going to publish it on any part of the land; it may not exactly be he who bids but he may put up a benamidar. Now, I ask you whether it is the policy of this House to permit an attachment and sale of the properties as mentioned in this clause. The original section 27 provided that the attachment should first be published in the district gazette so that the people, including the defaulter, may know that the property has been attached. Section 36 provides that the subsequent sale should be proclaimed by a notification with all the detail about the property to be sold at the four places mentioned, namely, the collector's office, the taluk cutcherry, the nearest police station and on some conspicuous part of the land. The present clause 3 does not even provide for the proclamation on the land itself or even in the village. Now under these circumstances I think my honourable friend is entirely unreasonable in putting forward such a proposal for the acceptance of this House. I think, Sir, people value their property and honourable gentlemen who come from different parts of the Presidency, especially from those districts which the Hon'ble the Revenue Member has stated to be infected areas, will realize that it is the duty of this Council to take proper and appropriate safeguards before properties are attached and before they are brought to sale. Under these circumstances this amendment merely proposes that the procedure prescribed in sections 27 and 36 should be followed. There should be a publication in the district gazette of the fact of attachment, there should be a publication of the proclamation of sale in those four places so that intending bidders and the defaulter may know what is going on and there should be publication in some conspicuous part of the land and in the nearest police station as people ordinarily resort to the police station and it is likely they will hear about it there.

"Now, Sir, it has been stated that when the amending Act I of 1906 was enacted the necessity of section 37-A formed the subject of investigation and the section was referred to various district officers. Their opinions were all before the Council in 1909 and I need not read to the Council the statements made by them, but they said that the existing provisions were not enough, that there were numerous frauds in the sale of the properties

15th February 1922]

[Mr. M. Ramachandra Rao Pantulu.]

Clause 3—cont.

and that it was necessary that every opportunity should be given even to the defaulters—even to the non-co-operators I should say now—to redeem their properties, and to know that their properties are being sold. But the Hon'ble the Revenue Member has not given us any indication in connection with clause 2 as to any other proposals than those embodied in clause 3. Under those circumstances, we have no other alternative except to ask that the existing provisions in regard to the publication and attachment should be retained."

Mr. C. P. RAMASWAMI AYYAR (Advocate-General):—"Mr. President, Sir, the result of this amendment would be really to affect only clause 1 of section 36. Clause 1 of section 36 speaks of the time and place of sale and clause 2 relates to the manner in which the sale is to be conducted including the notification. I take it therefore that the object of the mover of this amendment is to keep entirely intact all the formalities prescribed in clause 2 of section 36, that is, previous to the sale the Collector shall issue a notice specifying the name of the defaulter, the position and extent of land, the amount of revenue, the time and place and the conditions of sale, and fix the notice in the four specified places. The difficulty that has arisen is not with reference to the collector's office, the taluk cutcherry or the nearest police station but, for reasons which have been detailed in this House, the difficulty is with regard to the fixing of the notice on some conspicuous part of the land. It is unnecessary to go into the circumstances which gave rise to that difficulty. Those have been explained by the honourable mover in his speech. It is on account of that difficulty it is found impracticable to accept this amendment. As the section stands it will make it obligatory to fix up the notices in all those places as has been specifically stated by the honourable member Mr. Ramachandra Rao."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"While I am very anxious that we should as far as possible incorporate in this Bill sufficient safeguards for the purpose of enforcing that all persons concerned are duly apprised of the coming sale, I am rather afraid that the present amendment may not achieve that object in the manner in which we all desire. That is one aspect which I wish to place before this House. I must state at the outset that giving a large discretion to the selling officers in the manner suggested is highly objectionable and this Council ought not to give its assent to such a position. The only point for consideration is whether this Council ought to achieve that object by accepting the amendment now before the House or an amendment like the one which comes later on, amendment No. 17 in the name of my honourable friend Mr. K. Gopalakrishnayya, which is specific and which suggests definitely in what way it ought to be notified and in what villages and by beat of drum, etc., and that is an amendment which would probably more freely express the views of this House than the present one which unless the officers of Government are prepared to work it liberally may have the contrary and opposite effect. If we expect that the officers of Government will deal fairly even with the properties of non-co-operators, they may have such a large discretion. Suppose on the other hand the construction put upon this amendment, if it is accepted, is that they need not make any proclamation at all, then the position will be really dangerous, if in this clause we do not specify, that they should issue a proclamation in such and such a manner and give notices to such and such persons, that they should proclaim by beat of drum in the village and they should fix up notices in particular

[Mr. A. S. Krishna Rao Pantulu] [15th February 1922]

Clause 3—cont.

places as on the land, in the police station, etc., if we do not do it by substantive provision in this clause, the danger which I apprehend and which ought to be guarded against is that it may be thought that the officer need not publish any proclamation at all. The amended clause will run thus:—

'Notwithstanding . . . may authorize the officer empowered to sell immovable property to sell the same by public auction at such time and place as may be fixed by him.'

"I quite agree with the spirit of the honourable mover and the seconder but we have proceeded on the assumption that the moment these words go out of the clause, the existing sections 27 and 36 come into operation. That is a matter upon which there is likely to be a divergence of opinion. I do not think any expressions of the Government's intention will be considered as quite binding when the matter comes up for interpretation in a court of law in time to come. Nobody can be sure of its interpretation in this Council. Such being the case, without giving room for any such possible danger, I think it would be better to concentrate attention upon the specific amendment that there shall be proclamation in a prescribed manner, by giving prescribed notices, than by supporting any amendment which may have the opposite effect—I only say 'may have'. For these reasons I will venture to suggest to my honourable friend Mr. Narasimha Raju to drop it at this stage and give room for the discussion to be centred upon the amendment of Mr. Gopalakrishnayya."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, I am not able to take the friendly advice offered by my friend, Mr. Krishna Rao. He said that there was every danger of the section being construed in one way or the other. From his speech it is clear that he is not himself definite. He only says that the courts may construe in quite a contrary way from what is the real intention of this House. There is always that danger in legislation. We have to see as ordinary laymen what our intention is, whether we express our intention clearly in those words or not. I have said at the beginning that the object is that we should reserve the procedure laid down in section 36 (2). The omission of the words I propose will clearly have that effect. It is a matter of common interpretation that whenever we use the words 'notwithstanding anything that is contained in the section' we describe in those words a certain procedure or a certain principle as contemplated quite contrary to some other things laid down in the section. It means that only that portion of the section is abrogated and not the whole. When that is the clear meaning of the words I am not able to understand what the real danger is. Of course it may be a matter of consequential amendment to omit clause (2). That is quite different. The whole question is this. Clause 3 says notwithstanding anything contained in section 36 (2) the selling officer shall have the right to settle the place of proclamation. I do not think it is necessary to affect that portion. I say that the procedure prescribed in section 36 (2) must be preserved as it is. Therefore I am not able to accept the advice given by Mr. Krishna Rao. Again, it has been pointed out by the Hon'ble the Advocate-General that there is same danger in fixing the notification in a conspicuous place in the village. Perhaps he referred, if I have understood him correctly, to the difficulty mentioned by the Hon'ble the Home Member as to the identification of the land. If I remember right, in one of the reports objected to the Leader of the House has referred to some difficulty of identification of land was pointed out. Perhaps that is in the mind of

15th February 1922] [Mr. C. V. S. Narasimha Raju.]

Clause 3—cont.

the Advocate-General. It all the more makes me feel strongly on the matter. If the Government is not able to identify the land with all its survey operations, with all its tahsildars, revenue inspectors and others. I say it is quite ludicrous that they should come forward with such flimsy grounds. They must know where they are, what particular land they are selling. It looks very ludicrous that they want to sell the land by mere reference to the diglot register. It is a very curious position that the Government take. If the land is not identified, if the place is not shown where the notification is to be fixed, to my mind the whole legislation seems to be a terrorising legislation and not one bona fide proceeded with. With these words, Sir, I commend my amendment for the acceptance of the House."

Rao Bahadur K. GOPALAKRISHNAYYA :—"Sir, I do not know why my friend Mr. Narasimharaju does not accept the advice of Mr. Krishna Rao. The subsequent amendment which I have given notice of serves the same purpose which the amendment of my friend is intended to serve. I also suggest the omission that he proposes in his amendment. I think, Sir, that the mere omission of the words proposed would not be sufficient and I daresay that no member of this House would be prepared to accept the amendment as it is and leave the clause so bare unless we omit the words proposed and add also certain words which my amendment contains which would effectively improve the position by way of giving publicity in regard to the proclamation and also in the fixing up of the notice in conspicuous places. I think there will be grave danger in giving assent to the bare clause after omitting the words proposed by the amendment now before the House. As the subsequent amendment of mine covers the same ground and also improves the position, I would also request my honourable friend Mr. Narasimharaju to withdraw his amendment and concentrate his attention upon the same wording which occurs in my amendment No. 17. There would be no difficulty I believe which may be felt by him in doing so. Whereas I would feel considerable difficulty in case his amendment is not accepted by this House, for then the words 'after causing such proclamation as he may consider necessary' etc., would be retained and if my amendment were to be accepted retaining the above words, the whole clause would be made ludicrous. I therefore request him to withdraw his amendment and have his turn when my amendment comes up for discussion."

The Hon'ble Sir LIONEL DAVIDSON :—"Sir, following the amicable settlement which was arrived at in regard to clause 2, may I suggest that a simple solution of the difficulty which has arisen in regard to the various conflicting amendments to clause 3 will be to amend the amendment put forward by Mr. Narasimharaju by adopting a formula which will repeat the same wording as that adopted by general consent in the case of clause 2. It is quite simple to devise such a formula."

The Hon'ble the PRESIDENT :—"Let the amendment of Mr. Narasimharaju be disposed of first."

The Hon'ble Sir LIONEL DAVIDSON :—"It is because I think it highly probable that Mr. Narasimharaju will not be quite ready to withdraw his amendment that I suggest that my proposal may be cast into the shape of an amendment to his amendment."

[15th February 1922]

Clause 3—cont.

The Hon'ble the PRESIDENT (after reading the amendment proposed):—"I am doubtful whether this will be quite in order as an amendment to Mr. Narasimharaju's amendment. It can be moved by the Government later on."

The Hon'ble Khan Bahadur Muhammad HABIB-UL-LAH SAHIB Bahadur:—"I will move it, Sir, when the next amendment (amendment No. 17) is taken up."

Rao Bahadur K. GOPALAKRISHNAYYA:—"Before the amendment is put to the vote, Sir, I would like to move an amendment to that amendment."

The Hon'ble the PRESIDENT:—"The honourable member has already spoken. I would appeal to him not to complicate matters. After all every member cannot have his own way; and all sections have to come to an amicable arrangement if we are to get on."

The amendment was then put and lost.

On the motion of Rao Bahadur C. V. S. Narasimha Raju a poll was taken with the following result:—

Ayes.

1. Diwan Bahadur M. Ramachandra Rao Pantulu.
2. Rao Bahadur C. V. S. Narasimha Raju.
3. Mr. M. Suryanarayana.

Noes.

1. The Hon'ble Sir Lionel Davidson.
2. " Sir Charles Todhunter.
3. " Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. The Hon'ble Mr. K. Srinivasa Ayyangar.
5. The Hon'ble Mr. P. Ramaswami Ayyar.
6. " Rao Bahadur K. Venkata Reddi Nayudu.
7. Mr. C. P. Ramaswami Ayyar.
8. " I. E. Moir.
9. " M. E. Couchman.
10. " N. Macmichael.
11. " F. J. Richards.
12. " C. W. K. Cotton.
13. " R. Littlehales.
14. " R. K. Shanmukham Chettiar.
15. " A. Ramaswami Mudaliyar.
16. " K. Adinarayana Reddi.
17. Diwan Bahadur C. Arunachala Mudaliyar.
18. Mr. B. P. Devarajulu Nayudu.
19. Rao Bahadur P. C. Yatirajulu Nayudu.
20. Rao Bahadur K. Gopalakrishnayya.
21. Sir P. Tyagaraya Chettiar.
22. Mr. S. T. Shanmukham Pillai.
23. Rao Bahadur T. A. Ramalingam Chettiar.
24. Mr. C. Ramalinga Reddi.
25. " O. Tanikachala Chettiar.
26. W. Vijayaraghava Mudaliyar.
27. " K. A. Kandaswami Kandar.
28. " B. Muniswami Nayudu.
29. " A. T. Mutukumaraswami Chettiar.
30. Mr. M. Narayanaswami Reddi.
31. " C. Natesa Mudaliyar.
32. " V. Pakkiriswami Pillai.
33. Rao Bahadur A. Ramayya Punja.
34. Mr. W. P. A. Saundara Pandia Nadar.
35. " K. Sitarama Reddiyar.
36. " T. Somasundaram Mudaliyar.
37. " S. Somasundaram Pillai.
38. " A. Subbarayudu.
39. " T. C. Tangavelu Pillai.
40. Diwan Bahadur R. Venkataratnam Nayudu.
41. Diwan Bahadur M. Krishnan Nayar.
42. Mr. S. Muttumanikkachari.
43. " S. Arpudawami Udayar.
44. " T. Aramainatha Pillai.
45. Kai Sahib E. M. Masoreenhas.
46. Mr. M. Ratnaswami.
47. The Raja of Ramnad.
48. The Rev. W. Meaton.
49. A. P. I. Saiyid Ibrahim Ravattar.
50. Saiyid Muhammad Padeha Sahib Bahadur.
51. Khan Sahib Muhammad Abdur Rahman Khan Sahib Bahadur.
52. Saiyid Diwan Abd-ul-razzaq Sahib Bahadur.
53. Khan Bahadur Muhammad Sadulla Badsha Sahib Bahadur.
54. Khan Bahadur Muhammad Usman Sahib Bahadur.
55. Mr. M. C. Madurai Pillai.
56. Rao Sahib P. Venkatarangayya.
57. Mr. A. M. Madaungall.
58. Rao Bahadur T. Namburumal Chettiar.

The amendment was declared lost, 3 having voted for and 58 against.

15th February 1922]

Clause 3—cont.

The Hon'ble the PRESIDENT:—"Does the amendment which the Government want to move begin at an earlier place in line 41?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Just immediately after the first three words in line 41, Sir. The first three words 'fixed by him' will be left untouched and we put a full stop after the word 'him.'"

The Hon'ble the PRESIDENT:—"I have to decide whether that amendment should go forward first, or Mr. Gopalakrishnayya's amendment. You will kindly send me up that amendment. (After going through the amendment.) Yes, I think the Government amendment has to go forward first; it is just ahead of Mr. Gopalakrishnayya's amendment. The Hon'ble the Revenue Member had better read the Government amendment and take permission first."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Yes, Sir, I shall read it. In view of the feeling of the House, Sir, as regards the necessary amendments in clause (2) which we have already disposed of and the agreement that the Government was quite willing to come to in regard to that matter, I beg to move an amendment more or less on the same lines in regard to clause (3) which I hope will meet the requirements of the various suggestions which have been made by a number of amendments which are on the notice paper. The amendment that I have the honour to ask your permission to move, Sir, will read this:—

"16-A. After the word 'him' in line 41 of clause 3, put a full stop. *Delete* the following four words 'after causing such proclamation' and *substitute* in their place the following words: 'Such officer shall cause proclamation of the intended sale to be made in the village where the immovable property is situated by beat of drum if practicable and in such other manner'."

"And then, Sir, in lieu of the last two words in lines 45 and 46, *substitute* 'such proclamation;' that is to say, in the place of 'the attachment' *substitute* 'such proclamation'."

The Hon'ble the PRESIDENT:—"Does any honourable member object on the score of want of notice?"

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I object to it, Sir, and if I may be permitted to do so, I will state reasons."

The Hon'ble the PRESIDENT:—"I overrule the objection and allow the amendment to go forward."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"In thanking you, Sir, for giving me permission to move the amendment, I beg to point out, as I have already stated, that my intention in moving this amendment was not that I was anxious to secure this amendment at the hands of the House for the purpose of bettering the provisions contained in the Bill as put before the House, but my sole object has been, as I have already stated, to try and meet the wishes of honourable members on the other side of the table as far as possible. In the earlier stage of the consideration of the previous clause, it was pointed out that there may be some definite directions in regard to the issue of proclamations, the place where such proclamations shall be published and that there shall also be a definite procedure as regards the manner in which such proclamations should be published. Now taking into account all those requests of the honourable members who spoke, I have just suggested this amendment, and, Sir, as you will find, I have gone even a point further in this suggested amendment than

[Mr. Muhammad Habib-ul-lah Sahib]

[15th February 1922]

Clause 3—cont.

what the existing provisions of the Act require. In the existing provisions of the Land Revenue Recovery Act, there is no manner of obligation for publishing any notification by beat of drum about which my honourable friend to my back, Mr. Gopalakrishnayya, has been very insistent. Whereas in the proposed amendment, I have even acceded to the suggestion to publish the proclamation by beat of drum. It was merely for the purpose of keeping in line with a similar suggestion which was made in connexion with the previous clause and which we agreed to, and expecting that a similar request would be put forward now also that the proclamation should be by beat of drum even regardless of the fact that a similar provision does not exist in the present Act, that I have myself inserted in the proposed amendment an obligation to publish by drum, if practicable, exactly on the lines that we have agreed to in the previous one. And in the matter of the last two words 'the attachment' to be substituted by the words 'such proclamation', I have again carried out the intentions of some of the suggestions which I see in the agenda before me, where preference seems to be given to some specific words like the word 'proclamation' being used in the place of 'attachment'. I have tried to meet the wishes of the House as far as possible by this amendment which I have the honour now to place before them and it is left to them either to accept the amendment or to reject it."

The Hon'ble Mr. K. Srinivasa Ayyangar seconded the amendment.

The Hon'ble the PRESIDENT:—"Probably it will be convenient if I read the clause as it will stand, if the amendment proposed is passed, so that the House will know what it is they pass if they accept the amendment. This is how clause 3 will read if the Hon'ble the Revenue Member's amendment is accepted:—

"Notwithstanding anything contained in section 27 and clauses (1) and (2) of section 36 of the Principal Act the Local Government may, by notification, in the *Fort St. George Gazette* and the official gazette of the district, direct that the provision regarding notification of attachment by the publication in the District Gazette be dispensed with in any particular area and may authorize the officer empowered to sell immovable property to sell the same by public auction at such time and place as may be fixed by him."

"That will be the first sentence.

"The second sentence will be:—

"Such officer shall cause proclamation of the intended sale to be made in the village where the immovable property is situated, by beat of drum, if practicable, and in such other manner as he may consider necessary to give due publicity to the sale; "

"Then will come the proviso:

"Provided that such sale shall not take place within seven days from the date of such proclamation."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, there are many amendments relating to the proviso. May I know whether it is the intention to put the whole clause as now read, or whether all those amendments which are on the notice paper relating to this proviso as regards the period are to be separately dealt with by you? There are many amendments on this paper dealing with the question as to when the sale should take place which have not been discussed as yet. If you will allow me, Sir, I would suggest that that question may be separately dealt with. I am saying this in opposing the Government amendment and I think it is in order. With the utmost desire to meet the Hon'ble the Revenue Member in a matter of emergent legislation we did expect some amount of consideration for those who differ from his views in order to meet him as far as possible in getting this Bill through. If at

15th February 1922] [Mr. M. Ramachandra Rao Pantulu]

Clause 3—cont.

the outset the Hon'ble the Revenue Member had proposed a select committee, all these things could have been considered coolly and some consideration might have been given to what is contained in the Bill, in the previous sections and afterwards and there would have been no difficulty whatever. Of course I do not intend any reflection on this House or any honourable member. But I must enter my protest against the way in which we are rushing through an important piece of legislation like this. Having said so much, I wish now to explain my difficulties. So far as clause 2 is concerned we were dealing with the movable properties. In clause 3 the House will see that immovable property has to be attached and sold and certainly such properties will be far more valuable than the property which we distrain under the terms of clause 2. Assuming that an acre of land in the delta is to be attached and sold the property will be worth Rs. 1,500 per acre in areas which are 'uninfected'. Is this Council going to allow immovable property to be sold on the strength of publication by the beating of tom tom? Is that to be accepted here as put forward by the Hon'ble the Revenue Member?"

The Hon'ble the PRESIDENT:—"The amendment has to go forward now. The Hon'ble the Revenue Member has already taken permission and moved it and it has to be disposed of. In regard to the other amendments, if those amendments will affect the amended clause, they could be moved as amendments to the amended clause. If any honourable member has given notice to alter the period of seven days to any other period, he could move that as an amendment to the amended clause. I do not think there is any reason for apprehension."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"For example there is an amendment to change the seven days into ten days. There is another amendment saying that it should be fifteen days. Mr. O. V. S. Narasimha Raju proposes that it should be fifteen days. There are many amendments and I take it that these amendments have to be moved."

The Hon'ble the PRESIDENT:—"Order, order. Ordinarily I object to answering questions in advance in regard to points of order. But in this particular case I would say that the proposals to alter the seven days' period would be amendments to the amended clause; the period of seven days remains in the amended clause."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Should all these honourable members take this opportunity of moving their amendments?"

The Hon'ble the PRESIDENT:—"They need not just now. You need not complicate matters which are already complicated. Let the main amendment go forward and be disposed of first."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"There are many things that are being done to-day which are giving considerable amount of difficulty."

"The original provisions of the Revenue Recovery Act provide for the publication of the attachment of property and for the notice of attachment being fixed to some conspicuous portion of the land. They also provide for further publication of the attachment in the district gazette so that people may know that such and such property has been attached. Then the further provision of section 36 states that after attaching this property the publication of the sale should be as wide as possible. It should be on some conspicuous portion of the land. It should be on the premises of the owners and

[Mr. M. Ramachandra Rao Pantulu]

[15th February 1922]

Clause 3—cont.

at the police station. The proclamation should also be notified at the taluk outcherry and also at the Collector's office. You brush aside all this procedure and substitute publication by the beat of tom-tom, 'if practicable,' and sell off these lands."

The Hon'ble Sir LIONEL DAVIDSON :—" And in such other manner."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Unspecified at present. It may be some manner which has not been explained, notwithstanding our request to be informed what is the manner contemplated under this provision. Knowing the value of lands in my part of the country, which is declared 'uninfected,' I must say that this method of selling, even though they are non-co-operators' lands, does not commend itself to me. I therefore wish to oppose the amendment which has been proposed by the Hon'ble the Revenue Member. Clause 2 and clause 3 are entirely different and they deal with different cases. The interests involved in a sale of immovable property are far greater than can be disposed of by a beat of tom-tom and in such other manner not specified hitherto. Therefore I would suggest that instead of limiting publication to publication by beat of drum the original proposals as contained in section 36 are perfectly reasonable and I do not see why this publication should be withheld. There is no other proposal unless my hon'ble friend Mr. Gopalakrishnayya moves his amendment which provides for publication in the neighbouring village or villages, for affixing copies of the proclamation of sale in conspicuous places in the village and also for the proclamation of sale by beat of drum. It seems to me, Sir, that the method of publication proposed by the Hon'ble the Revenue Member is far too inadequate to secure due publicity in the sale of immovable property and is likely to give room for a good number of frauds not only on the part of those who conduct these sales but on the part of intending purchasers and bidders. Therefore this amendment does not commend itself to me."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I feel it is my duty to point out the difficulties that may arise if this amendment is to be given effect to. In the Act clear distinction is drawn between movable and immovable properties. Regarding immoveable properties the proclamation is said to be attached in particular places. The real object of the then legislators was, if I understand it clearly, to have a record in writing as to how the proclamations should take place. We know as a matter of fact from our daily experience, we that have something to do with the daily work of courts do know that the proclamations do form a very important factor in understanding what is being sold day after day as immovable properties. We know too that the boundaries are necessary, the extent is necessary, the Government assessment payable thereon is necessary to be mentioned along with other details. If we were simply to remain contented with a mere proclamation in the village by the beat of drum and such other methods which may be devised by the selling officer I think there is great danger now and also in future. Really there will not be any record to show which property is sold. The question might arise twelve years hence when non-co-operation tide is passed over. Persons may say that this property was never sold. Where is the record? To bid farewell to all the well-established principles that were working very well—principles that were evolved after long working of the sales—and in our hurried manner to introduce our own principles are both very dangerous. Of course it is left to the sweet will and pleasure of his House to deal with the vested rights of various individuals in whatever

15th February 1922]

[Mr. C. V. S. Narasimha Raju]

Clause 3—cont.

manner it likes. But I only hope the honourable members will realize the responsibility they hold to the country, to the non-co-operators and co-operators as well in passing this piece of legislation. With these words I do appeal to this House once more to reject the amendment of the Government."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I cannot but enter my emphatic protest against this motion which has been sprung upon us as a surprise at this stage. I can understand a case where as a result of amicable settlement and as a result of compromise motions are put forward with the agreement of all the sections of the House and they may deserve some special treatment. In this case let me assure this House that there is no special danger in rejecting this motion because we have substantial amendments and they can be disposed of. There is another difficulty with this motion. It is not possible to move important amendments to this motion because copies of this motion have not been supplied to us and we do not know what words have been scored out."

The Hon'ble the PRESIDENT :—" If any honourable member wants me to read the amendment again, I will do so with pleasure. I am prepared to do that at any time. I want to suit myself to the convenience of honourable members."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I am only pointing out the difficulty that without having the terms of the amendment it is very difficult to suggest amendments. The Council will be wise to reject this motion which has been made without proper notice because there is the substantial amendment No. 17 where the whole question can be discussed. Having said that much as a preliminary objection to the consideration of this motion, may I point out that it is our duty to draw a distinction between movable and immovable properties? Let us realize that even in this emergency measure Government have found the necessity for increasing the period from 24 hours to seven days in dealing with immovable properties. Members of this Council have given notice to extend it to ten and twenty days and some to one month. Let us hope that the Council will, when the question comes up for consideration, extend it to a reasonable period. If we are to extend it to a reasonable period, the question arises for consideration whether it is desirable for us to accept this motion so as to make it impossible for persons to have due notice of the sale of property in various villages. In opposing this measure let us realize the way in which transfer of pattas has not been effected in as satisfactory a manner as it could or should have been done. As the system exists, it is very difficult for one to know what amount of assessment he has to pay. As has been pointed out by my honourable friend though it is the duty of every man to have the patta transferred according to title with the joint family system and other complications in vogue, it is impossible to expect that there can be anything like a satisfactory record of rights within a short period of time. Realizing that difficulty, I would ask this House to remember whether it will not enter upon a more dangerous course if they dispense with the beat of drum and also with the fixing of notices in conspicuous places in the village and the adjoining villages. I do not wish to stop with merely the beat of drums. The Minister for Development will also help getting any number of drums. The Minister for Development will also help him in this matter. His difficulty was in finding funds. Well, Sir, notwithstanding this difficulty, the interest of persons affected is of far greater importance than the difficulty of Government in securing either men or drums for that purpose."

[Mr. A. S. Krishna Rao Pantulu] [15th February 1922]

Clause 3—cont.

"Therefore that difficulty is not a difficulty which need be taken into consideration. It is of far greater importance to publish a notice in a conspicuous, well-known place in the village. So far as the present amendment is concerned, it does not refer to this contingency at all. In the absence of these specific particulars, the Council will not be doing its duty if it accepts this amendment, especially when there is an opportunity of dealing with the whole question when the other amendments, for instance, that in the name of Mr. Gopalakrishnayya, are moved. For these reasons I oppose this amendment."

Mr. S. SOMASUNDARAM PILLAI :—"I have perused all the amendments as well as the Bill proposed very carefully and I think that if all the amendments are to be accepted, we will have the original Principal Act itself. I cannot understand why people are unable to make a distinction between an emergency measure and the ordinary measure. The Principal Act is intended for ordinary defaulters. The present Bill is intended for those who deliberately disobey the Government by not paying the kist. If we show the same respect to these non-co-operators as we show to the ordinary people, then where is the difference? Suppose a guest comes to your house, you receive him with all kindness and make all arrangements for his comfort. In the same way suppose a nocturnal visitor comes to you—in the night—and if you show him the same respect he will walk away with all your property. I therefore entirely disagree with the honourable members who oppose this amendment, and I support the amendment."

Mr. B. MUNISWAMI NAYUDU :—"Sir, I beg leave to amend the present amendment in this manner:

After the words "if practicable" add "and by affixing copies of proclamation of sale in conspicuous places in the village where the immovable property is situate and in the Taluk office."

The Hon'ble Sir LIONEL DAVIDSON :—"I object to the amendment on the score of want of notice."

The Hon'ble the PRESIDENT :—"I fear I must overrule the objection of the honourable member and allow the amendment to be moved."

Mr. B. MUNISWAMI NAYUDU :—"I move the amendment which I now read out, Sir. The amendment is intended to remove the difficulty which was raised by some of the members who said that, in the case of immovable property, it will not be sufficient to proclaim by beat of drum, but that there should be some other safeguards. I have also added 'conspicuous places in the village' because sometimes there may not be a chavadi in a village or the lands may be situate in a hamlet apart from the main village. I have mentioned 'taluk office' because people intending to purchase lands may go to the taluk office and find out the details. I submit that if this amendment is accepted, the amendment proposed by the Hon'ble the Revenue Member can without difficulty be accepted by this House."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I rise to second the amendment that has been proposed by my friend Mr. Muniswami Nayudu. In the case of movables, as soon as they are sold, they can be taken away by the purchaser and there will be no more difficulty about them. But that is not the case with regard to the immovable properties. When immovable properties are sold, as has been pointed out by my friend Mr. Narasimha Raju, difficulties may arise with reference to the identity of the properties

15th February 1922]

[Mr. M. Krishnan Nayar]

Clause 3—cont.

that have been sold some years after the sale had been effected. The difficulty is likely to be felt even immediately after the sale of the property. For when the purchaser goes to take possession of the property, there will practically be nothing there to show which property it was that had been sold. There is no record showing by metes and bounds the actual property that has been sold and purchased, so that everything will end in confusion and chaos. For these reasons which to my mind are not only strong but incontrovertible, I think there must be a written proclamation showing all the particulars necessary for the sale of the property and it should be affixed in some conspicuous place in the village and also in the Taluk office."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I should certainly not object to the original amendment as now proposed to be amended by my friend Mr. Muniswami Nayudu. I give my support to it. It provides for publication in the Taluk office outside the village; it provides for publication in the village by beat of drum, if practicable, and also by affixing copies of proclamation in some conspicuous places in the village and in such other manner as the selling officer may consider desirable. If this is accepted, I do not think there will be room for any complaint."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Regarding the amendment now proposed, I suggest that it requires slight transposition of words; because the original clause was 'by beat of drum if practicable and in such other manner'. Now between these two phrases 'by beat of drum if practicable' and 'and in such other manner' comes the question of the places in which the proclamations are to be made. Therefore, I believe that a transposition of words is necessary."

The Hon'ble Sir LIONEL DAVIDSON :—"I move, Sir, under Standing Order 34, that this business be postponed for further consideration until to-morrow morning. The difficulty is due to the fact that there has been some confusion between the two senses of the word 'proclamation'. Proclamation means the act of proclaiming and it also means the written notice of proclamation. The amendments which have been proposed involve some confusion between these two meanings and it seems clear that some revised wording is essential."

The RAJA OF RAMNAD :—"I formally second the motion, Sir, as there is also a meeting of the Finance Committee to-day at 5 o'clock."

Rao Bahadur K. GOPALAKRISHNAYYA :—"I have a suggestion to make, Sir. I have no objection for the adjournment of the business. I suggest, Sir, that you will kindly cause copies of the amendment as proposed by the Hon'ble the Revenue Member and the amendment proposed by Mr. Muniswami Nayudu to be placed in our hands by 10 o'clock to-morrow morning so that we may have a chance of looking at them."

The Hon'ble the PRESIDENT :—"I shall arrange for the copies of the amendments proposed by the Hon'ble the Revenue Member and by Mr. Muniswami Nayudu to be ready by to-morrow morning at 10 o'clock and to be supplied to honourable members as they come in."

The House then adjourned at 5 p.m. to meet again at 11 a.m. on Thursday the 16th February 1922.

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 16th day of February 1922, the Hon'ble Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.L.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 Industrial and Trading Company, Tellicherry.

1273 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the Hon'ble the Minister for Development be pleased to state—

(a) whether it is a fact that there is an industrial and trading company at Tellicherry for making candles, umbrellas and leather goods; and

(b) whether the Government propose to start one of its own at Tellicherry?

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

(b) The answer is in the negative.

Permit fees for cattle in Kurnool.

1274 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB Bahadur: Will the Hon'ble the Home Member be pleased to state—

(a) the rate of permit fees charged for a cow in the Kurnool district;

(b) the period covered by the permit;

(c) whether there are any restrictions in the grazing areas in the Kurnool district; and

(d) whether there is coupe system in the Kurnool district?

A.—(a) The rates vary from eight annas to one rupee per head.

(b) Twelve months.

(c) & (d) Yes.

Offences under the Forest Act.

1275 Q.—Rai Bahadur T. M. NARASIMHACHARI: Will the Hon'ble the Home Member be pleased to state—

(a) whether it is not a fact that the number of cases under the Forest Act rose from 16,989 in 1919 to 18,220 in 1920 and that so many as 16,298 of them were found to be true;

(b) whether this finding is genuine;

(c) whether the Government are aware that this state of things is causing discontent among the people; and

(d) what steps the Government propose to take to remedy the same?

[16th February 1922]

- A.—(a) As the honourable member is presumably aware, the figures quoted are taken from paragraph 22 of the published report on the administration of criminal justice for the year 1920.
- (b) The Government see no reason to doubt the genuineness of the findings of the competent courts of justice.
- (c) & (d) The honourable member is referred to paragraph 2 of G.O. No. 2144, Development, dated the 17th November 1921.

The location of Mannargudi District Munsif's Court at Chidambaram.

1276 Q.—Mr. M. C. RAJA: Will the Hon'ble the Law Member be pleased to state—

- (a) whether it is a fact that the Mannargudi District Munsif's Court is located at Chidambaram in the North Car street which is inhabited by caste Hindus;
- (b) whether it is a fact that there is no waiting room attached to that court-house;
- (c) whether it is a fact that most of the suits filed in that court, both on the small cause side and on the original side, are generally against the Adi-Dravida farm hands by caste mirasidars; and that the poor Adi-Dravidas have to come a long way over 20 miles walking to the court and foregoing their work for two or three days;
- (d) whether it is a fact that the poor Adi-Dravidas that appear before that court have to be under the sun, when waiting for their cases being called up, for want of either a waiting room or some shelter; and
- (e) what objection there is to locating that court, along with the Chidambaram Munsif's Court, in a place where there is a shed for parties to wait in or to locating the said court at Mannargudi itself?

A.—The Government have no information but will forward the question to the High Court for consideration.

The Chairman of the Salem Municipal Council.

1277 Q.—Diwan Bahadur M. RAMACHANDRA RAO PANTULU: Will the Hon'ble the Home Member be pleased to state the circumstances under which Mr. Venkatappa Chetti, the Chairman of the Salem Municipal Council, has been served with an order under section 144 of the Criminal Procedure Code by the Deputy Magistrate, Salem, prohibiting him from carrying on any anti-drink campaign?

A.—So far as the Government are aware, the order under section 144, Criminal Procedure Code, served on Mr. Venkatappa Chetti did not prohibit him from carrying on any anti-drink campaign.

The Provincial Cotton Committee.

1278 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Development be pleased to state whether the Provincial Cotton Committee have instructions that in appointing members of local sub-committees they should as far as possible nominate at least one representative for each of the districts comprised in the area for which the local committee has been constituted?

A.—The answer is in the negative.

16th February 1922]

Mr. A. RANGANATHA MUDALIYAR:—"Will the Government be pleased to issue such instructions?"

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU:—"It is impossible in the nature of the case. There are so many districts and the Committee itself is limited to a certain number of members."

Mr. A. RANGANATHA MUDALIYAR:—"It is for that purpose I have stated 'as far as possible' in the question."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU:—"As far as possible the interests will be represented."

Qualifications of the Curator, Government Botanical Gardens and Parks, the Nilgiris.

1279 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Development be pleased to state—

- (a) what qualifications are necessary for the appointment of Curator, Government Botanical Gardens and Parks, the Nilgiris, and whether the present Curator has any or all of the said qualifications; and
- (b) whether the Curator is an itinerating officer, and, if so, the district or districts he is expected to tour in?

A.—(a) The Curator of the Government Gardens and Parks, the Nilgiris, must have a sound knowledge of botany and good practical experience of horticulture to enable him to undertake the improvement of horticulture in the Presidency by the introduction and acclimatization of vegetable productions unknown to India and the distribution of good seeds and plants. Mr. Butcher possesses the qualifications needed for the post. He is a graduate of the Royal Gardens, has obtained Kew certificate and has a knowledge of systematic and geographical botany, physics and chemistry.

(b) Yes. His tours are mainly in the Nilgiri district.

The Public Works Advisory Committee.

1280 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Education and Public Works be pleased to state—

(a) whether any, and if so, what questions have been referred by him till now to the Public Works Advisory Committee appointed by His Excellency the Governor in G.O. No. 1713, dated 29th November 1921; and

(b) whether any rules have been framed for the guidance of the Committee in regard to the frequency or probable dates of meeting, the nature of questions that will be transmitted to them for their consideration, the procedure to be followed in the conduct of their business, the individual or individuals responsible for the convening of the meetings, the maintenance of files of proceedings and other connected matters?

A.—(a) The question of strengthening the bridges and culverts of the Tellicherry-Coorg road has been referred to the Committee.

[16th February 1922]

- (b) The Member of the Legislative Council is referred to G.O. No. 1713 W., dated 29th November 1921. The Committee is an Advisory Board on matters referred to them by the Hon'ble the Minister.

Rewards for detection of offences against the Abkari laws.

1281 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Education (Excise) and the Hon'ble the Member for Finance be pleased to furnish figures for each of the last five years, showing the total number of cases in which rewards were granted and the sums so disbursed, under the various headings respectively mentioned in the classified statement of offences against the Abkari laws, published with the Administration Report for 1920-21?

A.—A statement* is furnished giving the information so far as available.

Survey and settlement of the South Arcot district.

1282 Q.—Mr. R. SRINIVASA AYYANGAR: Will the Hon'ble the Member for Revenue be pleased

(i) to state—

(a) whether it is a fact that in the prior survey and settlement of the district of South Arcot, irrigation channels less than 20 links in width were shown as channel porambokes;

(b) whether it is a fact that in the recent survey and settlement such channels have been included in some taluks in the pattas of the owners of the fields on one side thereof and assessment levied thereon without conferring on them the right of absolute proprietorship thereto but requiring them to keep the channels as before without prejudice to the other riparian owners;

(ii) to lay on the table the order, if any, bearing on this point; and

(iii) to state the extent in acres of the channels thus included in patta in the district of South Arcot and the extra revenue accruing therefrom?

A.—(i) (a) It is possible that some channels less than 20 links in width were subdivided and registered as channel porambokes, but Government have no specific information.

(b) & (ii). The Member is furnished with copies of the notification† issued on the subject.

(iii) The Government have no information.

Mr. R. SRINIVASA AYYANGAR:—“With reference to the answer to clause (3) of my question, will the Hon'ble the Revenue Member be pleased to call for and give us the information?”

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UD-LAH SAHIB Bahadur:—“I have no objection to do so.”

* Appendix I, on page 2281 infra.

† Appendix II, on page 2282 infra.

16th February 1922]

Non-official visitors to the sub-jails in South Arcot.

1283 Q.—Mr. R. SRINIVASA AYYANGAR: Will the Hon'ble the Law Member be pleased to state whether any non-official visitors have been appointed to the sub-jails in the South Arcot district?

A.—The Government have no information. The appointments of non-official visitors to sub-jails are made by District Magistrates and are notified in the district gazettes.

APPENDIX I.

[Vide answer to question No. 1281 asked by M.R.Ry. A. Ranganatha Mudaliyar Avargal at the meeting of the Legislative Council held on the 16th February 1922, page 2280 supra.]

Statement showing the amount of rewards granted and the number of cases detected under the important heads of offences during the years 1916-17 to 1920-21.

Year.	Smuggling.	Illicit distillation and kindred offences.	Illicit manufactures of toddy.	Other toddy offences.	Other offences.	Hemp, drugs and cocaine offences.	Total rewards granted.
							Rs.
1916-17	194	1,190	4,416	5,083	4,595	302	45,779
1917-18	206	1,028	4,633	4,571	4,138	382	39,433
1918-19	201	1,595	4,741	4,752	3,379	305	40,194
1919-20	226	1,716	5,204	5,803	2,337	384	46,003
1920-21	219	1,408	5,191	5,741	1,874	309	46,894

[16th February 1922]

APPENDIX II.

[Vide answer to question No. 1282 asked by M.R.Ry. R. Srinivasa Ayyangar Avargal at the meeting of the Legislative Council held on 16th February 1922, page 2280 supra.]

NOTIFICATIONS.

I

G.O. No. 1862, Revenue, dated 10th August 1915.

At the settlement of the South Arcot district, allowance was made by way of percentage deduction on account of unprofitable areas, Government poramboke land, etc., included in patta holdings and the fact has been recorded in the diglott registers, and in accordance with this principle it is proposed at the survey now in progress in the district not to subdivide channels and paths not exceeding 20 links in width (even if they were subdivided in the old survey) but to show them merely as details, except in cases where subdivision is for special reasons considered advisable by the Revenue officers. Accordingly it is hereby notified for general information that the inclusion of poramboke land in patta holdings does not alter the tenure of such land or confer any right over such land on the pattadars in whose fields the said poramboke land is included and that the Government do not forego or abandon any of their rights in such land.

II

G.O. No. 1023, Revenue, dated 13th March 1918.

At the resettlement a percentage deduction was made on account of porambokes such as roads, channels, banks, paths, etc., included in patta holdings; this fact has been recorded in the descriptive memoirs attached to the diglott registers; the same percentage deduction will be allowed at the resettlement.

Channels, paths and other similar porambokes not exceeding twenty links in width will hereafter be shown, as details, and not as subdivisions except in special cases or where they pass through inam lands. The inclusion of poramboke land in patta holdings does not alter the tenure of such land or confer any right over such land on the pattadars in whose fields the poramboke land is included and the Government do not forego or abandon any of their rights in such land.

III

DESCRIPTIVE MEMOIR FOR SOUTH ARCOT.

G.O. No. 408, Revenue, dated 20th February 1919.

It must be distinctly borne in mind that a deduction of 20 per cent has been made from the gross produce on account of unfavourable seasons and on account of any roads, channels, banks, paths, etc., that may have been measured in with the cultivated area. The fact of the inclusion of any such Government poramboke in any survey field does not therefore confer on the cultivator of that field the right of entering on such poramboke or of in any way interfering with it. Any unauthorized encroachment on such poramboke will be dealt with under Act III of 1905 (Madras).

16th February 1922]

II

DEMAND FOR SUPPLEMENTARY GRANT FOR 1921-22.

(1) Grant XIV—30-B. Scientific Departments—Provincial Museums—Transferred.

The Hon'ble Rao Bahadur A. P. PATRO :—"I beg to move that the Government be granted an additional sum of Rs. 4,400 under '30-B. Scientific Departments—Provincial Museums—Transferred' for expenditure in connexion with the preparation of gramophone records of certain languages and dialects spoken in the Madras Presidency.

"Sir, in connexion with the linguistic survey carried on by Dr. Grierson, certain languages and dialects in this Presidency have to be taken down by gramophone and a grant for this purpose was sanctioned before by the Government. But it was kept in abeyance in consequence of the fact that the gramophone company could not arrange to take the records in the various languages for some time. Now they have commenced to take records of the dialects and languages in certain districts. So, in the interest of the linguistic survey which is now being carried on, this grant is necessary, and I request that it may be sanctioned."

Mr. A. RANGANATHA MUDALIYAR :—"May I ask whether this grant is in pursuance of some kind of understanding already entered into between the Government and the private company, and if so, when it was entered into?"

The Hon'ble Rao Bahadur A. P. PATRO :—"This contract was entered into between the Government and the private company some three years ago. It had to be kept in abeyance for some time for the reason that the company was not able to send an expert for the purpose of taking down the gramophone records. Ultimately the Government succeeded in inducing the company to send a representative."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I would like to ask the Hon'ble the Minister what the idea is with which these records are taken and how it is proposed to utilize them. Is it part of any general comprehensive scheme for taking these records throughout the whole of India that a private company is doing it? Is it proposed to be utilized by the public or by the State? I understand that some of them are for educational purposes."

The Hon'ble Rao Bahadur A. P. PATRO :—"I thought, Sir, the linguistic survey was pretty clearly understood by the honourable member. It is for the purpose of comparing the sounds of the various languages of India that these records are taken by the Superintendent, Dr. Grierson, who is an expert in these phonetic sounds, so as to establish certain similarities or dissimilarities among the various languages and dialects."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Do I understand that this is a supplement to the linguistic survey already conducted by Dr. Grierson?"

The Hon'ble Rao Bahadur A. P. PATRO :—"It is a continuation of that."

The demand was put to the House and granted *nem con.*

[16th February 1922]

(2) Grant XXV—41. Civil Works.

The Hon'ble Mr. P. RAMARAYANINGAR :—"Sir, I beg to move that the Government be granted an additional sum of Rs. 88,100 under '41. Civil Works—In charge of Civil Officers—Grants to local bodies for the maintenance of trunk roads."

"Sir, in April 1920 the Government decided to assume the responsibility for the maintenance of trunk roads and undertook to give the local boards under certain conditions the expenditure incurred by them in maintaining the trunk roads. The amount required for this expenditure was about 16 lakhs. It was, however, estimated that 14 lakhs would be sufficient for the current year, and that amount was provided in the budget. But, in actual experience, the amount was found to exceed 14 lakhs by Rs. 88,100. Hence the necessity for the demand of this supplementary grant."

Mr. A. RANGANATHA MUDALIYAR :—"I should like to have some more information as to the grants from which this amount is expected to be transferred to this head."

The Hon'ble Mr. P. RAMARAYANINGAR :—"It is to be met by re-appropriation of the funds available."

Mr. A. RANGANATHA MUDALIYAR :—"I want to know from what head this amount is to be taken and transferred to this head."

The Hon'ble Mr. P. RAMARAYANINGAR :—"If my friend requires further information, I will be very glad to give the information after a reference to the Finance Department."

Mr. A. RANGANATHA MUDALIYAR :—"I thought that before an application is made for a grant, such an inquiry would have been made. It is only after they were satisfied wherefrom this amount could be re-appropriated, they should have come forward with this demand. Evidently, the Government are not ready with this information. Anyhow, I do not want this information to be furnished immediately."

The demand was put to the House and granted *nem con*.

III

A BILL TO AMEND THE MADRAS REVENUE RECOVERY ACT II OF 1864—cont.

Clause 3—Amendment No. 16 (a)—cont.

The Hon'ble the PRESIDENT :—"The House will now resume consideration of the Bill to amend the Madras Revenue Recovery Act II of 1864. When we adjourned yesterday evening, the House was considering the amendment to clause 3 put forward by the Hon'ble the Revenue Member and a further amendment thereto moved by Mr. Muniswami Nayudu."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, after taking into consideration the substance of the further amendment proposed by Mr. Muniswami Nayudu, we have, I think, come to a practical agreement that clause 3, after carrying out the amendment of which I had already given notice and the further amendment suggested by Mr. Muniswami Nayudu, might read thus :—

'Notwithstanding anything contained in section 27 and clauses (1) and (2) of section 36 of the Principal Act, the Local Government may by notification in the Fort St. George Gazette and in the official gazette of the district,

16th February 1922] [Mr. Muhammad Habib-ul-lah Sahib]

Clause 3—cont.

"These are the words, Sir, which have already been accepted. The amendment continues—

'direct that the provision regarding notification of attachment by publication in the District Gazette be dispensed with in any particular area and may authorise the officer empowered to sell immovable property to sell the same by public auction at such time and place as may be fixed by him.'

"This, so far, is the original part of the Bill with the addition of the words 'in the Fort St. George Gazette and in the official gazette of the district', which the Council has already accepted should be included there. And then, Sir, we put a full stop after 'him' and then we propose to add the following. The portion that I shall now read combines the two amendments. It reads thus :—

'A notice of the intended sale shall be prepared and copies thereof shall be fixed up in the Taluk*atcherry and on some conspicuous places in the villages in which the property is situated. The officer shall further cause proclamation of the intended sale to be made in the village by beat of drum if practicable and in such other manner as he may consider necessary to give due publicity to the sale.'

"That is, I may say, the cumulative effect of the two amendments which we were considering when we adjourned yesterday; and this amendment, Sir, as you will see, will take the place of the words beginning with 'after' in line 41 and ending with 'sale' in line 43. I feel sure, Sir, that this amendment, as at present worded, would meet the wishes of all honourable members who spoke on it yesterday."

The Hon'ble the PRESIDENT :—"Do I understand the Hon'ble the Revenue Member to say that he accepts Mr. Muniswami Nayudu's amendment?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I want the leave of the House, Sir, to move this new amendment."

The Hon'ble the PRESIDENT :—"Then probably the most convenient course would be to clear the ground by the Hon'ble the Revenue Member and Mr. Muniswami Nayudu withdrawing their separate amendments."

Mr. B. MUNISWAMI NAYUDU :—"I beg to withdraw my amendment, Sir."

The amendment was by leave withdrawn.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I beg permission to withdraw the amendment I moved yesterday, Sir."

The amendment was by leave withdrawn.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, I therefore beg to move formally the new amendment to clause 3, that is,

'Put a full stop after 'him' in line 41. For the words beginning with 'after' in line 41 and ending with the word 'sale' in line 43, substitute the following words :—'A notice of the intended sale shall be prepared and copies thereof shall be fixed up in the taluk*atcherry and on some conspicuous places in the village in which the property is situated. The officer shall further cause proclamation of the intended sale to be made in the village by beat of drum if practicable and in such other manner as he may consider necessary to give due publicity to the sale.'

'Substitute the words 'such proclamation' for the words 'the attachment' in line 45.'

[16th February 1922]

Clause 3—cont.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I second it."

Mr. B. MUNISWAMI NAYUDU :—" Sir, in the first place, I beg leave to add two words with reference to the last amendment. The last amendment is to substitute the words 'such proclamation' for the words 'the attachment'. I beg leave to add after the word 'proclamation', the words 'and affixture'. I may explain, Sir,"

The Hon'ble the PRESIDENT :—" Before the honourable member explains further, he had better obtain leave to put forward the amendment. I take it that the honourable member wants permission to put forward that amendment. Does any honourable member object?"

The Hon'ble Sir CHARLES TODHUNTER :—" I object, Sir."

The Hon'ble the PRESIDENT :—" I think the honourable member should be allowed to put forward his amendment."

The required permission was granted.

Mr. B. MUNISWAMI NAYUDU :—" Sir, in moving this amendment I shall briefly state my reasons. Sir, we find that notices of the intended sale are required to be affixed at the taluk cutcherry and on some conspicuous places in the village. Then it is further stated that there should be a proclamation of the intended sale to be made by beat of drum if practicable or in any other manner. The word 'proclamation' appears in the latter portion of the Hon'ble the Revenue Member's amendment. There are thus two things to be done; notices have to be affixed and also a proclamation is to be made. I want that the sale should take place only after seven days even after the affixture. If it is not amended in the manner I suggest, it would make it possible for the officers to have notices of the sale affixed to the taluk cutcherry even on the day previous to the sale, or even a few hours before the sale. I want that it should be made clear that the sale itself should take place at least a week after such affixture in the taluk cutcherry or in the village. The affixture in the taluk cutcherry was taken as a sort of alternative practically in cases where it may be impracticable to get proclamation announced by beat of drum. There must be a reasonable time for these people to know what lands are to be sold. As it is, we can conceive of cases in which affixtures in the taluk cutcherries may be effected a day previous to the sale itself. Secondly, it was stated that the proclamation by beat of drum would be made only when practicable, and even if practicable it may be dispensed with by some overzealous official. In these circumstances, I move, Sir, that the words 'and affixture' may be added after the word 'proclamation' which appears in the latter portion of the amendment moved by the Hon'ble the Revenue Member. The object of this amendment is clear. It would afford possibilities for people to know one week in advance at least in the taluk office where the property is sold."

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I beg to second this amendment. The idea of giving an interval of seven days is to give time for people to know the proposed sale and to pay, if possible, their arrears of revenue before the date fixed for the sale of their property and prevent that sale from coming to pass. These seven days should count from the date of publication

16th February 1922] [Mr. A. Ranganatha Mudaliyar]

Clause 3—cont.

and the publication should not be held to be complete without all the formalities mentioned in this section being fulfilled. Therefore, I think it is but proper that the period of seven days should commence after publication, i.e., after the fulfilment of all the formalities mentioned in this section."

The Hon'ble Sir LIONEL DAVIDSON :—" This is a point which was considered in the informal discussion which took place after the adjournment of the Council yesterday and the view then taken was that the period to be taken into account must be that elapsing between the proclamation in the village and the date of sale. If, Sir, you will refer to the wording of the Hon'ble the Revenue Member's amendment, you will see that there is first of all an imperative direction to fix up in the taluk shall further cause proclamation of the intended sale to be made in the village by beat of drum if practicable and in such other manner as he may consider necessary to give due publicity to the sale. There must be an act of proclamation in the village of some kind, whether by beat of drum or otherwise. I had understood, Sir, from the trend of the discussion yesterday that the feeling of the House was in the direction of fixing the interval of time with reference to the date on which the facts were notified in the village. That is the reason why the words 'such proclamation' were inserted in substitution of the words 'the attachment.' I do not imagine that in any case there is likely to be any practical difficulty in the matter. But I do not think that my honourable colleague could agree to the word 'affixture' for two reasons. In the first place I am not without doubt whether there is any such English word as 'affixture' and we desire the enactments of this Council to be in English. Secondly, the expression 'affixture' in the ordinary course of legislative phraseology should refer to some previous use of the word 'affix'; but in this clause the previous words are 'fixed up'. If, however, it is the sense of the House that it is expedient categorically to prescribe seven days' interval between the date of fixing up the sale notice in the taluk cutcherry and the date of sale, I think I may say on behalf of my honourable colleague that the Government will not object to a form of wording which will secure that object. All that will be necessary is to add to the amendment, as now drafted and put forward by my honourable colleague, the following words: 'or from the date when the copy of the sale notice was fixed up in the taluk cutcherry.' The proviso will then read as follows :—

Provided that such sale shall not take place within seven days from the date of such proclamation or from the date when the copy of the sale notice was fixed up in the taluk cutcherry.

"That formula will definitely, precisely and in a proper shape effect the object in view. And if it will meet the wishes of the honourable gentleman who obtained permission to move the addition of the words 'and affixture,' I would ask that you suggest to him that he withdraws his amendment and that I be given leave of this House to move the alternative form of wording."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I think that such an amendment as has been suggested by my friend Mr. Muniswami Nayudu would probably make the case for the defaulter somewhat worse—that

[Mr. M. Ramachandra Rao Pantulu.] [16th February 1922]

Clause 3—cont.

is my feeling. It is the intention to see that the defaulter gets as long a time as possible. I feel that it would be better to leave it as it is. It will be seen that the first requisite under this amendment is that the notice of the intended sale shall be prepared and copies thereof shall be fixed up in the taluk cutcherry and on some conspicuous places in the village in which the property is situated. Then there will be a proclamation of the intended sale by beat of drum if practicable or in such other manner as he may consider necessary, etc. Therefore the proclamation comes later than the affixture in the taluk cutcherry. It may be that the amendment proposed will rather cut down the period than enlarge it. I would suggest that it be left as it is."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"As the amendment now stands, there will be some interval of time between putting up of the notice in the taluk cutcherry and in the village where the property is situated. Further there will be a proclamation of sale in the village. The object of adding the word 'affixture' appears to be to secure that the proclamation should be earlier than the fixing of the notice. But the word suggested by Mr. Muniswami Nayudu will not, I think, suit; because, such fixture may refer to either fixture in the taluk cutcherry or in the village and it would be on two different days and therefore that will not do. The proclamation should issue after the sale notice and doubt is expressed whether this process is fully described. Some attempt is made to say that it is fully described. I think the word really to be amended is 'further' which may be replaced by 'thereafter.' That will set things right and if it is agreeable, I shall move an amendment to that effect."

Mr. S. T. SHANMUKHAM PILLAI:—"The language of the Bill will go to show that the proclamation is more formal than real. Because, in the original Act, the words 'to be made' after the word 'proclamation' are omitted. I think it is a serious omission."

Mr. P. SIVA RAO:—"Sir, I attach every importance to the safeguard of fixing up notices in conspicuous places in the village and I heartily approve of the amendment proposed by the Home Member as it would make it very clear that the date of fixing up of the notice in the taluk cutcherry and in conspicuous parts of the village is the proper time for computing the limitation. That object can be achieved easily. The seven days would count either from that date or from the date when it has been proclaimed by beat of drum. If the matter has to be cleared, there is every necessity for the amendment of the Hon'ble the Home Member."

Mr. B. MUNISWAMI NAYUDU:—"So far as the wording of the Hon'ble the Home Member is concerned."

The Hon'ble the PRESIDENT:—"The honourable member can at this stage say only whether or not he would withdraw his motion."

Mr. B. MUNISWAMI NAYUDU:—"I am not willing to withdraw it."

Mr. R. K. SHANMUKHAM CHETTIYAR:—"With reference to the word 'affixture' I have got the authority of Webster that the word is correct English."

The Hon'ble Sir LIONEL DAVIDSON:—"Even so, that does not meet my second criticism."

Clause 3—cont.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"In view of the discussion which has taken place on this amendment, I will suggest that the best course, even from the standpoint of the honourable mover, appears to be to modify the word 'further' into the word 'thereafter'. It will then make the position quite clear. The amendment suggests that 'notices of the intended sale shall be prepared first and copies thereof fixed up in the taluk cutcherry and on some conspicuous places in the village. The officer shall further cause proclamation of the intended sale to be made'. It pre-supposes that notices have been prepared and copies also fixed in important places. We cannot imagine any proclamation by beat of drum or by any other means unless the necessary notices have been prepared. The only point for consideration will be whether there should be sufficient time for these notices being fixed up in the taluk cutcherry and other places. I do not imagine any difficulty in taking steps to fix up these notices in appropriate places before proclamation is made by beat of drum. If, as has been suggested by my honourable friend, Mr. Narasimha Raju, such an amendment is accepted, we will be in a better position so that all the formalities will be complied with before operation is given to the subsequent proviso that 'the sale shall not take place within seven days from the date of such proclamation.' That amendment has also the virtue of simplicity in its favour and will further carry out the object of Mr. Muniswami Nayudu. The persons whose lands are likely to be sold will have greater opportunity of safeguarding their interests. I think it is much better to move in this direction than in the direction suggested by the Hon'ble the Home Member."

Mr. O. TANIKACHALA CHETTIYAR:—"Sir, Mr. President, I wish to apply for leave to substitute for the word 'further' the word 'thereafter' in which case all the amendments that have been proposed would become unnecessary and all the apprehensions which have been expressed will disappear."

The Hon'ble the PRESIDENT:—"I think we had better finish one amendment before we take up another."

Mr. O. TANIKACHALA CHETTIYAR:—"My object is that all the other amendments may not be pressed or may be withdrawn in view of substituting one word for another which will do away with phrases or sentences which are required to convey the sense."

The Hon'ble the PRESIDENT:—"I have no doubt that the intentions of the honourable member are good. My duty is, however, to enforce correct procedure. The amendment before the House, put forth by the honourable member Mr. Muniswami Nayudu, is to add the words 'and such affixture' after the word 'proclamation.'"

Mr. B. MUNISWAMI NAYUDU:—"I withdraw my amendment, Sir."

The amendment was by leave withdrawn.

The Hon'ble Sir LIONEL DAVIDSON:—"Sir, In asking the leave of the House to move my amendment, I should explain that there is a little practical difficulty in the use of the word 'thereafter'. The meaning might be this. I will take an extreme case, for unfortunately it is necessarily extreme cases that we must consider in this matter. The use of 'thereafter' might make it necessary for the persons engaged in the attachment and sale, after making

[Sir Lionel Davidson]

[16th February 1922]

Clause 3—cont.

the attachment, to go back to the taluk headquarters, fix up a sale-notice there, and then return to the village and cause proclamation to be made. But, if this procedure is to be really summary, what he might have to do in extreme cases is to make the attachment and simultaneously proclaim the sale. That is a practical difficulty arising from the use of the word 'thereafter'. I want to safeguard any possibility of its being compulsory for the local authorities to make two visits to the village in which attachment is made. I think the House will recognize that the adoption of the wording suggested will not meet this difficulty. On the other hand, my honourable friend Mr. Muniswami Nayudu has given expression to the feeling that the interval of seven days before the sale ought to be reckoned both from the date of proclamation in the village and from the 'affixture' in the taluk cutcherry. This object will be secured by my amendment which is to add the following words to the amendment of my honourable colleague Mr. Habib-ul-lah Sahib: 'or from the date on which the copy of the sale notice was fixed up in the taluk cutcherry'."

The Hon'ble the PRESIDENT:—"Does anybody object to the Hon'ble the Home Member moving his amendment? (After a pause) "No one objects and I therefore grant him permission to move the amendment."

The Hon'ble Sir LIONEL DAVIDSON:—"I have the honour now formally to move the amendment of which I have just given you, Sir, a copy."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I second it."

Mr. O. TANIKACHALA CHETTIYAR:—"May I ask the leave of the House to propose a further amendment for adding the words 'whichever is later' the idea being that seven days interval is assured to the defaulter or to the villagers between the date of proclamation and the date of sale. In the discussion that preceded . . ."

The Hon'ble the PRESIDENT:—"The honourable member will come a little later on. I think we had better settle the amendment before the House."

The amendment proposed by the Hon'ble Sir Lionel Davidson (viz., to add the words 'or from the date from which the copy of the sale notice was fixed up in the taluk cutcherry' after the word 'proclamation') was put to the House and agreed to.

The Hon'ble the PRESIDENT:—"The main amendment now before the House is: to insert a full stop after the word 'him' in line 41 of the printed Bill, then to add the words 'A notice of the intended sale shall be prepared and copies thereof shall be fixed up in the taluk cutcherry and on some conspicuous places in the village in which the property is situated. The officer shall further cause proclamation of the intended sale to be made in the village by beat of drum if practicable and in such other manner as he may consider necessary to give due publicity to the sale', and to substitute for the words 'the attachment' in lines 45 and 46 the words 'such proclamation or from the date from which the copy of the sale notice was fixed up in the taluk cutcherry.'"

16th February 1922]

Clause 3—cont.

Mr. O. TANIKACHALA CHETTIYAR:—"Sir, with your permission, I propose by way of amendment to add the words 'whichever is later' at the end of that paragraph as it now stands. My object is to see that the seven days which is conceded by the Government as well as by everybody else in this House to elapse between the date of the notice and the date of sale shall be assured to the defaulting tenant or to the intending purchaser. The discussion which preceded it went on the footing or on the implication that the word 'further' involved the idea of there being something which preceded it, but later on when the amendment was suggested that 'further' might be altered into 'thereafter', it was said that it was also possible and that it might be expedient to have the notices as well as the proclamation at the same time. But inasmuch as the idea that 'further' does not now imply a sequence of events and as it literally means 'in addition to something else' and not necessarily 'one after another', I move that the words 'whichever is later' might be added at the end so that the seven days might be assured to the people."

Mr. B. Muniswami Nayudu seconded the amendment.

The Hon'ble Sir LIONEL DAVIDSON:—"Sir, the honourable mover has taken the same verbal objection which my colleague, Mr. Srinivasa Ayyangar, the Law Member, took when we were discussing the formula a few minutes ago. I succeeded in satisfying him that the words 'whichever is later' are a pure surplusage, and I will proceed to explain how. If there were an affirmative direction that something should be done within seven days of two alternative things, the use of the expression 'whichever is later' would be accurate and necessary, but if, as in this case, there is a negative direction that something shall not take place, the words 'whichever is later' are clearly superfluous. The wording of this clause is 'Provided that such sale shall not take place within seven days.' If it took place within seven days of the proclamation or within seven days of the 'affixture,' in either case this proviso would be broken. I think, Sir, that if the honourable mover and the seconder of this amendment will think over what I have said they will realise that the criticism is just and will be ready to withdraw their amendment."

Mr. O. TANIKACHALA CHETTIYAR:—"Sir, I may be permitted to say that however much, judged by canons of legal construction, it might be very accurate, as this is an emergent legislation proceeding on the footing that there shall be no litigation in courts of law, without appeal to maxims of interpretation, I think it is much better to err on the side of redundancy than on the side of sacrificing sense, for the implications involved in the use of certain legal expressions have to be interpreted by subordinate officers in the district. As an emergency measure it will not admit of recourse to law courts. Therefore, even at the cost of sacrifice of elegance of language, we might have clear, pure, unambiguous language, and I therefore appeal to the House that these words might be accepted."

Rao Bahadur P. C. ETHIRAJULU NAYUDU:—"Whatever may be the fate of this amendment, I should like to know if you are going to leave out the full stop after the word 'proclamation.'"

The Hon'ble the PRESIDENT:—"The full stop should be omitted of course." (Laughter.)

[16th February 1922]

Clause 3—cont.

The Hon'ble Sir LIONEL DAVIDSON :—" May I say a word that in moving my amendment I said that the words should come after the word ' proclamation ' and not after the full stop." (Laughter.)

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I have to propose a further amendment."

The Hon'ble the PRESIDENT :—" One amendment has to be disposed of before taking up another."

Mr. A. RANGANATHA MUDALIYAR :—" I want to add a few words to the amendment under consideration."

The Hon'ble the PRESIDENT :—" The honourable member cannot do it because there is an amendment before the House put forward by the honourable member Mr. Tanikachala Chettiyar and there will be no room for another amendment till Mr. Tanikachala Chettiyar's amendment is out of the way."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I don't wish to say anything, Sir, with respect to the amendment. I only wished that we were going back to our school days, and when law members or lawyers differ on this point, I should like to have some professors to explain the difficulty. The officiating Vice-President will help us as to what interpretation is necessary and I think we will be guided more by him. I may add that our new honourable member Mr. Reddi also could do that."

Mr. S. T. SHANMUKHAM PILLAI :—" Sir, I object to this amendment because it will presume that the fixing up of the notice takes place after the proclamation. I think the selling officer causes the proclamation to be made almost on the date of the sale. That is practically what takes place. The proclamation is issued after the officer satisfies himself that the notice has been served. Necessarily therefore, the service of the notice must precede the proclamation. That is what the Act also authorizes, and this amendment presumes that the fixing up of notice takes place after the proclamation. Therefore I object to this amendment."

The Hon'ble the PRESIDENT :—" It is a matter for serious consideration by all honourable members whether some effort cannot be made to proceed with the business in a somewhat more expeditious manner than it has been possible hitherto. I appeal to the House to consider whether the rules may not be enforced a little more rigorously. No doubt we are doing a lot of detailed work, but it is admitted that the Bill is an urgent measure."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, I have nothing further to add to what has been stated by my honourable colleague, the Home Member and in view of the mature experience of a retired revenue officer who has already enlightened the Council on the matter, I think my honourable friend, Mr. Tanikachala Chettiyar, will do well to reconsider his amendment and be good enough to withdraw it and enable us to proceed further. This question was very well discussed last evening after we adjourned and all points of view were carefully considered and the

16th February 1922] [Mr. Muhammad Habib-ul-lah Sahib]

Clause 3—cont.

amendment which I had the honour to move was the considered opinion of all the gentlemen who took part in that discussion and my own impression when I moved it was that there would be no further amendment thereto. I am only sorry to see that amendment after amendment is now being suggested at this stage. Most of these matters had been discussed yesterday and a consensus of opinion had been reached. If at this stage we are going to indulge in a criticism of almost every word that finds a place in the amended amendment, I am afraid, Sir, that we shall probably end nowhere."

The amendment of Mr. Tanikachala Chettiyar was then put and declared carried.

On the motion of the Hon'ble Sir Lionel Davidson a poll was taken with the following result :—

Ayes.

- | | |
|---|--|
| 1. Mr. K. Adinarayana Reddi. | 22. Mr. P. Subbarayan. |
| 2. Dr. M. Appalarasayya Nayudu. | 23. Diwan Bahadur K. Suryanarayanamurthi Nayudu. |
| 3. Rao Bahadur V. Appaswami Vaidyar. | 24. Mr. T. C. Tangavelu Pillai. |
| 4. Mr. B. P. Devarajulu Nayudu. | 25. Mr. V. C. Vellingiri Goundar. |
| 5. Rao Sahib S. Ellappa Chettiyar. | 26. Mr. K. C. Venkatachala Reddiyar. |
| 6. Rao Bahadur P. C. Ethirajulu Nayudu. | 27. Mr. C. Venkataranga Reddi. |
| 7. " K. Gopalakrishnayya. | 28. Mr. P. Venkatasubba Rao. |
| 8. " T. A. Ramalinga Chettiyar. | 29. Diwan Bahadur B. Venkataratnam Nayudu. |
| 9. Mr. C. Ramalinga Reddi. | 30. Rao Bahadur A. S. Krishna Rao. |
| 10. Mr. O. Tanikachala Chettiyar. | 31. Diwan Bahadur M. Krishnao Nayar. |
| 11. Mr. W. Vijayaraghava Mudaliyar. | 32. Sriman Biswanath Das. |
| 12. Mr. J. Koppuswami. | 33. Mr. A. Ranganatha Mudaliyar. |
| 13. Mr. B. Muniswami Nayudu. | 34. Mr. K. Prabhakaran Tampar. |
| 14. Mr. A. T. Muttukumaraswami Chettiyar. | 35. A. D. M. Savotti Sahib Bahadur. |
| 15. Mr. P. T. Rujan. | 36. Hamid Sultan Marakkayar Sahib Bahadur. |
| 16. Rao Bahadur A. Ramayya Punja. | 37. Mr. A. P. I. Saiyid Ibrahim Ravuttar. |
| 17. Mr. K. Sarabha Reddi. | 38. Mr. M. C. Madurai Pillai. |
| 18. Mr. W. P. A. Soundara Pandiya Nadar. | 39. Rao Sahib P. Venkatarangayya. |
| 19. Mr. K. Sitarama Reddiyar. | |
| 20. Mr. N. A. V. Somasundaram Pillai. | |
| 21. Mr. A. Subbarayudu. | |

Noes.

- | | |
|--|--|
| 1. The Hon'ble Sir Lionel Davidson. | 19. Mr. C. V. Venkataramana Ayyangar. |
| 2. " Sir Charles Todhunter. | 20. Rai Bahadur T. M. Narasimhaiah. |
| 3. " Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur. | 21. Rao Bahadur C. V. S. Narasimharaju. |
| 4. " Mr. K. Srinivasa Ayyangar. | 22. Diwan Bahadur D. Seshagiri Rao Pantulu. |
| 5. " Mr. P. Ramarayanalingar. | 23. Mr. T. Sivasankaram Pillai. |
| 6. " Rai Bahadur K. Venkatarreddi Nayudu. | 24. Mr. R. Srinivasa Ayyangar. |
| 7. " Rao Bahadur A. P. Patro. | 25. Mr. T. C. Srinivasa Ayyangar. |
| 8. Mr. T. E. Moir. | 26. Mr. M. Suryanarayana. |
| 9. Mr. M. E. Couchman. | 27. Mr. S. Arpudawami Udayar. |
| 10. Mr. N. Macmichael. | 28. Rai Sahib E. C. M. Masoarenhas. |
| 11. Mr. F. J. Richards. | 29. Mr. A. T. Palmer. |
| 12. Mr. C. W. E. Cotton. | 30. Khan Sahib Muhammad Abdur Rahman Khan Sahib Bahadur. |
| 13. Mr. R. Littlehales. | 31. Khan Bahadur Muhammad Sadulla Badsha Sahib Bahadur. |
| 14. Mr. E. Periyarayagam. | 32. Khan Bahadur Muhammad Usman Sahib Bahadur. |
| 15. Mr. R. K. Shanmukham Chettiyar. | 33. Rao Bahadur T. Namburumal Chettiyar. |
| 16. Mr. K. Chattukkutti Nambiyar. | |
| 17. Mr. S. Somasundaram Pillai. | |
| 18. Diwan Bahadur L. A. Govindaraghava Ayyar. | |

The motion was carried, 39 voting for and 33 against.

[16th February 1922]

Clause 3—cont.

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" I beg to propose, Sir, with your permission and the permission of the House an amendment."

The Hon'ble the PRESIDENT :—" The Standing Orders vest in me the power to permit."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" With your permission, Sir, I beg to move an amendment and that is this: After the words 'A notice of the intended sale' and before 'shall be prepared' the words 'specifying the particulars referred to in clause (2) of section 36 of the Principal Act' be introduced. My reason is this. We find in the first sentence that the provisions of clauses (1) and (2) of section 36 are practically repealed so far as this particular clause is concerned because we begin with the words: 'Notwithstanding anything contained in section 27 and clauses (1) and (2) of section 36 of the Principal Act.' The particulars which are required to be mentioned in the notice of sale under clause (2) of section 36 appear to me to be the minimum requirements which a notice should contain. For the purpose of making good this point of mine I would only read what the particulars are. The clause says: 'the name of the defaulter, the position and extent of land and of his buildings thereon, the amount of revenue assessed on the land or upon its different sections, the proportion of public revenue due during the remainder of the current fasli and the time, place and the conditions of sale.' It seems to me, Sir, that the urgency of the sale in these particular areas will not be in any way defeated by insisting upon these particulars being mentioned in the notice of sale. These particulars are necessary to enable intending purchasers to know what exactly it is that they purchase and what liabilities the land they are to purchase may be subject to. As I submitted, these are the minimum requirements of a notice and it is better that the Statute itself makes it clear instead of leaving it to the discretion of the particular officers as to what the notice shall contain. I therefore beg leave to move for permission."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I object to it, Sir."

The Hon'ble the PRESIDENT :—" I uphold the objection. The amendment will not go forward."

Mr. A. RANGANATHA MUDALIYAR :—" I have a small amendment to propose, Sir. It is the insertion of the word 'village' after 'cutcherry' and before 'whichever', and the substitution of 'latest' for 'later.' I formally move for permission, Sir."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I object to it, Sir."

The Hon'ble the PRESIDENT :—" I uphold the objection."

The amendment to clause 3 made by the Hon'ble the Revenue Member, as further amended on the motion of the Hon'ble the Home Member and on that of the honourable member Mr. Tanikachala Chettiyar, was then put to the house and carried unanimously.

16th February 1922]

Clause 3—cont.

The following amendments of which notice had been given were not moved :—

Rao Bahadur K. GOPALAKRISHNAYYA :—

17. In lines 41 to 43 for words 'after causing such proclamation. . . to the sale' substitute the words, 'after giving due publicity to the sale within three days of attachment by causing proclamation of sale by beat of drum and by affixing copies of proclamation of sale in conspicuous places of the village where the immovable property is situate and, if necessary, in any other neighbouring village or villages.'

Mr. B. MUNISWAMI NAYUDU :—

18. Insert after 'such proclamation' and before 'as he may consider necessary', the following words :—
'in the village to which the lands belong and in such place or places'.

19. Instead of the words 'seven days' in line 45, substitute 'one month'.

Rao Bahadur K. GOPALAKRISHNAYYA :—

20. In line 45, for the words 'seven days' substitute the words 'ten days.'

Rao Bahadur C. V. S. NARASIMHA RAJU :—

21. Substitute the word 'fifteen' for the word 'seven' after the words 'provided that such sale shall not take place within'.

22. Substitute the words 'giving notice of the sale' for the words 'the attachment' at the end of the clause.

Mr. B. MUNISWAMI NAYUDU :—

23. Instead of the words 'from the date of the attachment' substitute 'from the date of such proclamation in the village.'

Rao Bahadur K. GOPALAKRISHNAYYA :—

24. Add at the end of clause 3 the following proviso—

"Provided also that at the time of knocking down of the sale, the purchaser deposits the whole of the sale amount with the selling officer."

Mr. B. MUNISWAMI NAYUDU :—

25. Insert the letter and brackets '(a)' between '3' and 'notwithstanding' and add the following sub-clauses :—

"(b) No land shall be sold under sub-clause (a) of this section until after the expiry of the date fixed for payment of the last instalment of land revenue due on the holding;

"(c) not more than 1/20th of the extent of the holding of the defaulter should be brought to sale under sub-clause (a) of this section.

"(d) and notwithstanding anything contained in section 42 of the Principal Act, all lands brought to sale under this section shall be sold subject to all incumbrances created before the first day of January 1922."

The Hon'ble the PRESIDENT :—" I will now put to the House clause 3 as finally amended. The House should know what exactly is the

12-15 p.m. form in which they are passing clause 3. Clause 3, as finally amended, will read as follows :—

'Notwithstanding anything contained in section 27 and clauses (1) and (2) of section 36 of the Principal Act, the local Government may, by notification in the Fort St. George Gazette and in the official gazette of the district, direct that the provision regarding notification of attachment by publication in the district gazette be dispensed with in any particular

[The President]

[16th February 1922]

Clause 3—cont.

area and may authorize the officer empowered to sell immovable property to sell the same by public auction at such time and place as may be fixed by him. A notice of the intended sale shall be prepared and copies thereof shall be fixed up in the taluk cutocherry and on some conspicuous places in the village in which the property is situated. The officer shall further cause proclamation of the intended sale to be made in the village by beat of drum if practicable and in such other manner as he may consider necessary to give due publicity to the sale. Provided that such sale shall not take place within seven days from the date of such proclamation, or from the date when the copy of the sale notice was fixed up in the taluk cutocherry, whichever is later.

Clause 3, as thus amended, was then put to the House and carried and it was added to the Bill.

Clause 4—Amendment No. 26.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—“Mr. President, I move amendment No. 26, namely, that clause 4 in the present Bill be omitted.

“Clause 4 in the Bill reads as follows:—

“4. The local Government may notify that in any particular area the provisions of section 37-A of the Principal Act shall cease to be applicable to sale of land in that area and on such notification the said provisions shall cease to apply to such sale and clause (3) of section 33 shall be read as if the words ‘under section 37-A or’ had been deleted.”

“It is now necessary for me to refer the House to sections 37 and 38 of the Principal Act so as to enable it to understand the justification for my asking for the omission of this clause altogether. Section 37-A of the Principal Act says:

“Any person owning or claiming an interest in immovable property sold under this Act, may, at any time within thirty days from the date of sale, deposit in the treasury of the taluk in which the immovable property is situated—

(a) a sum equal to 5 per centum of the purchase money;

(b) a sum equal to the arrears of revenue for which the immovable property was sold, together with interest thereon and the expenses of attachment, management and sale and other costs due in respect of such arrears;

and may apply to the Collector to set aside the sale.

(2) If such deposit and application are made within thirty days from the date of sale, the Collector shall pass an order setting aside the sale, and shall repay to the purchaser the purchase-money so far as it has been deposited together with the five per centum deposited by the applicant.”

“That, Sir, is the material portion so far as the present clause is concerned. Then section 38, sub-section (1) says:

“At any time within thirty days from the date of the sale of immovable property application may be made to the Collector to set aside the sale on the ground of some material irregularity, or mistake, or fraud, in publishing or conducting it;”

and some conditions have been prescribed. Sub-section (3) which is relevant is:

“On the expiration of thirty days from the date of sale, if no application to have the sale set aside is made under section 37-A or under clause (1) of this section, or if such application has been made and rejected, the Collector shall make an order confirming the sale.”

“It is thus clear that the object of this clause is to take away the benefit of the provisions of section 37-A which have conferred the right upon all defaulters to preserve their properties and to get them back by deposit of money within a month from the date of sale. The applicability of this provision affects not merely those whom the framers of this Bill intend to punish, i.e., those who refuse to pay taxes, but it punishes more those who fail to pay taxes even for causes for which they are not responsible. If by any notification it is stated that in a particular area section 37-A shall not

16th February 1922]

[Mr. A. S. Krishna Rao Pantulu]

Clause 4—cont.

apply, it affects the tens of thousands of pattadars who find it difficult to pay the amount of kist within the time allowed. Those who have any conception of the economic condition of our country will realize that people find it difficult to pay the assessment in proper time on account of their difficulty in securing proper price for their produce in the kist season and also on account of the difficulty they have, wherever necessary, to borrow money for the payment of kist. It is to be remembered that over 90 per cent, or nearly 95 per cent, of the pattas are for Rs. 50 and less and most of the ryots own small holdings. It is to be remembered that in very few cases persons can lay their hands upon any spare cash, or upon any spare investments, for the purpose of paying Government kist. It is to be remembered that in most cases ryots and agriculturists are forced and compelled to sell their produce even at very low prices and that they are often forced to borrow money at exorbitant rates of interest. If these are the main causes which would lead to a delay in the payment of assessment, is it fair, is it reasonable and is it just that this provision under section 37-A of the Principal Act, which is a very salutary provision intended to benefit the ryots and agriculturists, is to be taken away altogether even within a particular area? Apart from its effect upon those honest, law-abiding citizens who fail to pay on account of their difficulty in securing money in proper time, let it be remembered that even when it is attempted to be enforced in the case of those non-co-operators who deliberately fail to pay the tax, it is very unfair. If the object of this Bill is to enforce a speedy collection of revenue, if even those who refuse to pay within the stipulated time change their mind and change their old ideas and resolve to pay money within a month after the date of sale, is the Government justified in saying: ‘No, the doors are shut out against you. We shall not permit you to take advantage of those provisions?’ Again, Sir, is it prudence or is it wisdom to allow those who refuse to pay taxes to continue in that condition of antagonism or despair even when they are willing to come back to their old condition and pay their taxes and recover the properties? I believe, Sir, from whatever view we look at this question, whether it applies to those who are willing to pay the tax but who are unable to pay it, or whether it applies to those who are unwilling to pay the tax, it is quite clear that this provision of section 37-A is a very salutary provision and that it is certainly unfair and unjust to deny them the benefit of this provision. While considering this question I wish to remind the House that there is another special measure taken by the Government which has aggravated the situation. Taking advantage of the provisions of section 3 of the Revenue Recovery Act the Government or the Board of Revenue have issued a notification early in February without sufficient notice declaring that in the Guntur district, which is said to be an affected area, all instalments should be paid by the 10th of February. They have been deprived of the advantage of paying money in three instalments as before, and one instalment, that is the third, has been merged with the second, with the result that persons have been forced to find a much larger sum of money for paying the taxes on the due dates. What is the result? The result is that under section 4 of the Revenue Recovery Act it comes to be classed as arrears of revenue and all those who are not prepared for payment of the full amount, including the March instalment, become defaulters and the provisions for the sale of the land for arrears of revenue will be proceeded with

[Mr. A. S. Krishna Rao Pantulu] [16th February 1922]

Clause 4—cont.

and they will be ruined. Why so? Sir, is that not a circumstance which we should specially bear in mind while considering the justification for this clause? It is also to be noticed that in issuing that notification, which, I have not the slightest hesitation in saying, is very unfair, very little time is given for them to make the necessary preparations. A perusal of the section 3 itself would show that persons are expected to pay the money according to the kistbandi, or other established engagements. Having done that, the Board of Revenue has been given the discretion to change the instalments from time to time according to the necessities of the situation, and it also has been given a discretion to change the amount of instalments. I shall read the section itself—

‘3. Every landholder shall pay to the Collector, or other officer empowered by him to receive it, the revenue due upon his land on or before the day on which it falls due according to the kistbandi or other engagement, and where no particular day is fixed, then within the time when the payment falls due according to local usage: Provided that, except where property is held under a Sanad-i-Milkiyat-i-istimrar or other similar instrument, it shall be lawful for the Board of Revenue, by notification published in the District Gazette, to alter and fix, from time to time, the amount of the several kists or instalments, and the dates at which they shall respectively become payable.’

“Probably those who were responsible for the enactment of the Act of 1864 did not anticipate the contingency that has now arisen. It could not have been imagined that shortly before a particular instalment fell due without giving any notice to the ryots or agriculturists, they would, within the course of a week or ten days, be suddenly called upon to pay the money due for the subsequent instalment. No doubt the language of this section is defective and there is a loophole in the wording of the section. But this Council need not concern itself at present about the language. Can it not come to this unanimous conclusion that it is certainly unfair in the case of any ryot or agriculturist that he should suddenly be called upon to pay the amount due for two instalments all at once? After such a notification has been issued, can we give our sanction to this clause which takes away from the agriculturist the benefit of getting back his land by paying back the money within the period of a month?

“There is another aspect of this question which I wish to place before this House. I really do not know why and when the Government hit upon this idea of enforcing a provision of this description. I have carefully gone through the orders issued from time to time in dealing with this exceptional situation. Neither in the Government Order of 19th January 1922 which set forth the lines of action, nor in the press communiqué of the 20th January 1922, do we find any indication or intention whatever of altering the payment of kist into two instalments. The original Government Order of 19th January 1922 contained certain instructions given to Collectors regarding the collection of kists, that they should first proceed against land, that the Government servants should be allowed to bid for the distrained property, that they would lease or assign the lands to persons of the depressed classes and that the Government would provide an amendment to the Revenue Recovery Act empowering Government to suspend in any particular area the prescription of the sections requiring fixed intervals

16th February 1922] [Mr. A. S. Krishna Rao Pantulu]

Clause 4—cont.

between attachment or distraint and sale. No indication was given as to any possible modification of the kistbandi in the instructions given according to the Government Order of the 19th January 1922. Even in the press communiqué of the 20th January 1922 we do not find any intention or indication on the part of the Government to collect or alter the kistbandi.

“I may, in this connexion, also point out that in neither of these orders do we find any intention or expression of intention to introduce a clause like clause 4. It was not suggested, among the special measures Government wanted to take as a result of the inquiries made by responsible officers like Mr. Harris, that the Government intended to take away the benefit of the provision of section 37-A in dealing with the present situation. Even in the statement of objects and reasons attached to the Bill, Sir, it will be found that there is no indication as to the taking away of the benefit of section 37-A. I really am at a loss to know, notwithstanding the declarations made in those earlier Government Orders, notwithstanding the instructions given to the subordinate revenue officers, notwithstanding the object set forth in the present temporary amendment Bill, how and why the Government hit upon the plan of embodying clause 4 with the result that section 37-A is to be abrogated in specific local areas. Sir, in whatever way you look at this question, there is absolutely no justification for the insertion of this clause. I am reminded, Sir, that the Hon'ble the Revenue Member, while we were at the discussion of the principles of the Bill, took exception to the remarks made that it is a panic-stricken Government that will introduce such a measure. He also took objection to the statement made that it is in a spirit of vindictiveness that this measure was introduced. He wanted to claim that the Government was a judicious Government in trying to introduce this principle. It is enough for me to point out the most objectionable features of clause 4 to satisfy this Council that it can never be considered to be in a judicious temperament that this Bill was introduced. If this clause is allowed to go forward, it is impossible, notwithstanding any protestation on behalf of the Government or on behalf of the Hon'ble the Revenue Member, to escape the charge that it is in a vindictive spirit or in a spirit of anger or of panic that this Bill has been introduced. This Bill cannot be justified on any other footing which we can understand. Therefore, though this Bill has been allowed to go forward with a certain number of amendments, it will be dangerous if we were to allow clause 4 to remain as part of the Bill. Before I close, may I point out that the Government may probably rely upon the strength of its power and try to ignore public opinion. But this Council which is now a popular assembly with popular Ministers dare not ignore and allow this clause to stand part of the Bill.”

Diwan Bahadur M. KRISHNAN NAYAR :—“Sir, I rise to second this amendment. The Council as a whole has, to my mind, given its support to the Government in all the reasonable aspects of this measure. The Council has recognized, and, in my opinion, recognized quite rightly too, that this is an emergent measure and as such the motion of the Government for getting this measure passed in this sitting itself should be supported. But it seems to me, Sir, that the Government should not and cannot reasonably object to this amendment. When once the property is attached, proclaimed and sold under the provisions of this measure after it becomes law, the urgency is at an end—the urgency is, so to speak, exhausted. The urgency exists till the

[Mr. M. Krishnan Nayar] [16th February 1922]

Clause 4—cont.

actual date of sale and when once the sale has taken place, the urgency is at an end and thereafter I submit that the ordinary provisions of law should be allowed to have their course. For that reason first, Sir, I support this amendment.

"Secondly, there are more important reasons why this Council should accept this amendment and the reasons are these. What section 37 says is that any person owning or claiming any interest in the property sold may deposit the arrear with certain additional amounts and seek to avoid the sale. It is quite possible that persons who own an interest in the property sold or who are proprietors or part owners of the property sold may not be aware of the attachment proclamation and notice. It is quite possible that a pattadar who is on the spot to whom the notice of sale and proclamation is given and who is aware of the intended proceedings and ultimately of the sale itself may be a non-co-operator, while the other members of the family who are co-sharers of the property with the pattadar may be residing elsewhere and they may be co-operators with the Government and if they had known of the intended proceedings of the sale before the sale actually takes place, it is probable that they would have deposited the amount due to the Government and thus avoided the sale. Again there may be instances, say, of persons who are not owners of the property but who otherwise possess an interest in the property like the mortgagees. A mortgagee who may have invested money on the property in question may not reside either in the village where the property is situated or anywhere near it and it is quite possible and very often likely that these intended proceedings may not in any way be known to the mortgagee and that sometimes he will know of the sale only after it has actually taken place. It seems to me, Sir, that there is no reason why in these circumstances the mortgagee should not be allowed to deposit the amount contemplated in this section 37-A and to prevent the sale from becoming final. In fact the Government interests are not affected. The sale has already taken place and finality of the sale can be prevented from taking place only if the whole amount due to the Government is paid and if the solatium to the purchaser is allowed to be deposited. There is a question of very great hardship coming into operation if this amendment be not allowed to be passed. For these reasons which to my mind are very strong, it seems to me, that the Council should accept this amendment and I go further and hope that my friend the Hon'ble the Revenue Member will not oppose this amendment but will accept it."

Mr. S. ARPUDASWAMI UDAYAR:—"Mr. President, Sir, I beg leave to support the amendment. I know that the Hon'ble the Revenue Member is actuated by the best of motives in introducing clause 4. He wants to teach those people who assume an attitude of civil disobedience a very good lesson, to tell them what tremendous risks they run by not paying the taxes and kists which they ought to pay to the Government. But at the same time, Sir, I wish to place before this House my experience of village life. Most of these villagers answer the description given of them by Gray in his Elegy, viz., that they are dumb-driven cattle. A vast majority of them are incapable of thinking or judging for themselves. They follow the example of certain leaders or certain mirasidars. If these mirasidars or leaders ask them not to pay taxes, very often 99 out of 100 have not the moral courage to act for themselves independently of the wishes of their leaders, of those people to

16th February 1922]

[Mr. S. Arpudaswami Udayar]

Clause 4—cont.

whom they look for help and guidance in such matters. I know, Sir, that in very many cases people act through fear. There is such a thing as intimidation and many have not the backbone to act against organized concerted opposition. I doubt whether, if such a contingency arose even in respect of members of this Council, many of them would, when confronted with opposition and boycott, have the courage to act independently. If this is the case even with the educated people living in towns, what must it be with those poor, deluded villagers who have necessarily to yield to the wishes of the influential men there.

"Secondly, Sir, there has not been set on foot a successful counter-propaganda, a serious check to this mischievous activity of the non-co-operator. I find many people in the pay of the non-co-operators acting with a zeal worthy of a better cause, running from place to place, from village to village, flooding the place with non-co-operation literature, preaching in every corner. Is it any wonder, Sir, that the large number of villagers swallow what is said to them by these interested persons? From the speech of the Hon'ble the Revenue Member it is clear that the one body of persons who were expected to convince the people of their mistakes and to hold up the prestige of the Government, viz., the village officers, proved treacherous. They resigned in large numbers. The evil consequences of the bad example set by them must also be remembered in dealing with the villagers. The men who must have been true to the Government whose salt they had been eating, men who ought to have upheld the prestige of the Government and enlightened the people, these men have played false. They are the real culprits. Therefore the abrogation of section 37 will certainly work hardship, rendering it impossible for the misguided villagers to recover possession of their fields, even when the time comes for them to adopt an independent course of action. The operation of the other three clauses will bring pressure upon these misguided people, especially the mirasidars and leaders, and will make them come to their senses. Then some kind of party will be created in the village and as a consequence of that, ryots who will be brought soon to repentance will find support and there will be a chance for them to rush to the officers and pay the 5 per cent penalty or solatium laid down by section 37 together with the kist due from them and recover their lands. I think, Sir, this aspect of the question must be considered and allowance must be made for the ignorance of those villagers; and instead of driving them to despair, it would be well to require them to satisfy the penalty inflicted by this section. We should give time for repentance, and show that we are not acting in a vindictive spirit."

Rao Bahadur T. BALAJI RAO NAYUDU:—"I beg to oppose the amendment for this reason. We have all agreed that this is an emergency measure and after some discussion we have reduced the time to be allowed in the various stages. If we accept this amendment and omit clause 4 altogether, we leave the thirty days' time as it is and there will be no option to the Collector but to cancel the sale if the defaulter appears before him in thirty days and pays the amount. The defaulter knows that the sale will not be confirmed until thirty days after the sale. If we accept the amendment, I think we will be taking away the effect of the Bill altogether. If the majority of the House wants to show some

[Mr. T. Balaji Rao Nayudu]

[16th February 1922]

Clause 4—cont.

concession to the defaulters, let the time-limit of thirty days given under section 37-A be also reduced later on. With these remarks I oppose the amendment."

Mr. S. T. SHANMUKHAM PILLAI:—"I quite agree with the remarks of the previous speaker. If this amendment is accepted, it will nullify or neutralize the effects of the previous clauses. If this amendment is accepted, the non-co-operators or those who help them or the wire-pullers among the anti-non-co-operators will be very glad as they can fully carry on their mischievous propaganda for 29 days even after the date of sale. I therefore think that the object of the Bill will be defeated without this clause 4. For these reasons I oppose the amendment."

Mr. B. MUNISWAMI NAYUDU:—"I have very great pleasure in supporting the amendment of Mr. A. S. Krishna Rao. I have also given notice of a similar amendment. It is somewhat surprising that in a measure of this sort, this clause 4 is also sought to be introduced. I do not see why the Government are driven to take such an extreme measure. In their anxiety to see that the revenue is recovered and that all the processes required for bringing the properties to sale are carried on as speedily as possible, let it not refuse an opportunity to the misguided people to recover their properties after paying money. I should have expected the Government to give such people some more time than is already given under section 37-A, so that they may pay the amount with some penalty and recover their properties even after expiry of thirty days from the date of sale. But, on the other hand, what we find is that they are not to be given any time. I want to know whom it is that the Government are punishing in this manner. The original section was intended not merely for the purpose of helping persons in whose name the patta stood but also persons who had any interest in the land by way of mortgage or otherwise. Do the Government now contend that if the pattadars do not pay revenue, others who have got any interest in the land should not also retain the land by paying the amount? When even Government officials themselves find it difficult to get information from the ryots of properties to be attached and sold, it will be very difficult for these mortgagees and others who are interested in the land to know if that land will be sold. There is also another difficulty. In cases of this sort, where all the processes are hurried up and where there is no proper gazette publication, it will be very difficult for persons who want to avoid sale to find out whether the lands mortgaged to them are to be sold or not. It is therefore reasonable that some time is given for payment of the arrears even after sale.

"It is said that if this amendment is accepted, the Bill will fail in its purpose. I cannot understand how it can be. The only object of the Government is to recover their money. The Government sells the property and either gets the money or purchases the lands. If the persons interested in the property pay the money within the prescribed time, then the purchaser recovers his money with 5 per cent in addition or again the Government can give back the property after receiving the dues together with the expenses and the penalty. Do the Government want to retain the land for its own purpose? Is it the intention of the Government to own landed property by not giving an opportunity to the owners to pay the money and recover their property?

16th February 1922]

[Mr. B. Muniswami Nayudu]

Clause 4—cont.

"Again, it is said that Government servants also will be authorized to purchase these properties. Such a privilege was given during the time when, in consequence of non-payment of taxes in municipal areas, property could not easily be sold. If this principle is extended further, I only submit that far from inviting the misguided ryots to recover their property by paying up the dues, public servants will be only interested to see that these people do not pay up the amount at all and thus retain the lands for themselves. If the Government want to help Government servants in this way, I think that cannot be accepted by this House. For these reasons and also having regard to the fact that the Government must be interested in seeing that these misguided people are brought back to their senses, I think that this amendment should be accepted by this House. With these remarks I support the amendment."

Mr. R. SRINIVASA AYYANGAR:—"Sir, I rise to support the amendment before the House. I am not at all surprised at the attitude taken up by the two black bureaucrats who have allowed themselves to be led by the bureaucratic spirit which in their case seems to grow with age. Coming now to the merits of the clause under discussion, I wish to make one or two observations."

The Hon'ble the PRESIDENT:—"I think I must at once say that reference by one honourable member to the colour of another honourable member is wholly wrong. Once an honourable member begins to dwell upon the colour of another, then another honourable member may start commenting on other matters as to the personal appearance of other members. If instead of dealing with the question in issue, honourable members begin to refer to one another's personal appearance, it is likely that a number of unpleasant reflections will be passed. I may at once say that the reason why I did not immediately rise up was that I wanted to see if either of the two honourable members referred to was going to raise the point of order. But the two honourable members were magnanimous enough to ignore the reference to them. But the fact that neither of the two honourable members objected does not absolve me from the responsibility of enforcing order; and I wish it to be distinctly understood that reflections upon the colour or other matters of personal appearance of honourable members are quite irrelevant and should not be made.

Mr. R. SRINIVASA AYYANGAR:—"Mr. President, Sir, I am very sorry for the expression I used, and I disclaim all intention to be discourteous to the honourable members concerned. I did so as I thought that the expression was parliamentary. But anyhow, I bow to your ruling, Sir.

"Coming now to the subject-matter of the amendment before the House, the House will see that clause 4 empowers the Local Government to make the operation of section 37-A of the Principal Act cease in any particular area. Any particular area may mean the entire district or the entire taluk. The entire taluk or the entire district may consist of a decent number of determined non-co-operators and also a decent number of other persons who by reason of poverty or some other cause may find themselves unable to pay the tax in time. Without trying to discriminate between these two classes of people the Legislature seeks to sweep the entire area with the same brush, for which

[Mr. R. Srinivasa Ayyangar] [16th February 1922]

Clause 4—cont.

there is absolutely no adequate justification. Again, inasmuch as the Legislature has attained the object in view, namely, to speed up collections by bringing the properties to sale within a very short period, there is absolutely no reason why it should not rest content with clauses 1, 2 and 3 that have already been passed, and why it should try to subject these defaulters to the extra disability to the extent of depriving them of their property. As some honourable member has pointed out, there is absolutely no reason why time should not be given not only to these non-co-operators to come back to their senses but also to other persons to enable them to raise money in the open market. Once the object is achieved, namely, bringing the property to sale and recovering the money, the Government do not lose anything by giving some time to the defaulter. For they can get their money and also something more, i.e., 5 per cent of the purchase money. To deprive the defaulters of this privilege is a thing which is not easily understandable. Doubtless it is true that most of us do not approve—or strongly disapprove—and openly condemn the methods and the tactics employed by these non-co-operators; but is that a reason why we, members of the Legislative Council, sitting as a legislative body, entrusted with legislation, should allow our anger and impatience to get the better of us and not allow sound reason and mature judgment to influence us in the matter of legislation? If, as a matter of fact, we allow this clause 4 to go before the country, it will come to this, namely, that the Legislature on account of fear wanted to be very hard upon the non-co-operators and the other persons as well, and instead of taking a bold and statesmanlike view of the situation, made a complete surrender of their judgment and allowed themselves to be completely overpowered by panic, impatience and strong indignation, a situation which it is not possible for any body to contemplate with perfect equanimity. Therefore, whatever may be the methods and tactics of the non-co-operators, let us show both to them and to the country that we, sitting here charged with this duty, are prepared to take a much broader and more rational view of things, and let us do things to which no exception can be taken. With these remarks I give my support to the amendment."

Mr. S. SOMASUNDARAM PILLAI :—"Sir, I am sorry I have to differ from many of the members who have spoken on this amendment. It seems to me that many of them are under the impression that the Government are losing their revenue, and that is the reason why they are passing this emergency Bill. Certainly not. It is purposely intended to infuse awe into the minds of the non-co-operators so that they may not join the forces of anarchy. Perhaps if you take away the 4th clause from the Bill, then it will be like sending an army with guns but without cartridges, and if any man comes to know that he will have to lose his land once for all, then he may think twice before he joins the non-co-operators. Even supposing he is persuaded by the non-co-operators not to pay the kist, he has full seven days before which he can pay the kist, and there are officers such as police, etc., to whom he can apply for protection. And if he does not avail himself of that protection, then he deserves to lose his lands. Sir, some of my friends are under the impression that there may be only one or two defaulters in a village. That is not the case. According to the arrangement of the leaders of the non-co-operation movement, unless some village or a number of villages is as a whole prepared to fulfil the conditions they have laid

16th February 1922] [Mr. S. Somasundaram Pillai]

Clause 4—cont.

down they are not going to order civil disobedience. So it is a case where villages after villages are arrayed against the Government. If we yield to them out of fear, what will become of our prestige? Sir, we are not a religious body to show love and kindness even to our enemies. If you show kindness to injury, how will you recompense kindness? We must show kindness to kindness, and recompense injury with justice. This Act is intended for the purpose of doing justice to those people who are causing injury to the Government. Let them have what they deserve. Even now, they think that they can resist the Government and establish their own Swaraj and take away their lands altogether from the Government. They think that they can by this non-payment of taxes establish Swaraj in a short time and do away with all the officers of Government. Let them by all means do that. Let us not show them any mercy. Let us be very firm at least now. Afterwards we may alter our minds according to the circumstances. On the 13th January so many shops in the city were closed. We are told that the shopkeepers were afraid of the non-co-operators, and that they were forced to close their shops."

The Hon'ble the PRESIDENT :—"I think the honourable member is getting beyond the issue before the House."

Mr. S. SOMASUNDARAM PILLAI :—"Some people closed their shops quite against their will. To deal with such cases I think it is necessary to pass this Bill without any amendment."

Mr. T. SIVASANKARAM PILLAI :—"Sir, I feel called upon to support this amendment. It occurs to me that if clause 4 is retained in the Bill the Co-operative movement in the country will come to an end. You are particularly aware, Sir, of the trouble that you among others have taken to bring this movement to a satisfactory state. It is just now getting popular in rural areas, and it is a source of great convenience to the population living in the interior of the country. If you only take out statistics now, Sir, you will be able to see that many a land has been mortgaged to these co-operative societies and they are holding them as security for the debts due to them. You will be aware, Sir, that several co-operative societies in rural areas are statutory bodies and even large banks like the central urban bank and other district urban banks in several areas have depended upon the stability of these co-operative societies, and they have advanced lakhs and lakhs. So in this way people's money is invested in these banks, and these banks depend upon the security of the lands in villages. Now, what will be the effect upon these societies if we retain this clause? Section 42 reads: 'All lands brought to sale on account of arrears of revenue shall be sold free of all encumbrances.' Then what is to become of the security upon which these societies depended? They are not allowed under section 42 to count on the security of the land. Now in section 37, if clause 2 is taken away from it, it is not open to any co-operative society to advance the arrear due and retain the claim on the land. This is my important reason for supporting this amendment."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, I also rise to support this amendment. The result of the clause as framed will be not only to have the effect which I suppose the Government had in view in bringing

[Mr. T. A. Ramalinga Chettiyar]

[16th February 1922]

Clause 4—cont.

this Bill, but it will also affect others who are not concerned in the creation of this situation which has necessitated this measure. As has been already shown, there are many people who have an interest in the land but who are not in possession of the land and who are not ordinarily paying the revenue for it. The result of this legislation will be to deprive such people of their securities or of their properties. And with regard to poor people who are not able to pay their kist, not on account of any principle that they may hold, but on account of poverty, or some other cause, the safeguard provided in the Act will be taken away. Under such circumstances the position of these poor people may very well be imagined. It is assumed that there is non-co-operation in villages. Naturally a man who is prepared to pay his tax will not be helped by the people of his village. So, if there is a poor man who is not able to pay his kist, nobody else in the village will advance the money necessary for him—even the neighbouring villagers will not help him—with the result that, with all his anxiety to pay it and with all his efforts to get some money for payment of the kist, he will be deprived of his property. I request the House to imagine the fate of the poor man.

“Well, Sir, with regard to its effect on the non-co-operators, whom I think it is the idea of the Government to punish, what will it be? For the fault of a member non-co-operating with the Government, his whole family will lose its holdings once for all. There is also another injurious effect. There is no chance at all for a man who was once a non-co-operator to come round. If he is once for all deprived of his property there will be no inducement for him to abandon his principles. If he is once for all thrown out of his land with a large mass of people he will create discontent among them and even undermine the Government itself. When once he and his family are deprived of the resources upon which they depended for their livelihood the result will be only that they will be creating a very large class of people with very bitter feelings against the Government. Their descendants will also share the same feelings towards the Government, because we are striking not only the non-co-operators who are keeping away from paying their taxes but also their families so that their descendants will also be affected by this Bill. The result, I fear, will be to create large bodies of men sworn against the Government with bitter feelings towards them. The final result of all this will be an agitation which will never die and which would always try its best to undermine the British Government and the present constitution. I hope, Sir, it is not the intention of the Government to create classes of people like that. It seems to me, Sir, this provision is due probably to the fact that if everybody is allowed to retain property by paying taxes with an addition of 5 per cent on the sale price within 30 days, nobody will pay the tax within the time fixed so that the Government will be subjected to great trouble and annoyance. It is probably to avoid that inconvenience that the Government have made this provision in the Bill. I hope and believe, Sir, that the Government did not foresee all these difficulties and that they pitched upon this proposal in a hurry only for avoiding such inconveniences. Sir, there is another way in which these inconveniences can probably be overcome. I think that by raising the fine that they have to pay—the fine now fixed in the Act is 5 per cent on the purchase money—by 50 or even 100 per cent of the kist, we can achieve our object and it won't matter much at all. For instance, a man who pays Re. 1 kist will probably have to pay Rs. 2

16th February 1922] [Mr. T. A. Ramalinga Chettiyar]

Clause 4—cont.

or whatever that will come to. Anyway, the increase in the fine will quite as well meet the difficulties of the Government and avoid the inconvenience which they will be subjected to. This is a very dangerous clause and I should appeal to Government to reconsider our objection, withdraw this clause and bring in something which will achieve their object without taking away the benefit given by clause 37-A, or in such other way. For these reasons I support the amendment.”

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“Sir, I have listened with great care to the speeches that have been made in regard to the wholesale deletion of clause 4. Some of the honourable members who have spoken on this matter appear to be under a mistaken impression that the insertion of clause 4 is due merely to a state of panic in which the Government find themselves, or it is a feeling of revengefulness or anger that they intended to exhibit (thereby and that their whole object in framing this Bill is one of vindictiveness. Some other honourable members would have it, that no matter what the emergency may be, yet the matter what the attitude of the people towards Government ought to be same kindness, the same tenderness and the same privileges ought to be extended to them. Well, Sir, unfortunately I cannot fall in line with that argument at all. In the first place, I wish to repudiate the fact as emphatically as I can that, in the framing of this clause, Government was overtaken either by panic or that it was carried away by impulses of anger or vindictiveness, but I would emphasize that in doing so it considered it owed a duty and it discharged that duty. I think, Sir, it is wrong to imagine that we are dealing with people in normal times and under normal conditions, that we are dealing with people who are willing to pay, who are willing to recognize the Government as a Government and who are willing at the same time to admit their legal liabilities towards the Government, but who for certain reason or other plead their inability to comply with their own responsibilities. Let it be distinctly and clearly understood that this is not the position at all.

“This piece of legislation is intended for the purpose of coping with an emergency due to civil disobedience being proclaimed. 1-15 p.m. Civil disobedience, as I have already said in my opening remarks, amounts to revolution. Now, in a part of country where there is open revolution, I cannot at all understand how those responsible for administration can allow the normal state of affairs to prevail and give the people the benefit of all laws and regulations which in an ordered and orderly condition of the country it would have been possible for them to have done. Honourable members forget that at the time when we drafted this Bill we were in possession of distinct and clear information as regards the prevailing condition and as regards the possibilities of its growth not merely locally but in other parts of the Presidency. Therefore, this piece of legislation was framed for the purpose of nipping the thing in the bud and I am certainly glad to notice that the measures which were then contemplated, the measures which were announced and the measures which were taken without the sanction of the Legislative Council so far as they were of an executive nature, have produced a sobering effect. That I gladly confess. But at the same time to say that the Government were merely overtaken by a feeling of panic

[Mr. Muhammad Habib-ul-lah Sahib] [16th February 1922]

Clause 4—cont.

or that they want to be vindictive towards their subjects is a statement which I think I should certainly refuse to accept.

"One other matter that has got to be definitely kept in view is this. I have heard it said that this is a right which people possessed under the existing statute. Why should you confiscate that right from the people?" In the first place, Sir, let me make it sufficiently clear that section 37-A is not a right but that it is a privilege that has been extended to the people. It should be remembered that the Revenue Recovery Act was brought into force in the year 1864. But the particular section of the Act which is now under discussion, namely, section 37-A became part of it only in the year 1909, so that for a long period of 45 years during which the Revenue Recovery Act was in operation the privilege since conferred by section 37-A found no place whatsoever. It was on a consideration of the provisions in the Civil Procedure Code—I mean section 310-A of that Code—that a privilege which was allowed between a creditor and a debtor as regards the claiming back of the property which was sold within a specified period if the amount of the sale was paid, was extended in the case of a liability between the Government and the tax payers also. While I shall certainly not go into the history which led to the incorporation of section 37-A, in any case, I am going to say that there was opposition and very strong opposition from the responsible officials of Government to the inclusion of section 37-A even as circumstances then stood. Then, Sir, let me again repeat that the privilege was incorporated in Act II of 1864 to be given only to people who were willing to pay, but who had not the necessary wherewithal to pay, who in spite of the varieties of periods which had been allowed in the Act found it impossible to provide themselves with the necessary funds and yet after the sale had actually taken place, were in a position to pay it up; rather than deprive such people of the opportunity of paying the money and getting back their land, the legislature of the day considered it necessary to introduce section 37-A on similar lines as section 310-A of the Civil Procedure Code. That, I repeat, was merely a privilege. Now, what the Government exactly wanted to do was to abrogate a privilege which had quite recently been conferred on the people under conditions absolutely different from those with which we are now faced. The conditions then were absolute peace, perfect willingness on the part of the people to pay but inability to secure the money to pay, and a readiness to pay at the earliest opportunity. But these conditions have now changed. We are now dealing with a position in which civil disobedience is at the top of every man's voice. Parties have organized themselves for the purpose of parading through streets of towns and villages prohibiting the people from paying taxes, either by means of threats or intimidation. Under these conditions, what is the duty of the Government? The plain duty of every Government which wants to rule and wishes to continue to rule would be to improvise such measures as would bring these erring ryots to their senses. We knew perfectly well that every man not merely in the Andhradesa but everywhere else in this agricultural India cherishes a fondness towards his land. So, we make it clear to him that he has to elect either of the two alternatives: he must be a loyal adherent of civil disobedience or he must preserve his land. If he wants to be a loyal disciple of that propaganda, he must be prepared to forego his land and show to the votaries of his own movement that he is prepared to undergo any sacrifice for

Clause 4—cont.

16th February 1922]

[Mr. Muhammad Habib-ul-lah Sahib]

the principle which he has adopted for himself, namely, that of civil disobedience. Now we want practically to give him an opportunity of showing whether he is a sincere disciple of the civil disobedience movement, or he loves his land when he must pay the tax. That, of course, was the only potent influence which we could have exercised over these people to enable their becoming once more loyal citizens of the British Empire. We have not the least intention in our minds to convert the non-co-operator into more staunch non-co-operator or to convert the co-operators into non-co-operators. Our sole aim is to get back these misguided men from the movement which they have, either through threats or other causes, joined, and to make it sufficiently plain that the Government now means business and to tell them plainly: 'either obey our laws, or be prepared for the serious consequences which follow as a result of being adherents of this disruptive policy.' This is what we wanted to make sufficiently plain, and I think we were perfectly justified in doing so; and let me again repeat, Sir, that we have not the least intention of doing any thing which would have the effect of creating an impression that we wish to deal with the non-co-operator and the co-operator alike in the matter of penalties contained in this Bill.

"Then, it has been said, I think, by my honourable friend from Anantapur, that this movement has an unfortunate influence on the co-operative movement in this Presidency, and I think he made a personal appeal also to the Hon'ble the President as being more or less the father of that scheme. He said that if clause 4 is to be passed, it would mean ruin to the co-operative movement in the Presidency. I may assure him that this aspect of the matter did not escape the attention of the Government but that the Government have done everything in their power for the purpose of seeing that wherever the interests of the co-operative movement are involved, some special facilities should be given to the officers in charge of that movement to know the sales which take place in a particular area and to give them an opportunity at the earliest moment of paying down the money due as land revenue to the Government and instructions in this matter have, I think, already been issued by my honourable colleague the Minister for Development, and I believe he is satisfied with the arrangement we have already made.

"I respect the very emphatic opinion of my honourable friend Mr. Balajirao Nayudu who hails from the Andhradesa, and his evidence is worthy of credence inasmuch as he probably sees from morning till evening the various activities of the party in question, the damage wrought by them and the unhappy influences that are being exercised over the other innocent people living in that part of the country. He pointed out, and very significantly I know, that the excision of this particular clause from the Bill would render it not merely a tame affair but that it would be something like cutting off the nose from the face. Well, Sir, he is of course in a better position to appreciate the present state of affairs in the Andhradesa than I can with my own imagination comprehend and I therefore stated that his opinion is worthy of the greatest respect. Let me again add that it is certainly not the intention of the Government to do anything which will in any way interfere with the well-being, happiness or the prosperity of the people committed to its charge. Government is always bound to do that which is absolutely necessary for the conduct of the administration. In an

Clause 4—cont.

[Mr. Muhammad Habib-ul-lah Sahib] [16th February 1922]

emergency it may become necessary for the Government to adopt a measure which in the interests of a large majority might probably produce an injurious effect to the interests of a few. I suppose we know that we can rule only for the benefit of the majority, and that we hope to do and are determined to do. If there are cases in which *bona fide* interests are jeopardised by the exercise of any power, of course, Government will be quite willing to consider the matter and decide what is the best solution of the problem. I am aware, Sir, that there is some feeling in regard to this matter if clause 4 is allowed to form part of the Bill. I am grateful to Mr. Ramalinga Chettiyar who spoke on this matter for having thrown in something like a constructive suggestion. All the criticisms we had heard before he began to speak were to my mind more or less of a destructive nature, for the whole demand was 'Eliminate clause 4 wholesale. Remove it out of the Bill root and branch. Let us have nothing more about it.' But that, I am afraid, Sir, is an attitude which cannot appeal itself to the Government.

"If, on the other hand, it is the intention of the House that we should so modify the effect of our intention as explained in clause 4 of the Bill, as to make it acceptable to the House in the manner that has been suggested definitely by Mr. Ramalinga Chettiyar either by a reduction in the period specified in section 37-A or if it would suit the taste of the House better by fixing the percentage of solatium which has got to be paid to get back the land at an increased rate, I on behalf of the Government may say that we are quite prepared to consider the suggestion. If the House is so minded and if it thinks that I would be carrying out its wishes, I am myself prepared once more to ask your permission to move an amendment to clause 4. Let me again repeat and repeat most earnestly and most seriously that it is not at all the intention of the Government to deprive any law-abiding citizen of any rights or privileges which he is until now enjoying. On the other hand all that we wanted was to make it plain to those who have indulged in this dangerous propaganda of civil disobedience that the arm of the Government is long enough and strong enough."

The Council then adjourned for lunch and reassembled at 2-20 p.m.

Mr. C. RAMALINGA REDDI:—"As I speak for the first time in this assembly, I must seek the indulgence which it never fails to extend to beginners."

"I have listened, Sir, with no little amusement to the speech of my honourable friend the Revenue Member in his reply on behalf of the Government. He reminded me of a famous king of France who marched his army up the hill and marched it down again. He beat the war drum very vigorously, and finally, if he did not hoist the white flag, he, at least, held out the olive branch. I have now risen, Sir, on behalf of a considerable number of honourable members to accept the olive branch and to inform my honourable friend that if he would table an amendment on the general lines he suggested, namely, keeping the period of *locus penitential* intact and, if need be, increasing the penalty for non-payment to 10 per cent, the suggested amendment would be acceptable to most of us. I do not wish to enter into any controversy, but with all deference to my friend I would like to submit that the very object that the Government have in view would be defeated if this

Clause 4—cont.

16th February 1922] [Mr. C. Ramalinga Reddi]

concession is not given. It is no use trying to bring in subtle differentiation between privilege and right. What has been enjoyed all these years must be regarded as a right, no matter what the history of that right may be, whatever its origin and other circumstances. It seems to me that if this clause is not deleted, the charge that the measure is conceived in a spirit of revenge could justly be levelled against the Government. The object of the measure, it has been said, is chiefly financial. It has been maintained that it has not been conceived in panic or in a spirit of revenge and vindictiveness. But if no opportunity is given for the erring non-co-operators whom we have described as the dupes of interested agitators to repent and to come back to the fold, it does seem to me that it would not be possible to escape the charge of vindictiveness. If this clause is not conceived in a spirit of revenge, the word revenge might as well be expunged from the dictionary.

"Sir, my honourable friend any how, whatever may be the theory underlying the Bill, has agreed to accept the practical emendation suggested. I do not wish in any way to spoil the new temper that has been inaugurated by my friend, and therefore without re-traversing the controversies I would merely request him to proceed with the amendment, so that we may get on with our business as quickly as possible."

The Hon'ble the PRESIDENT:—"Will the honourable member Mr. Krishna Rao withdraw his amendment in view of what is going to be put forward?"

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I know nothing of the new amendment; I have not been informed of it and I do not propose to withdraw my amendment."

The Hon'ble the PRESIDENT:—"The particular motion before the House, being to omit the clause, that would not admit of any amendment. But if the House throws out that motion, then of course it would be open to the Hon'ble the Revenue Member to amend the clause. But no such amendment can come in till the proposal to delete the clause is disposed of. I believe that what the Hon'ble the Revenue Member wants is that the House should know that in case it throws out the amendment proposed by the honourable member Mr. Krishna Rao, it is his intention on behalf of the Government to move his amendment to clause 4. That, I believe, is the honourable member's wish."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I wanted to go a step further than that in order to facilitate

discussion and that was by proposing this as an amendment to the amendment which the Council is considering. If that were possible, it would simplify the procedure, Sir, because you point out that it would be necessary to vote first on this amendment of Mr. Krishna Rao and then to bring up my amendment."

The Hon'ble the PRESIDENT:—"It will no doubt be convenient to the House to know that the Hon'ble the Revenue Member has sent up to me an amendment which he proposes to obtain permission to move in case the amendment of Mr. Krishna Rao falls to the ground. The amendment which will be proposed is to substitute for the existing clause (4) the following:—"The Local Government may by notification in the *Fort St. George Gazette* and in the official gazette of the district direct that in its application to any particular area section 37-A of the

Clause 4—cont.

[The President]

[16th February 1922]

principal Act shall be read as if the word "10" were substituted for the word "5" in sub-section 1 of the section. I merely give this for the information of the House which must first proceed to discuss and decide on the amendment of Mr. Krishna Rao."

Mr. P. SIVA RAO :—"The object of this measure seems to me to be twofold. One object is to facilitate the collection of the revenue and thus protect the financial interests of the Government. The second object seems to me to be to devise a measure to punish certain mischievous activities which are called mass civil disobedience or no-tax campaign. Even if the clause 4 is deleted the first object is fulfilled inasmuch as, as soon as a property is knocked down for sale, the purchaser pays the purchase money out of which the Government may reimburse the money due to them. In other words the Government get their dues and they realize also the expenses as well as any amount spent on attachment. If a defaulter does not choose to pay his dues he can come forward under the present Act within a month and can redeem his property only on condition of his paying 5 per centum. This itself at times amounts to an enormous amount (sometimes very prohibitive). This itself is suitable punishment even for a non-co-operator. If the diagnosis of the position by the Government is correct that the non-co-operators are victims of the machinations of a few political agitators, Sir, the policy of the Government should be to reclaim this unfortunate lot and not to irritate them unnecessarily. And now, Sir, if this clause is passed and if section 37-A is deleted and if no option is given to a defaulter to become penitent and to pay it up in time, the inevitable result of it would be that the Government would be characterized as vindictive and they would be driving away the non-co-operators into the very arms of those who are classed by the Government as pestilential agitators. I do not think the Government is gaining anything materially by substituting 10 per cent for 5 per cent."

The Hon'ble the PRESIDENT :—"Order, order. The House cannot now discuss an amendment not yet moved by the Hon'ble the Revenue Member. It will be convenient if the honourable member will consider only the amendment of Mr. Krishna Rao."

Mr. P. SIVA RAO :—"Sir, I shall try to forget it altogether. As I said an increase in the percentage would not be desirable. That would surely be characterized as vindictive and this 5 per cent."

The Hon'ble the PRESIDENT :—"The honourable member is evidently trying to follow my ruling; but all the same he is going back to the Hon'ble the Revenue Member's amendment which is yet to come."

Mr. P. SIVA RAO :—"I wanted to say, Sir, that if the defaulter is made to pay 5 per cent under the present Act, section 37-A, it is as good a punishment as anything can be. I should think, Sir, that section 37-A should be retained and this clause should be thrown out summarily."

Mr. N. A. V. SOMASUNDARAM PILLAI :—"I was prepared to give my hearty support to the entire deletion of clause 4. But after hearing the amendment proposed I think I must request all the members to allow the present amendment to be lost so that we may have the other amendment of the Revenue Member, for these reasons. In case no purchasers are found the intention of the Government is to purchase the lands and to allot them

Clause 4—cont.

16th February 1922] [Mr. N. A. V. Somasundaram Pillai]

to pensioned or military officers and to the depressed classes. Therefore to avoid this, there should be purchasers forthcoming to purchase even at the risk of the lands being taken away. The ordinary 5 per cent is not at all sufficient for places like Guntūr to induce persons to go and purchase the property. It is only the enhancement of that percentage to a reasonable extent that will induce people to come forward."

Mr. P. SIVA RAO :—"I rise to a point of order. My friend is speaking on the Revenue Member's amendment."

The Hon'ble the PRESIDENT :—"I must support the objection. I request Mr. Somasundaram to confine himself to the amendment of Mr. Krishna Rao."

Mr. N. A. V. SOMASUNDARAM PILLAI :—"I only wanted to impress upon the minds of the honourable members the necessity for choosing the amendment of the Government so that they may not be in a position to use the lands as they like when they do not find the purchasers. Some common-sense point of view should be taken and therefore I would earnestly request that one and all the members of the House should see such that a medium course is adopted so that persons may readily come forward to purchase the property."

Mr. O. TANIKACHALA CHETTIYAR :—"Sir, I was one of those that wanted clause 4 to be eliminated and also thought that clause 4 showed that the Government were acting under some panic. Now it is sought to be eliminated and I believe it is to be eliminated and in its place is to be substituted an amendment to be moved by Government. That clearly removes the impression that the Government is vindictive. For, the purchaser at the time of the bid makes a deposit of 15 per cent and is allowed thirty days' time to complete his purchase. The Government cannot get the full money until the thirty days. It will then be time for the defaulting ryot to express penitence and by paying the solatium he can yet redeem the land. And it is but right for the legislature to mark its disapproval of the conduct of such ryots who have led to the passing of this legislation to make them pay a little more than what they would be normally asked to pay, namely, 10 per cent instead of 5 per cent to the disappointed purchaser."

"Now that this assurance has been given that they are going to act in a spirit of fairness even to the misguided ryot who is led astray by the non-co-operator, treating him after all as that he is a son of the State, he should be treated, like the prodigal son if he changes his character within thirty days allotted by law. Then it becomes the duty of the State to give him a chance of penitence; even if a feast is not got ready by killing a fat sheep at least he must be allowed to enjoy his property after he pays the increased penalty we may prescribe."

"Under these circumstances, I appeal to my honourable friend Mr. Krishna Rao to withdraw his amendment, with which I was in full sympathy until the Government came out with their amendment and in the face of this promise of the Government the proposition to delete clause 4 becomes unnecessary. I therefore appeal to him to withdraw the amendment."

[16th February 1922]

Clause 4—cont.

Rao Bahadur K. GOPALAKRISHNAYYA :—" Before I deal with the amendment of Mr. Krishna Rao, I should like to suggest to you, Sir, for consideration whether it will not be more convenient to have the Revenue Member's amendment formally moved and seconded and disposed of earlier than the amendment that is now under consideration. I think Mr. Krishna Rao would have no objection to this course, because the first amendment which is now under consideration is for the deletion of the whole clause whereas the other amendment which is proposed to be moved by the Hon'ble the Revenue Member is partly to remove the sting by setting out a different purpose. As such, I feel that it would be more convenient to deal with that amendment first and then dispose of the amendments to delete the clause. I leave it to your discretion, Sir."

The Hon'ble the PRESIDENT :—" I have no discretion in the matter. The House is already in possession of a particular motion. Before that motion is disposed of, it is not for me to say 'let that motion stand as it is' and ask the House to take up another motion. Secondly, even if I had before me at the same time the amendment of Mr. Krishna Rao as well as the amendment which I understand the Hon'ble the Revenue Member proposes at a later stage, on the merits of the two amendments I would have felt bound to give Mr. Krishna Rao's amendment the preference, because if that were carried there would be no need for any other amendment to be put forward. If the House resolves upon deleting a whole clause, there can be no need for amending that clause. My duty is to so arrange the agenda as to simplify work as much as possible. So even if I had the two amendments before me at the same time, I would still have arranged the agenda in such a way as to let Mr. Krishna Rao's amendment to delete the clause take precedence over other amendments. I must ask the House to proceed with Mr. Krishna Rao's amendment and to come to some decision upon it."

Diwan Bahadur R. VENKATARATNAM NAYUDU :—" Mr. President, I beg leave to move that the question be now put."

The motion for closure was put and carried.

Then, Mr. Krishna Rao's amendment to delete clause 4 was put and lost.

The following amendments standing in the names of honourable members noted against each were not moved and were therefore deemed to have been withdrawn :—

Mr. B. MUNISWAMI NAYUDU :—

27. Omit the clause.

Rao Bahadur C. V. S. NARASIMHA RAJU :—

28. Omit clause 4.

Rai Bahadur T. M. NARASIMHACHARLU :—

29. Omit the clause altogether.

[16th February 1922.]

Clause 4—cont.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, I now beg permission to move the following amendment :
For clause 4 substitute the following clause :—

'The Local Government may by notification in Fort St. George Gazette and in the official Gazette of the district direct that in its application to any particular area section 37-A. of the Principal Act shall be read as if the word "ten" were substituted for the word "five" in sub-section (1) of that section'."

Leave to move the amendment was granted.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I beg, therefore, to move formally, Sir, the amendment which the House and yourself have given me permission to do. I have already stated in reply to the criticisms against this clause on the motion of my honourable friend, Mr. Krishna Rao, that Government were not at all actuated by any motive of vindictiveness about which there has been an expression even after I attempted to make the situation clear. Now, let me once more repeat that there is not the least intention on the part of the Government to be vindictive, a statement which I think is sufficiently exemplified by the readiness of Government to come forward and move this amendment thereby removing, if there was any ground for it at all, any irritation which might have lurked in the minds of the people that the Government intended to denude them of their valuable possessions. I have had some consultation with some of the leading members of the House and after having listened to some of the objections which they urged I felt convinced that there was some room for the feeling that was expressed a little while ago in this House, and I have therefore, Sir, very great pleasure in proposing this amendment and I hope that honourable members will carry away with them the conviction that Government are always reasonable."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I second it."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I should like to make a few observations at this stage. By placing this amendment on the Statute Book, we have practically finished this measure. There are to my mind certain considerations which are still causing a certain amount of apprehension. While I freely admit that the Bill has been amended in considerable respects and that the objectionable portions of it have been considerably reduced by the new clause which my honourable friend, the Revenue Member, has accepted, there are a few other matters which still appear to my mind to have a bearing upon this amendment. I do not think I would oppose this amendment in any spirit of hostility, but the House will see my difficulties. Firstly, as I have already informed honourable members, the matter is now accelerated to a marked extent by this Act, and as a matter of fact the whole of the Guntur district has now defaulted in the payment of kist that was payable on the 10th February, and the way in which this measure, when it becomes law, will be worked depends exactly on the number of sales in consequence of this measure. Therefore, as the Hon'ble the Revenue Member assured us that there is no spirit of vindictiveness and with a view to reduce the number of sales under this Act, the first thing he will have to do is to retrace the step of making the whole district a defaulter on a notice of seven days. The kistbandi has been altered and the question of

Clause 4—cont.

[16th February 1922]

[Mr. M. Ramachandra Rao Pantulu]

its legality has been pointed out by Mr. Govindaraghava Ayyar, to whom there has been no reply so far. But apart from the question of legality, I consider it is absolutely made out on the part of Government that on a notice of seven days the kistbandi has been altered, and the March kist has been abolished, and it is open to any officer to attach the lands in any part of the district on the strength of this one cardinal fact, that the whole district has now become a defaulter. That is one thing which I place for the consideration of the Hon'ble the Revenue Member and I would ask him to see his way to cancel this order of the Board of Revenue which he has endorsed. As I have already pointed out, honourable members are aware that in Bardoli there has been adopted quite the opposite course of extending the period for payment by one month, whereas we have shortened the period which under ordinary circumstances the district would have had. My information is entirely from newspapers. I believe therefore that the Hon'ble the Revenue Member will be well advised if he sees his way to place these unfortunate and deluded people in exactly the same position in which they were before this notification by the Board was issued.

"The second point which is still troubling me and which I would place in a spirit of absolute friendliness before the Hon'ble the Revenue Member is the question which arises by reason of the permission which has been given to Government officers to purchase at these sales. I think this opportunity of making 10 per cent by purchase is an absolute inducement to any Government officers who conduct the sales, and who though they may not be conducting the sales themselves have considerable influence to promote these sales and thus make 10 per cent on each of these sales. Suppose the Government officers purchase these properties, they will have the chance of automatically gaining this 10 per cent on the purchase money. Everybody knows that the lands in the villages of that district are very valuable, and especially the lands in Repalle and Tenali cost as much as Rs. 1,000 per acre, and there is no provision to subdivide these lands and bring them to sale. So far as I am aware, the section says 'the land or such sections of it.' So far as my knowledge of the revenue law goes, I am under the belief that if a pattadar has got five acres and the whole of it is one number, I do not think the revenue officer can attach one acre of unspecified land without a sub-division. That is a practical difficulty which the Hon'ble the Revenue Member has entirely ignored in bringing these properties to sale. Therefore I do feel considerable difficulty in the working of this measure. Much more land than is really necessary may be brought to sale and the amount of purchase money will considerably be swelled and consequently the purchaser would make much more money than he would otherwise make. These are difficulties which I am placing for the consideration of the Hon'ble the Revenue Member.

"Well, Sir, I do not know from whom this brilliant suggestion that Government officers should be permitted to purchase these properties emanated. It was said by Mr. Harris in his special report that Collectors were consulted. I know the Collectors of Kistna and Guntur personally and I know also Mr. Harris personally. I do not know whether any of these officers made this suggestion. Whoever made

Clause 4—cont.

16th February 1922] [Mr. M. Ramachandra Rao Pantulu]

it has ignored the actual conditions of district administration. It is within the knowledge of the Government officers here that complaints have constantly been brought to the notice of the revenue officers against the village munsifs, karnams, revenue inspectors, tahsildars and all of them, by means of petitions containing allegations that benamidars were put up and the like. Notwithstanding the stringent rules of the Government service, frauds have been still going on. The district officers are receiving petitions every day, and I know cases where tahsildars have been dismissed and village munsifs and karnams have been similarly dealt with for frauds in connexion with the disposal of land. Then, Sir, what is the effect of allowing Government servants to purchase at such sales? Automatically once they become the purchasers, they get 10 per cent. I think therefore it will be an inducement to them to bring about as many sales as possible, to multiply the number of defaulters and attachments for arrears. The idea of getting 10 per cent will be an inducement to these officials and if the Hon'ble Member for Revenue wishes to work the Act in the spirit in which he has undertaken to do it, he will have to retrace his steps.

"There are two other classes of persons who are to get the lands in case Government becomes the purchaser. I was dealing hitherto with purchasers who are Government officials. The contingency of Government purchasing arises when there are no purchasers. The Government have to purchase the land themselves under the provisions of the Act and re-distribute it between two classes of persons who have been declared entitled to favourable consideration, the depressed classes and the ex-soldiers. May I say, Sir, that it should be the policy of the Act not to contemplate these purchases either by the Government or by other persons, not to disturb the existing possession and to so work the Act as to get the Government revenue. The reason why we wanted to have the deletion of this clause which abrogates section 37 (a) was to see that as far as possible the persons interested get the land on the payment of the penalty fixed in the Act. We were anxious to maintain that part of the statute so as to secure the possession of these persons. In contemplating disposal of the lands among the members of the depressed classes and ex-soldiers the Government, I think, have counted their chickens before they are hatched. I place it deliberately before the Government that they should avoid such a contingency, and it was for this reason that I was in favour of the deletion. I only referred to it in passing, Sir. If it be the result of the deletion. I only referred to it in passing, Sir. If it be the result of the policy of the Government to put so much money into the pockets of intending purchasers, I think the very object with which the Hon'ble the Revenue Member has proposed his amendment will be defeated. As I have already stated, I have no intention of raising a spirit of hostility to this amendment and I do acknowledge that the Bill has been substantially improved in consequence of this amendment."

The Hon'ble Sir LIONEL DAVIDSON:—"I have a verbal amendment to the amendment now before the House. The amendment that is now being considered speaks of sub-section (1) only of 37-A of the Principal Act, while reference is made to the 5 per cent in sub-section 2 also. I therefore formally move, Sir, that in lieu of the word and figure 'sub-section (1)' there be substituted the words and the figures 'sub-sections (1) and (2).'"

2318 A BILL TO AMEND THE MADRAS REVENUE RECOVERY ACT II OF 1864

Clause 4—cont.

[16th February 1922]

The change was not objected to and the Hon'ble the Revenue Member's amendment was modified accordingly and further considered.

The amendment was then put and carried.

Rai Bahadur T. M. NARASIMHACHARLU :—" Mr. President, Sir, I heartily support the amendment of the Hon'ble the Revenue Member. I submit that under the previous clauses the time for sale has been considerably cut short and I am very glad that the Government did not take away the one month's time. And at the same time, as was pointed out by Mr. C. R. Reddi, the Government have extended a spirit of compromise and reasonableness, and I think we should all take this opportunity and come to a compromise. It is in that spirit of compromise and co-operation that I heartily support the amendment."

Rao Bahadur T. BALAJI RAO NAYUDU :—" I rise to support the amendment. It practically comes to my suggestion. What I wanted to suggest was that the amendment of Mr. Krishna Rao should be rejected and an amendment should be moved to make matters easier for the defaulter. As the amendment now before us comes to what I have suggested, I give my hearty support to it."

Rao Bahadur K. GOPALAKRISHNAYYA :—" I am glad, Sir, that we have gone through this legislation in a conciliatory way. With regard to this amendment, I find some difficulty to allow this ten per cent to the purchaser. I have no objection to the collection of this ten per cent from the defaulter by way of penalty. But the ordinary five per cent which is allowed by section 37 (a) of the Act is a sufficient penalty. I should like to ask the Hon'ble the Revenue Member whether the additional five per cent, which he is going to make by way of penalizing the defaulter, would not be caused to go to the coffers of the State instead of allowing it to go to reimburse the disappointed purchaser. I should like to suggest, Sir, that 2½ per cent of it might go to the State and 2½ in addition to the usual 5 per cent might go to the purchaser. If that meets with the approval of the Honourable Member, I would certainly have no objection to support the amendment."

The Hon'ble Sir Lionel Davidson moved the closure. The motion was put and carried unanimously.

The motion of the Hon'ble the Revenue Member was then put and carried.

The following amendments fell out in consequence :—

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

30. If clause 4 of the Bill be not omitted, substitute the word 'case' for the word 'area'.

Rao Bahadur K. GOPALAKRISHNAYYA :—

31. In line 1 after the word 'notify' add 'in the Local Official Gazette'.

32. In line 4 for the word 'land' substitute 'immovable property.'

33. At the end of clause (4) add the following proviso :—

'provided that the sale shall become absolute on the seventh day of the date of sale if, before that day, the defaulter does not deposit with the selling officer the whole amount of demand including costs, etc., of attachment towards payment

A BILL TO AMEND THE MADRAS REVENUE RECOVERY ACT II OF 1864 2319

16th February 1922] [Mr. K. Gopalakrishnayya]

Clause 4—cont.

of land revenue and the whole of the sale amount plus an amount equal to 5 per cent thereof as commission for payment to the purchaser in which latter case the sale shall be set aside.'

Clause 4, as amended, was then put to the House and carried and added to the Bill.

New clause 5.

Rao Bahadur K. GOPALAKRISHNAYYA :—" Sir, I move the following amendment :—

'34. Add an additional clause as clause 5—

'5. The Local Government may, at any time, by notification in the local official gazette, suspend the operation of this Act when it considers that exercise of powers hereunder is unnecessary and inexpedient.'

" My object in doing so is that the people of the area in which this Act is intended to operate may have the relief that the Local Government may by a notification of this sort suspend the operation of this Act, so that they may not feel that the sword is hanging over them till the expiry of the period laid down in the Act. As soon as the purpose of this emergent measure is served, in any emergent case and as soon as the Government feel that the exercise of the powers conferred by the Act is unnecessary and inexpedient, it is but right that they should suspend the operation of the Act by means of a notification as suggested in the amendment. To give that relief I think the addition of this clause is necessary and I do not think there will be any objection to do so."

Rao Bahadur P. C. Ethirajulu Nayudu seconded the amendment.

Mr. C. P. RAMASWAMI AYYAR :—" I do not think it necessary, Mr. President, because under section 15 of the Madras General Clauses Act it is laid down :—

3-15 p.m. 'Where an Act confers a power to make any rules or by-laws, or to issue orders, the power shall be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend or vary the rules, by-laws or orders.'

" Under this section an order or notification when already issued can always be rescinded or modified by the authority issuing it without having a special provision to that effect."

Rao Bahadur K. GOPALAKRISHNAYYA :—" Then I do not press my amendment, Sir."

Amendment No. 34 was by leave withdrawn

The Hon'ble the President then put the preamble to the Bill to the House and declared it passed.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, lastly, I beg to move that the Bill be passed into law as amended by the House. I think I will be failing in my duty if I do not express to my honourable friends in this House an expression of my personal thanks for the spirit of cordiality, co-operation and good will which they have throughout shown to enable me to get through this measure in the

[Mr. Muhammad Habib-ul-lah Sahib] [16th February 1922]

current session of the Council. And I am no less grateful to you, Sir, for having extended to me from time to time concessions to enable me to put forward amendments without notice, amendments which were wholly and solely intended to give confidence to my honourable colleagues in this House that we always intended fairplay towards those against whom this legislation is intended, though by their conduct they did not deserve it. It must be confessed, Sir, that the Bill has undergone material alterations by the numerous amendments which were tabled and some of which on behalf of the Government I had the honour to accept and that the original provisions in the Bill have been materially modified by a few amendments which I myself brought forward so as to remove all doubts from the minds of honourable members that nothing like unnecessary rigour or sternness was contemplated by Government. Before I ask the House to give their final assent to the passage of this Bill into law, I will once more assure them, Sir, that it is not at all our intention to enforce the provisions of this Bill, which I hope will soon become an Act, in any spirit of vindictiveness, nor, may I once more assure them, are we in a panicky state. We shall satisfy ourselves that no notification issues in any area where its necessity is not felt. We shall also take care to see that wherever notification is issued and the application of this measure is considered necessary, the officers on the spot exercise the greatest discretion in the matter.

"So, Sir, with these assurances I hope the House will put on the Statute Book this measure which will enable us to cope with this unfortunate situation. I may once more express the hope that the inhabitants of *Andhra* also hope that they will prove by their future conduct that the Council was right and that I was wrong.

"I beg to move, Sir, that the Bill be passed into law."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I second this motion before the House. I was one of those who supported the original motion of my honourable friend, the Revenue Member for Government, when he brought his motion for the introduction of this Bill. Since then the House has been sitting over this Bill for the last three days and, as my friend acknowledged, considerable changes have been made in the Bill as it was originally framed. It is a matter for congratulation, Sir, both for the Honourable Member in charge of the Bill and for all my colleagues in this House that all the changes that have been introduced into this Bill are very important and are of a beneficial nature. Important amendments have been made both with reference to the movable and the immovable properties. Important and far-reaching changes have also been made with reference to the manner of publication of the proclamation and notice of sale as well as the places where these notices and proclamations have to be made. Important changes again have been made with reference to the period that must elapse between the date of the attachment or the date of the proclamation and the date of the sale. And lastly, with reference to section 4 which the House by a very large majority wanted to expunge altogether, as could have been seen when Mr. Krishna Rao's amendment was being discussed, that has also been modified in a very important manner. Personally I would have been very glad if Mr. Krishna Rao's motion had been acceptable to the Government, but half a loaf is

16th February 1922]

[Mr. M. Krishnan Nayar]

certainly very much better than no loaf; and in this case the concession that has been made is very much larger and better than half a loaf. It comes to about seven-eighths of a loaf, if I may say so. In any case, the Bill as it has been finally passed by the Council is, I think, free from all the defects that originally existed in it and I do not think that even the most bitter opponent of the Bill will have serious objection to see this measure placed on the Statute Book, specially because automatically, without any further action, this will cease to exist as law on the 30th of June 1923. If the Government do not come before this House before that date and convince this House that there is a necessity for continuing this Bill, the Bill dies of itself, and let us hope, Sir, that before that date, 30th of June 1923, will have arrived, there will be no need either for the Government, or any member of this House, to consider the necessity of prolonging this measure.

"With these words, I heartily second the motion now before the House."

Mr O. TANIKACHALA CHETTIYAR:—"Mr. President, as one of those who gave support to the passing of this Bill, I now support the motion that it may be passed into law, but would appeal to the Government that in the exercise of the very severe measures which they are allowed to exercise in the operation of this Bill, the justice which they administer will also be tempered with mercy. I also appeal to Government that the intention which has been attributed to them in newspaper reports—how far it is true or reliable I cannot say—of permitting Government officials to bid at these sales and become purchasers, may not be given effect to. For, I see in that a very great danger to the country and to the people who will be affected by that permission. The belief is entertained in not a few quarters that a good deal of the advance of non-co-operation has been due—rightly or wrongly that impression continues—to a good many officials in the district, and to permit them now to bid at the auction is to allow them to reap the harvest of the seed which they have themselves sown. That seed of disloyalty and of utter disregard to the established laws of the country has been silently permeating the country. That is a belief, Sir, which has found expression in various high quarters though at a late stage. So, I see there is a great danger to permit those people to raise themselves on the ruin of the people whom they have duped and misguided. In these circumstances, I would sound a note of warning to Government that they would not give their permission light-heartedly to any executive order that might be issued.

"With these words, I support the passing of this Bill."

Rao Bahadur K. GOPALAKRISHNAYYA:—"Sir, I should like to support the motion, and in doing so I would offer a few remarks. We have placed in the hands of the Hon'ble the Revenue Member a new weapon which, though originally intended to be more rigorous, has been now abundantly reduced in its rigour. But I would like to impress upon the Hon'ble the Revenue Member that there would be no actual necessity to put this Act into operation, because the various reports that we have been receiving from the various districts do not lead us to any such apprehension. The non-payment of tax is not entirely due to any sort of combination among the so-called non-co-operators, and I know, Sir, from my personal experience that it is due more to criminal intimidation and blackmail than the ryots are not able to pay up their kists in time. The ryots, Sir, pay their kist only after harvesting their paddy and selling it in the market, but it is my experience

[Mr. K. Gopalakrishnayya]

[16th February 1922]

which I have gathered in the Guntūr district itself that most of the ryots are not able to harvest their paddy in the short time allowed to them. They do not want to pay kist early enough for fear that their paddy heaps would be set fire to. When I asked a good many ryots in the Guntūr district who are co-operators as to why they did not pay up their kist in time, they said that if they were to pay the kist before threshing out their grain which may be within the time of kistbandi, contrary to the terrors of the criminal intimidation and blackmail, their paddy heaps would be burnt down. For that reason, Sir, most of them do not pay their kist unless they thresh out their paddy.

"They said that after threshing out the paddy there would be no fear if they pay the kist because it is only the hay that may be set fire to thereafter. I do not know whether this matter has been brought to the notice of the Government. But the non-co-operators through the glorious report of the trio as Commissioners who have been appointed by the Andhra Congress Committee had a different story to tell us. They think it is due to non-co-operation that all these ryots are withholding their kists. It is not entirely due to this fact but it is due to the fact I have mentioned above. As such, I hope there will be no necessity to put this Act into operation. Now again, this Act is an emergency measure which will have to be put into operation in very extreme contingencies and I hope, Sir, the Hon'ble the Revenue Member will bear in mind that he will have to use this as *Pasupatha Astram* which was granted to Arjuna by Išvara and which was intended to be used only on a particular occasion and for a particular purpose. I presume in this case no such occasion would arise even for using this *astram*. I would also caution the Hon'ble the Revenue Member not to use this *astram* in an inquisitive sportsmanlike manner at any moment which might be created out of panic by indiscreet subordinate officials who might report as if such a state of affairs is really existing even in that danger zone. Of course, I would also request the Hon'ble the Revenue Member to bear in mind that it may be safe to let off ten guilty defaulters of payment of revenue than to allow one innocent ryot to suffer the rigours of the Act. I wish these things be borne in mind before this Act is put into operation. With these few words, I support the motion of the Hon'ble the Revenue Member."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I feel I cannot give a silent vote on the motion before this House. As one who opposed the introduction of this Bill, it has become necessary for me to consider what circumstances have happened during the progress of the Bill which will justify a departure from the view I have already taken and justify my giving my assent to the passing of the Bill into law. I must confess to a feeling of satisfaction that the Bill has been improved in several important respects. I am more particularly gratified at the assurance given by the Hon'ble Member for Revenue about the policy of the Government in dealing with this question. He has assured us that it is not proposed to work this Bill in any spirit of vindictiveness or panic or anger and that all possible steps will be taken to ensure that only those who deserve to be affected by the passing of this measure will be brought under the Act. My honourable friends, Mr. O. Tanikachala Chettiyar and Mr. K. Gopalakrishnayya, in giving their assent to the Bill, have pointed out some dangers or possible abuses of the provisions of this Bill and appealed to the Hon'ble Member for Revenue

[16th February 1922] [Mr. A. S. Krishna Rao Pantulu]

to exercise that mercy or consideration which is to be shown to the accused. Giving due consideration to the assurance given by the Hon'ble the Revenue Member, I still feel considerable apprehension as to the possible abuses the Bill is liable to be put to. In enforcing the provisions of the Bill the Government have to rely upon the hard worked district officers who in their turn cannot personally investigate all cases coming within the purview of this measure but have largely to depend upon the reports of their subordinate officers. He will be a bold man who can assert that in a case where they have to deal with hundreds or thousands of cases they will have before them the necessary material for arriving at a very judicious conclusion. In respect of such matters, there remains much scope for errors and blunders. If I were satisfied that there is at present any immediate necessity for enforcing the provisions of this measure notwithstanding the above considerations, it will be my duty to give assent to the passing of this Bill. The Hon'ble Member for Revenue himself has told us that the situation is not so acute as it was expected to be and he himself has appealed to those in the *Andhra desa* that by their conduct they would make it unnecessary to bring this Bill into operation. My other friends that spoke on the subject have also similarly appealed to the Hon'ble Member not to bring it to force unnecessarily. After considering all these statements, one will arrive at the just conclusion that there is no immediate or imminent necessity for introducing these provisions in any particular area. It is clear that there has been a tendency growing even in the affected portion of the *Andhra desa* to pay taxes. I even now consider that it is not necessary to bring the Bill into force.

"Another point regarding which I still feel considerable hesitation is as to the efficacy of the measure in carrying out that object. Let us now consider the effect of the provisions of the Bill which are proposed to be passed into law. We have shortened the period of sale of movables from fifteen days to three days, and shortened the period for the sale of immovable property from one month to seven days. In the case of payment of money after the sale for the purpose of having the sale set aside, we have increased the solacium from five per cent to ten per cent. These are all the main alterations we have effected in the provisions of the Bill. Would anyone seriously believe that if persons really make up their mind to defy law and not to pay their taxes, such persons will be seriously affected by the few modifications which have been effected in the Principal Act of 1864? I am not convinced that it will have the desired effect. But there is still another and greater difficulty which confronts me in giving my assent and that is, the possible abuses which the Bill is likely to lead to. Regarding that portion the responsibility which the Hon'ble the Revenue Member has taken upon himself is really very serious. The appeals made by my honourable friends who have spoken before me asking him to exercise great discrimination makes the responsibility all the greater. All that I can expect the Honourable Member to do is to issue clear rules and instructions to the subordinate offices. But however carefully they may be drawn up, they have to be worked out at the discretion of the officers concerned and there the whole difficulty lies.

"Before I close, may I point out that in our efforts to put down non-co-operation and to punish the persons who are really guilty and bring them to order there have been any number of cases of indiscriminate

[Mr. A. S. Krishna Rao Pantulu] [16th February 1922]

arrests and prosecutions. If there were time enough I can enter into a discussion about some individual cases. But it is not necessary to go into it at present. I wish to refer to it to show that notwithstanding the instructions that might be given on all these provisions we have largely to depend upon the local officers, whether the police officers concerned or the magistrates or the tahsildars and others. I am particularly struck, Sir, with the statement of my friend, Mr. Tanikachala Chettiyar, who has cast a slur upon some officials, and such a statement ought not to go unchallenged. I think it is unfair to suggest that some of the officials who have been working in several of the rural areas are themselves responsible for helping or encouraging this movement of non-co-operation. I am prepared to confess that there may be one or two black sheep here and there, and I do not wish to state that every one is free from that charge. But a general statement of that description should not go unchallenged. Let us realize that these officials have to work under the instructions from the Government above on the one side and with the non-co-operators giving trouble on the other side. They are thus placed in a very troublesome position, and they deserve all our sympathy. Let us also realize that it is very easy for the Honourable Member to give instructions, but when he goes to a village he knows that he must depend upon the ryots and must exercise his own discretion and tact and deal very carefully if he cares for his personal safety at all. They are working in very difficult circumstances and it is unfair to say that they as a class are encouraging sedition though there may be one or two such persons here and there.

"In conclusion, I wish to state that the Bill is both inopportune and unnecessary. I feel it inopportune that at a time when the non-co-operators themselves are coming round to the view that the taxes should be paid, this may operate as an incentive to panic and goad them to take a more hostile attitude. These are my views upon this motion. If notwithstanding this the Bill is passed into law, as I know it will be, it will be the duty of the Government to do all that lies in their power not to put it into operation and to give clear instructions to their officers as to how the provisions should be construed and so forth. If Government would also work in a conciliatory spirit, if they would also change their old methods, if they would also take the people into their confidence, I am really hopeful that they would not find it necessary to put it into operation. Having made this appeal to the Government, it is my duty to appeal to those persons in the affected area that they should also not precipitate matters and enable the Government to put this objectionable Bill into operation."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, we were told in the course of this debate that the Government paraded through the Guntur district in the affected area military power. Now for the last three days the power of the Government is paraded in this Council in getting through this Bill. Of course the Bill underwent great modifications. I expect the public of Guntur, who are now misguided, to go through the proceedings of this Council, and expect them to change their whole attitude in the matter of the non-payment of taxes. They should realize that they bring misery not only upon themselves but to the whole province, and discredit to the *Andhra desa*. However much the extremist press may praise *Andhra desa* in this matter, it a matter of regret that it has been referred to

16th February 1922] [Mr. C. V. Narasimha Raju]

in this Council as a perverted country. But to my mind it is clear that if really the whole movement of non-co-operation is only a matter of mere bluff, this will have a salutary effect. The Government then will not have the opportunity to put the various sections into force. But if those persons belonging to the non-co-operation movement are moving in a plane of detachment, I feel sure even now that this Bill will not be an effective measure. With these words I wish to express that this measure does not in any way combat the non-co-operation movement now going on in the Guntur district, if really it is based upon the real principles expounded regarding non-co-operation."

Mr. S. SOMASUNDARAM PILLAI:—"As Mr. Krishna Rao said, I do not like to give my assent to the Bill without offering some remarks. When I saw the Hon'ble the Revenue Member 3-45 p.m. taking a hasty retreat from the front though in battle order, I was very much disheartened. But when I found him halting in an advantageous position reinforced by Messrs. T. A. Ramlingam Chetti and C. Ramalinga Reddi, I took courage. I entirely sympathise with the Bill that is now proposed. Let not this House be under the impression that I am heartless. No doubt I do not want my countrymen to suffer. But at the same time I do not like to see my countrymen becoming impertinent and disloyal. The weapon that should be used should not be a blunt one and a mere show. I only want that it should be used properly and impartially. I hope it will be properly administered. If it is abused, our own countrymen are responsible for it; for it is our own countrymen that have to administer it. "It has been said that some officials are at the bottom of the non-co-operation movement. That is not altogether untrue. I know people of that sort. They are my friends but I do not want to give out their names. The non-co-operators are threatening us. The clouds are gathering and soon they may burst into a storm; so we must have our house safe. I once more request the Government to use the weapon carefully and mercifully. I am glad that my friend Mr. Krishna Rao is now thoroughly satisfied with the Bill."

Rao Bahadur P. C. ETHIRAJULU NAYUDU:—"Mr. President, I also rise to support the motion now before the House. My idea of the ryot of Guntur is that he is a man endowed much with common sense. Finding that this Bill is on the anvil the people are coming to their senses and are paying the dues; and as one of my friends has said the money is not merely coming but is pouring in. It is not the Congress decrees or Gandhi's advice that was given to the people, but the publication of the Bill in the papers that made them come forward and pay up their dues. Such being the case, I hope there will be no occasion for the Government to use this Act. It will be like the Rowlett Act only in the Statute Book but not enforced.

"Regarding the permission given to Government servants to bid at the sale, I am bound to say this for the information of the House. When some of the properties of Chirala people were notified to be sold at Chirala in public auction no one came forward to bid at the sale. Finding it hopeless they also tried to remove the properties from that place to Guntur and even there nobody came forward to bid at the sale and so it was then that Government

[P. C. Ethirajulu Nayudu] [16th February 1922]

were obliged to relax the rules relating to the bidding at sale by Government servants, so that they may also come forward and purchase the property. It is how the Government servants are allowed to bid at the sales.

"There is very much truth in what my friend Mr. Gopalakrishnayya said that there are other causes also for the ryots for not coming forward in time to pay up the taxes; that is the fear created in their minds by the non-co-operators. I hope there will be no occasion to apply this Act. This Act really puts a giant's strength in the hands of the Government. I most sincerely request the Government that the strength given to them in trust to be used only as a threat, may not at all be used. When they are drawn to the extreme necessity of using it, they will do so sparingly and with all the sympathy they can command in favour of the ryot. With these words I support the motion."

Mr. C. RAMALINGA REDDI:—"Sir, in giving my support to the Bill, I would like also to strike a note of warning on the general lines suggested by my friend Mr. Tanikachala Chettiyar and other speakers. It is with no small amount of hesitation and reservation that myself and a number of my friends supported the first reading of this Bill. If it had not been conceived in a vindictive spirit it certainly had been drafted in great haste and with a trembling hand and the best proof of it is the manner in which it had been knocked about and altered in the Council. I wonder if even the parent would be able to recognize his child as it has emerged from the Committee. As originally presented some of us felt that Government were asking for powers far in excess of the necessities of the case. However, Sir, the measure has been considerably altered and as it has emerged from the detailed consideration of this Council, it is certainly a weapon effective enough for the purpose for which it is intended, but is not likely to create avoidable difficulties. The fact is, Sir, that though the Bill in itself or its principles might have been necessary under the circumstances, still its associations, as announced in certain recent Government orders and press communiqués, have given rise to the apprehension that what was really at the bottom of the Government's mind—the real objective of the Government—was not so much to recover its revenue as striking terror into the minds of the non-co-operators and through them the country generally. That is frankly the reason for the hesitation, doubt and opposition felt by a number of members of this House. If the recovery of revenue were the only object, where was the need for deprecating the proclamations and other ways of publicity? One who wants to sell his goods would like to advertise as much as possible so that they may fetch the best value possible. If our object was merely to discipline our erring citizens into right ways and reclaiming them into law-abiding citizenship and not driving them to despair and irreconcilability, I think nothing short of keeping intact the period of *locus penitentiae* will serve the purpose. Putting all these things together, the curtailment of the intervals between the different processes and the refusal to give a chance to the owner to get back the land, the desire openly avowed to distribute all these lands to various classes and descriptions of people who are supposed to be pillars of loyalty, would you wonder, Sir, that the impression created was that the chief object of the Government was to grab these lands on the slightest provocation and distribute them to their favourites as quickly as possible? Now these apprehensions have been

16th February 1922] [Mr. C. Ramalinga Reddi]

allayed. It is a great pleasure to some of us who want to fight the non-co-operators, not in the sense of trying to extirpate them physically or economically but in the sense of winning them back to right ways, that we are now in a position to support the measure. Sir, I do hope that in addition to complying with the request made by my friend Mr. Tanikachala Chettiyar that the Government will be pleased to revise the orders they have issued that Government servants may also bid at the sales, they will also try and keep in abeyance the instructions which, I understand, they have already communicated to the Collectors, to distribute the lands between the certain specified classes and descriptions of people. It seems to me—that is the impression created—I know I am wrong for I am accepting the assurance of the Hon'ble the Revenue Member—but on the face of it it does appear so and no other conclusion is possible than that Government were going to fight one revolution, a political, by fomenting two counter-revolutions, an agrarian and a social. That is clearly not the way to bargain for peaceful conditions of progress. I request the Government, in the administrative orders that they will doubtless issue under this Act, to try and see that proper control is exercised over their subordinates. I do not go so far as to say that all or most of the officials have been at the bottom of this non-co-operation movement. But at the same time, knowing my countrymen as I do, I think that without the connivance and help of some of them, the movement could not have grown to the dimensions it has. It will be better for the Government not to run even the risk of permitting Government servants who might have had a hand in this matter to benefit at the expense of their misguided dupes. I also request the Government to see that opportunity is not taken of these troubles by over-zealous subordinates to create caste and class disputes and warfare. We have already had enough of them. I hope that Government will take cautious steps, if really they are intent upon the speedy termination of anarchy. I also appeal to the Government, in the exercise of these special powers even with the limitations now imposed, to see that the coming years are not burdened with a legacy of irreconcilable elements created either through their own ignorance or want of control over their subordinates or through the over-zealous activities of interested parties including officials."

Mr. A. T. PALMER:—"Sir, in supporting this motion, I beg to be permitted to say a few words. In the first place, let me congratulate the Hon'ble the Revenue Member for the very timely Act that he has brought before this House; for I am sure that by this Act much disturbance will be averted in the Andhra country. In the second place, I should like to observe that the discussion on this Bill has been extremely characteristic of the Indian heart. The milk of human kindness has been flooding this House for the last three days as if the sea of milk had breached its borders. Indeed, Sir, this is a virtue which is very good in its own place but in matters of administration, I am afraid that it is this feature of the Indian mind that makes us unfit to be rulers. Sir, I believe there will be no occasion for putting into operation this Act that is to be passed, but as some one has said, let us trust in God and keep the powder dry. "Lastly, I should like to say one word in regard to what my hon'ble friend Mr. Ramalinga Reddi has been saying regarding the manner in which the land has to be distributed when it has been taken over by Government. I do not think the Government want to create any ill-feeling between the

[Mr. A. T. Palmer]

[16th February 1922]

peoples in the land but the condition of things prevailing in the Andhra country made them make such a rule. For example, if a piece of land is for sale and no bidder is forthcoming, then what has the Government to do with it. The only man that is on the side of the Government is the Panchama, the men of the depressed classes. It is because of that that the Government wanted to give them lands. Secondly, it is the Panchama that knows how to cultivate lands. That is another reason why the Government wanted to give the lands to him. Thirdly, it is the Panchama that will be bold enough to take the land and cultivate it. Therefore, Sir, to say the Government conceived idea in a vengeful spirit is not right. So, Sir, I am very glad that this Bill is going to be passed into law."

The motion for closure was then moved by Mr. Arumainatha Pillai and carried unanimously.

The main question that the Bill to amend the Madras Revenue Recovery Act, II of 1864, be passed into law, was put and carried.

IV

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919.

The Hon'ble Mr. P. RAMARAYANINGAR :—" Sir, I beg to move that the Bill to amend the Madras City Municipal Act, 1919 be read in Council. The Bill has already been published. The reasons for the introduction of the amendments are explained in the Statement of Objects and reasons appended thereto. Owing to some defect in drafting, the rates of taxes to be levied on companies whose paid-up capital happened to be exactly 1, 2, 3, 4, 5, 10 or 20 lakhs have not been specified in the Act of 1919. This I have no doubt was due to some oversight in drafting, and it is in order to rectify this defect that the amendment is introduced. The second amendment raises the rates at which motor and steam vehicles have to be taxed. The honourable members are aware that, of late, the motor bus traffic in the city has enormously increased and the incessant running of these heavily laden buses has caused a great deal of damage to the city roads the repair of which involves the Corporation in very heavy expenditure. It is but fair that a portion of the cost of repairing these roads should be met by the proprietors of these buses by way of paying increased taxes. As to the third amendment it only places the Corporation of Madras on a level with the other local bodies. As the Act of 1919 stands, the Government cannot sanction any extraordinary expenditure except in the case of items referred to in the schedule of that Act. This helplessness on the part of the Government has been causing a great deal of administrative inconvenience. It is to remove this inconvenience the amendment is proposed to be introduced. Sir, so far as these rates are concerned, the matter is very urgent. If the Bill be not passed in this session, it will be impossible for the Corporation to recover the taxes. I hope the House will permit the reading of the Bill."

The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur seconded the motion.

The motion that the Bill be read in Council was put and carried.

16th February 1922]

The Secretary then read the title of the Bill.

The Hon'ble Mr. P. RAMARAYANINGAR :—" Sir, I beg to move that the Bill be referred to a Select Committee consisting of the following honourable members :—

Sir P. Tyagaraya Chettiyar,
Mr. MacDougall,
„ Natesa Mudaliyar,
„ O. Tanikachala Chettiyar,
Khan Bahadur Muhammad Usman Sahib Bahadur,
Mr. F. J. Richards,
The Hon'ble the Advocate-General,
Mr. T. Arumainatha Pillai,
Rao Sahib U. Rama Rao, and
myself.

" It is requested that the committee will submit their report before to-morrow evening."

The Hon'ble Mr. K. Srinivasa Ayyangar seconded the motion.

The motion that the Bill be referred to a Select Committee was put and carried.

V

A BILL TO AMEND THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE ACT, 1894.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, I beg to move that I may be permitted to take up item VII on the agenda to-morrow inasmuch as the sanction of the Government of India which had been applied for has not yet been obtained for the introduction of this Bill. We have again sent an express message to the Government of India to let us know before to-morrow morning whether this Bill could be introduced."

The Hon'ble Mr. K. Srinivasa Ayyangar seconded the motion.

The motion that item No. VII on the agenda be taken up to-morrow was put and carried.

VI

A BILL FOR THE LEVY OF A CESS IN RYOTWARI VILLAGES TOWARDS THE REMUNERATION OF VILLAGE OFFICERS AND FOR OTHER PURPOSES CONNECTED WITH THE DISCHARGE OF THEIR DUTIES.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, for the same reasons that I mentioned for the postponement of item VII, I move that this item also be taken up to-morrow."

The Hon'ble Mr. K. Srinivasa Ayyangar seconded the motion.

The motion that item VIII on the agenda be taken up to-morrow was put and carried.

[16th February 1922]

VII

A BILL TO AMEND THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE ACT, 1894 AND THE HEREDITARY VILLAGE OFFICES ACT, 1895.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, with regard to this item also, I may be permitted to take it up to-morrow. The questions involved in this item as well as items VII and VIII which were just postponed for to-morrow are more or less one and the same. Moreover I would like to have some more details with reference to this item. I should be very grateful if the House permits me under rule 34 to take up this item to-morrow."

The Hon'ble Mr. K. Srinivasa Ayyangar seconded the motion.

The motion that item IX on the agenda be taken up to-morrow was put and carried.

VIII

A BILL TO AMEND THE COURT-FEES ACT, 1870.

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Mr. President, I extremely regret that it has fallen to my lot to begin a tale of woe as regards our finances. Yesterday a short memorandum was circulated for the information of this House in order that the House may be aware of our present position. That memorandum describes our financial situation as of a desperate nature, not by an advocate like myself, but by the Hon'ble the Finance Member himself. The House will therefore realize that the situation is not in the least exaggerated. The situation is really more than desperate, and unless we are obliged to shut up absolutely essential expenditure, it will be necessary to seek some means of supplementing our revenue. The House will observe that the opening balance for 1921-22 was 58 lakhs. We expected that we could close the year with a balance of 55 lakhs to our credit. In the course of the year it was found that the revenue receipts were less by a crore of rupees, Excise and Stamps, Forest and Industries showing a deficit which makes up the total—Excise most—to the extent of about 75 lakhs of rupees. Unfortunately our expenditure increased, because we had to augment the police expenditure owing to disturbances in various parts of the country. The net result is we shall be bad to the extent of 66 lakhs of rupees at the end of this year instead of being 55 lakhs to the good. The prospects for the next year are even more gloomy. We expect to have a fall in our revenues to the extent of about 15 lakhs less than the revised figure for 1921-22. That is, we shall have a crore and fifteen lakhs less than what we anticipated we would get in the shape of revenue. So far as expenditure is concerned leaving out every optional item—most of them really obligatory but for the purpose of the budget called optional—you will find that we have got to procure at least 144 lakhs to go on with, without shutting up, without confessing bankruptcy. The position now with which the Council and the Government are faced is to find ways and means to balance the budget. The only means which we can now think of is to propose an addition to the court fees, and to propose an addition to the general stamps. The question of general stamps will be moved later on by my friend the Hon'ble the Revenue Member. Even if you get this taxation, you will still be confronted with a

16th February 1922] [Mr. K. Srinivasa Ayyangar]

very large deficit which you cannot make up unless the Government of India comes to our rescue. At present there is no prospect of our being able to make even a portion of the deficit unless the Council is prepared to raise the court fees which is the first measure of taxation now introduced. What is to become of the balance after the new taxes the Government now propose are raised will be for your consideration later on when you deal with the budget.

"That is the reason for the introduction of this Bill. In matters of this nature there is not much of a principle. Tax as much as you can, get as much money as you can legitimately to make up the deficit. I shall not weary the House by going into the details of the provisions of this Bill. I may say that it is intended to raise the *ad valorem* fees by about 50 per cent. An exception is made of suits which come ordinarily to small cause courts; i.e., it is not proposed to tax the poorer classes of litigants beyond the existing taxation. We have attempted to revise some of the fixed fees, because some of the fixed fees are really very low as compared with the time taken in courts and the value of such litigation. These are the two main matters in which there has been a change.

"I may also mention for the information of the House that our Bill is on the lines of the Bengal Bill though with respect to certain items we are not taxing as much as they. I now move the introduction of the Bill to amend the Court Fees Act, 1870."

The Hon'ble Mr. P. RAMARAYANINGAR:—"I second it."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I am rising at this very early stage of discussion on this Bill just to point out one very important circumstance in regard to our procedure. The Bill which the Hon'ble the Law Member has just introduced is a taxation measure and proposes to raise revenue which is expected to cover a deficit. I am not raising this purely as a point of order but for the reason that the procedure which this House is to adopt may be settled after I bring a few facts to the notice of honourable members. Sir, it is incumbent upon the Finance Member to introduce the budget of the year in which the estimated annual expenditure and revenue has to be set out in the form of a statement as mentioned in clause 72-D of the Government of India Act. Therefore what the Finance Member has to do is to place before us the budget framed by the Government, showing the expenditure of the coming financial year, and, if there is a deficit, to place also the taxation proposals to meet that deficit. It is quite conceivable that honourable members may cut down several items of expenditure proposed by the Government. The deficit depends very much upon the proposals that may be placed before this House. Therefore any legislative measure involving taxation is necessarily a part of the budget proposals and depends very much upon the deficit as settled after a general discussion. What has been done is this: the Hon'ble the Finance Member has not introduced the budget, and a series of measures involving taxation are introduced before the budget has been introduced, before the honourable members have had any opportunity of criticising the expenditure that is proposed to be incurred. I wish to bring this to the notice of the Council with a view to see whether anything that is done will not be a precedent for the future or whether they would like to have taxation measures proposed without any discussion whatever of the annual financial statement. The

[Mr. M. Ramachandra Rao Pantulu] [16th February 1922]

result is obvious. Assuming for the sake of argument that this Council rejects the proposals of expenditure and reduces the deficit considerably, but has meanwhile sanctioned the taxation proposals, then it will have sanctioned revenue which may not be actually required. It seems to me that that will get the finances of the province into difficulties. In the Indian Legislative Assembly—and also in the pre-reform Imperial Legislative Council—the Finance Member introduced the budget, and the taxation proposals were announced practically on the first day on which the Financial Statement was presented. We are inverting the whole procedure, and that is my difficulty. I do not want that any precedent of this kind—the discussion of taxation proposals before the whole budget of the year is in the hands of the members of this House—should be countenanced. It is perfectly open to honourable members to take any view they like, but I point out the difficulty at this stage. As this is the first time when taxation proposals are coming before us, I should like to know what the view of this House is. Clause 72-D of the Government of India Act is clear on the point.

‘The estimated annual expenditure and revenue of the province shall be laid in the form of a statement before the Council in each year, and the proposals of the Local Government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the Council in the form of demand for grants. The Council may assent or refuse its assent, to a demand, or may reduce the amount therein referred either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed.’

“I merely point out the very great inconvenience that is likely to follow a discussion of taxation before the discussion of the Financial Statement. This is not a question in which there should be any difference of opinion.

“There is only one other matter. The time for discussion of the details is later on when the Select Committee meets. In my opinion the measure proposes to raise court-fees to an unnecessarily high pitch. We do not know what the deficit is likely to be and we are asked to settle the schedules. If the deficit is reduced very substantially we shall have to reconsider the whole again. I wanted the Hon’ble the Finance Member to make a statement to the House in regard to this matter. Unfortunately he is not present.”

4-30 p.m.

Diwan Bahadur M. KRISHNAN NAYAR :—“The Hon’ble the Law Member who sought leave for the introduction of this measure has stated that this is avowedly a money Bill. He said that there is extreme financial stringency and that some sources have to be found for raising money and he referred to certain figures and stated that even if this Bill and another Bill which will hereafter be introduced by the Hon’ble the Revenue Member be passed as they are, the expected deficit cannot be made good and the Government of India will have to come to the rescue of this Government to meet the remaining deficit.”

The Hon’ble Mr. K. SRINIVASA AYYANGAR (interrupting) :—“I said the Government of India may have to come to our rescue.”

Diwan Bahadur M. KRISHNAN NAYAR (continuing) :—“Even after this amendment of my friend it does not make any change in the remarks which I am going to make. Whether the Government of India have really to come or may have to come to the rescue of this Government practically makes no difference. What I was going to say was this. I do not at the present

16th February 1922] [Mr. M. Krishnan Nayar]

stage of the Bill intend to go into the financial question which my honourable friend has referred to. I shall assume for the purpose of my observation that there is real need for raising taxation and that the expected deficit is a real one. I may also say, Sir, that I generally support the principle of this Bill which principle, I take it, is the enhancement of the court-fee revenue. But my friend, I believe, is not correct when he stated that the general effect of this Bill is to enhance the court-fees generally by about 50 per cent. I think that the extent to which he sought to enhance the court-fees revenue is not justifiable. This is not the stage for going into the details of this measure, but I may refer to the main features of this Bill and say at once that in some respects the increase, if this Bill be passed as it stands, will not be 50 per cent but 200 per cent. It is certainly not desirable to increase it to that extent. I may illustrate my point. All those who have business in courts know generally what the percentage of court-fees in suits is. It is about $7\frac{1}{2}$ per cent; that is to say, if a suit is valued at Rs. 100, the amount of court-fees that has to be paid is Rs. $7\frac{1}{2}$. Now there is a provision in the existing Act showing how the lands have to be valued. The provision is this. If a suit for land is instituted, the valuation should be five times the revenue. To take an illustration, if a land pays an assessment of Rs. 20, according to the existing rate, the valuation of the suit will be 5×20 or Rs. 100 and the plaintiff has to pay Rs. $7\frac{1}{2}$ as court-fees on Rs. 100. Under the change that is contemplated in the present Bill, five times the revenue for the purpose of the suit will be increased ten times the revenue. That is, in the case which I have taken, the suit value will become instead of 5×20 , 10×20 , i.e., Rs. 200, instead of Rs. 100. Then, taking the existing scale again with this amendment that is sought to be introduced, the court-fee in this particular case will be instead of Rs. $7\frac{1}{2}$ Rs. 15. So that, the increase is double of what it is now. Then according to another change that is sought to be introduced in the Bill 50 per cent is sought to be introduced, i.e., this Rs. 15 becomes Rs. 22 $\frac{1}{2}$. So that, in a suit to be instituted after this Bill becomes law, the amount of court-fee that has to be paid for the recovery of a land which pays an assessment of Rs. 20 is Rs. 22 $\frac{1}{2}$, whereas the present rate is Rs. $7\frac{1}{2}$. Thus the charge really is three times as much as is now or the increase is 200 per cent instead of 50 per cent. And then again, Sir, let us consider the case where the losing party is not content with the decision in the lower court and takes it to the appellate court and ultimately to the highest court in the Presidency, that is, the High Court. That means three times the court-fee has to be paid in the suit. In the particular case I have taken, this amounts to $3 \times 22\frac{1}{2}$ or 67 $\frac{1}{2}$ per cent or Rs. 67 $\frac{1}{2}$. Then ultimately, whoever be the losing party, whether the plaintiff or the defendant, ordinarily he has to pay the cost of the other. In the particular case I have taken, he has to incur his own cost and has to pay the other party a percentage of 67 $\frac{1}{2}$. It may be asked why should the losing party go to all the three courts. There is no use in asking this. The courts are there, and the idea as to whether a decision is just or not is only a relative one since what one court holds as just another court holds as unjust and upsets it. So that, naturally the parties cannot be blamed for taking their cases to the highest court. And by the time the High Court disposes of the suit, the losing party has to pay in addition to his own cost Rs. 67 $\frac{1}{2}$ to the other. This again is not the only money that he has to pay. For instance, there is the vakil's fee which is 5 per cent. So that in the particular case I have taken, when the value of the suit is increased from 100 to

[Mr. M. Krishnan Nayar] [16th February 1922]

200 by increasing five times the revenue to ten times a vakil's fee what is now Rs. 5 becomes Rs. 10 and in the three courts becomes Rs. 30, and ultimately the losing party has to pay, in addition to his own expenditure, Rs. 67½ plus Rs. 30 to the other side. And then again this is not the only expenditure he has to incur. He has to pay witness batta, subsistence allowance to witnesses, etc. Thus in some instances the increase is not 50 per cent but much more than 200 per cent. I repeat here that though I generally support the principles of this Bill because it is stated the Government are in difficulty, it is our duty to assist them. I do not object to a reasonable enhancement, I think that the extent to which it is proposed to enhance the court-fees is in some cases too high. I wish also to refer to certain other changes that are proposed. Now the maximum amount of court-fee is only Rs. 3,000. It is proposed to enhance this *ad valorem*, and I do not object to this. In fact, it is only persons who are very rich that will be affected by this change. Then again my friend stated that the fees in schedule 2 of the existing Act (fixed fees) are to be enhanced. I went through the schedule and found that in some instances it is proposed to enhance the amount to double of what it is, and in other cases by 50 per cent. Generally I do not object to the enhancement of rates included in the second schedule. So that I state, Sir, that I am prepared to support the principle of the Bill so far as that principle consists in the enhancement of court-fees. But it seems to me that important changes have to be made in the Select Committee. With these observations, I generally support the principle of the Bill."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I simply want to know whether we cannot adjourn for to-morrow. There are only 15 minutes to 5."

The Hon'ble the PRESIDENT:—"I would advise the House to sit a little while longer. I would wish the House to make some more progress with the Bill before it."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Mr. President, I associate myself with my hon'ble friend Mr. Ramachandra Rao in what he said in regard to the stage at which these Bills should be brought up, since we do not now know what is going to be the deficit and how it is to be met in the coming year. The figures that have been supplied to us by the Hon'ble the Finance Member are quite bare. I do not think it is possible for us to draw conclusions from them. It has been said by the Hon'ble the Law Member when he moved this Bill that there will be a deficit of 144 lakhs and that position. Even the figures that are supplied to us in this small paper show that there are means by which considerable reductions can be made in the budget. We see, for instance, in the current year the expenditure was 1,695 lakhs and we had budgeted only for 1,674 lakhs. So that, there is an increase of 21 lakhs over the amount budgeted. On the other hand, we find it stated that the expenditure for the next year from the figures so far ascertained is estimated at 1,700 lakhs, that is to say, 5 lakhs over and above the revised estimate for the present year and that again was 24 lakhs more than the budget figures. It is claimed that this is the result obtained after 42 lakhs have been reduced in the expenditure."

"I cannot admit, Sir, that the reduction and retrenchment that have been effected are satisfactory, and I think there ought to be room for making considerable retrenchment in the figures still further."

4-45 p.m.

[Mr. T. A. Ramalinga Chettiyar]

16th February 1922] After all, Sir, these are the only figures (pointing to the printed slip circulated) that have been placed in our hands and we cannot say that the budget is laid before us with details. It may be that considerable reductions could be made by the Government themselves or it may be that if the figures are placed before us, we may be able to effect considerable retrenchment. If this retrenchment is effected either by the Government or by the Council, then the figure of the deficit will be considerably below what it is now expected to be. As Mr. Ramachandra Rao put it, we will have to find means of effecting retrenchments. If by that process the deficit would be considerably reduced, then our work would be very much lightened. So, under these circumstances, we are in a very difficult position indeed in regard to these taxation proposals, and as the Hon'ble the Law Member has said, this Bill is only one of a series. So it will be very difficult for us, without some more details regarding the figures which cause the deficit, to discuss the means proposed of meeting that deficit.

"Then, Sir, there is the other question: supposing there is to be a deficit which we will have to meet, in what manner is the money necessary to meet it to be raised? So far as I can see, in cases where a deficit is going to be permanent, certainly we will have to find the money by additional taxation; and I certainly agree in that position. But the question is whether the deficit which is now expected is going to be a permanent deficit. To my mind it appears to be only a temporary deficit. It is only this year that we are faced with this deficit, and it is stated to be due to a fall in the abkari revenue and a fall in stamp revenue and a reduction in other receipts also. Well, Sir, it was said that the fall in excise was owing to the non-co-operation movement and the depression in trade and so on. These are not permanent causes at all. We see from telegrams received from England and other western countries that trade is already adjusting itself and is returning to normal conditions. Then with regard to the abkari sales, we find from what we know of the results of the sales of arrack shops in many places that we can hope to have as much money as we have got for the current year and in many cases there are hopes of getting an increase over the current year. So, for these reasons, I submit that it cannot be said that this deficit is going to be a permanent deficit. For this reason and also in view of the fact that we can effect still further retrenchments, we can reduce this deficit very considerably. The question of the Imperial contribution is yet unsettled and we cannot agree to the system of our being bled white continuously."

"As I have said, this deficit would be only a temporary deficit. In case of temporary deficits like this, I submit that it is recognized as an excellent principle that such deficits should be met by borrowing but not by additional permanent taxation. If it is to be borrowed, it may be said that we would not get any advantage, we would have anyhow to pay it and that it is an unproductive debt. I admit that it is not a productive debt and borrowing cannot be resorted to as in the ordinary way. When the debt is unproductive, what we have to do is to provide a sinking fund while we would be paying interest charges annually, so that the whole debt can be wiped out in the course of, say, ten or fifteen years. If the Government is going to approach the problem in that way, I submit that would be the best course. Even if we provide for interest and a sinking fund which will amount to 20 or 22 lakhs of rupees in the coming year and provide a similar sum for the succeeding years, we will be able to wipe out this debt within ten years. So,

[Mr. T. A. Ramalinga Chettiyar] [16th February 1922]

Sir, it seems to me that this is not a case in which we must provide for all the deficit this year alone, but that we can borrow the amount of the whole deficit and provide for the interest and sinking fund charges alone for the coming year.

"Again, Sir, the deficit is expected to amount to 144 lakhs, and to meet it the proposals are made that by enhancing the registration fees a sum of 8 lakhs is expected. That is a change which can be effected by changing the rules, and it does not require any legislation. We may take it that the Government will do it. Then under the new Court Fees and Stamp Bills which are proposed to be introduced, an increase of about 70 lakhs is expected. If they are to be accepted as proposed I think the balance can be met either by further retrenchment or borrowing. I for one think that the deficit could be made good without increasing the court fees to such a large extent. I have many objections for raising the court fees in this manner. For instance, the *ad valorem* duty is proposed to be increased from 7½ per cent on plaints as well as on appeals by 50 per cent. I think that this percentage of 7½ is high indeed in all conscience. Many of the suits are filed in the District Munsifs' Courts, then they are taken to the District Courts in appeal and again to the High Court in second appeal. The court fees were even hitherto felt very heavy and if you increase them by another 50 per cent the burden will become very considerable. Parties will have to pay not only this increased court fee but also the pleaders' fees, witness batta, process fees, etc., and more often than not, the successful party will not be able to get enough for the actual amounts he has spent. The position of the parties who happen to be defeated can better be imagined. That being the case, I would be very reluctant indeed to allow any increase in the *ad valorem* fee. The parties in addition to paying these additional fees, will have to incur additional expenses for getting their decrees executed. There are cases of *ex parte* decrees where decrees will have to be obtained for execution purposes and for the purpose of realizing money, and in such cases also the full increased court fees will have to be paid even though there is no contest about the claim. So, I feel Sir, that the *ad valorem* duty for plaints and appeals cannot be raised. But there are other items like the fixed fees mentioned in schedule II and also some items mentioned in section 7 of the Court Fees Act, which can bear some increase. I beg to submit that this increase, plus the increase which can be expected under the new Stamp Bill, if subjected to a similar scrutiny, will be quite sufficient to meet the apprehended deficit. Though I do not want to oppose the motion that this Bill should go to a Select Committee, I think that the time chosen to bring forward this Bill is a most inconvenient one. I also hope that the Select Committee will carefully consider all the above matters to which I have drawn the attention of the House."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I object, Sir, to the principle of this Bill on the two points on which the Hon'ble the Law Member wanted it to be passed. The first is as to the necessity of having more money. It is not the old case, of cutting a coat according to the cloth but to say 'I want a big coat, and I must have cloth at any cost. If I do not have it in my house, I must try to borrow or steal from the neighbour's house.' So far as this question of financial Bills is concerned, we must emphatically protest against saying that it is an admitted fact that there is a deficit. Before coming and telling this House that there is a deficit of so many lakhs

[16th February 1922] [Mr. C. V. Venkataramana Ayyangar]

or so many crores and asking this House to meet it by means of various measures of legislation, I think it is the duty of the Government to come and say as to what it has done as regards the numerous resolutions that we passed in the last session for curtailing the expenditure of the Government. Has anything been done to reduce the travelling allowances? Of course we had a Government Order to the effect that in the current year they would be paid at the old rates and that the matter would be considered at the next budget. What has been done with regard to the resolution carried by this House to reduce the pay of the various establishments? Till this day absolutely nothing has been known to have been done, although a motion was discussed and passed to the effect that the Government might be pleased to lay on the table information as to what effect has been given to resolutions. Then, Sir, a resolution was brought forward by the House, and an under-of hands, and it was very strongly supported by the House, and an undertaking was given that every attempt would be made to meet our wishes as much as possible. It is not for the Government to say what reduction is possible or not. When the budget was introduced last year and when we wanted to reduce the number of hands, Government said that they came to the irreducible minimum. Later on we were told that it would be possible to reduce the expenditure by some lakhs, and no information regarding it has been published. Why cannot further reductions be made in the establishment charges? Why not the matter be laid before the Council? If so, instead of saying that there is a deficit of so many lakhs, we may be able, by cutting down the travelling allowances, by cutting down establishments, and by cutting down the pay of high officials, be able to reduce the deficit considerably. It was said that on account of non-co-operation—in these days everything is attributed to non-co-operation—the police hands had to be increased.

"It was stated that on account of non-co-operation—non-co-operation comes even here—the strength of the police had to be increased. 5-p.m. If only a

We do not know where and what the increase was. But we few police constables had been increased we can understand that. But we cannot ignore what has taken place in some of the neighbouring provinces. Only yesterday, in the province of Bihar and Orissa, it was admitted by the Government that they were able to cause a considerable reduction of police not only in the lower ranks but in the higher ranks also. It was stated that only 500 constables were to be reduced, whereas in our province we may be able to do away with 5,000 constables but increase the number of the superintendents gradually. Last time it was stated that the number of district superintendents could not be curtailed even by 3 or 4. We do not know whether the number will be increased or curtailed now. I am told that the removal of some of the intermediary post-office like conservators and deputy inspectors-general and superintending engineers, etc., was under consideration. But no sooner vacancies occur than they have been filled up on the ground that persons already in service should not be hit hard. We were told that almost every vacancy was filled up, and that also new hands were coming up. It may be a rumour, but it gives colour to the statement of Mr. Ramachandra Rao supported by Mr. T. A. Ramalinga Chettiyar, that there is no necessity for such a huge deficit as 2½ crores. It seems to me most unreasonable and—shall I say—uncharitable for the Government towards this House to come and say, while the figures prepared by the Financial Department are yet a sealed book to us, that we must take these

[Mr. C. V. Venkataramana Ayyangar] [16th February 1922]

figures and then provide so much from stamps, so much for the village officers, so much for this and so much for that. I do not want to say anything about those at the top. We know that the front bench costs about 5 lakhs and the next higher bench 2½ lakhs a year. But for paying a few rupees to the village officers beyond their pay, cesses and other things have to be levied. First as to the necessity of meeting this deficit at all, we have not been shown as to what the real deficit is and whether it cannot be met by retrenchment. Secondly, supposing it is impossible to adjust the two sides of the account, is it necessary to resort to fresh taxation? Are there not other means of meeting them? Thirdly, we have not been given to speak upon all the financial measures at the same time.

"Now coming to the question of the Court Fees Bill, I must say a few words on this. I object to the principle of the introduction of this Bill if it is for increasing the finances. The Hon'ble the Law Member said in the course of his speech that in some cases the courts' time is taken away and the parties do not pay properly. But any change in those cases will not be for financial purposes, but for making adjustments in some particular anomalous cases. For instance, suits relating to lands no doubt take away a lot of time of the courts and yet they are very poorly taxed. Whereas in many money suits which take one minute or half a minute of these courts and which are probably increasing in number on account of the financial stringency and increasing poverty of the people, there the money that is paid by way of court-fees is enormously high. Then again there are some difficulties which, I am sure, the Hon'ble the Law Member would have noticed—I do not think they find a place in the schedule—and they are these. If I sue for one field consisting of one survey number whose kist is only Rs. 5 the valuation is Rs. 25."

Here the Secretary sounded the bell as the speaker's time was up.

Mr. C. V. VENKATARAMANA AYYANGAR:—"I do not know how long I shall be allowed to speak. I shall obey the ruling of the Chair. I only want to say a few words more. We are dealing with a Bill and I do not know if you have fixed any time limit."

The Hon'ble the PRESIDENT:—"The honourable member can have a few minutes more."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"No rule is made as to the time limit."

The Hon'ble the PRESIDENT:—"I think it was in the course of the discussion on a previous Bill that the rule was made. The honourable member may refer to the proceedings of the previous month's meeting."

Mr. C. V. VENKATARAMANA AYYANGAR (continuing):—"I was only saying that if a man files a suit for the recovery of a full land of 5 acres in extent whose cost is probably 5,000 rupees he has to pay on a valuation of Rs. 25. But if by some chance he has to file a suit for possession of a portion of the land—it may be 1 acre, or half an acre or 3 cents or 2 cents even—the man has to pay on the valuation at the market value of that. That is an anomaly. Another anomaly is that if there are two adjacent lands, one ayan land and the other an inam land, the present fee for a suit regarding ayan land is 5 times the cost. But for recovering the adjacent inam land he has to pay on the market value. That is an anomaly. I make these observations not for giving points to the Hon'ble the Law Member but for

16th February 1922]

[Mr. C. V. Venkataramana Ayyangar]

justification of my statement that some bill may be introduced for removing anomalies but not to increase taxes. There are some other anomalies also in the present Act. The only remedy for these is to bring in a Bill to rectify them and not to increase the *ad valorem* fees. The poor man is hit most hard. If money suits are filed, 90 per cent of the suits—the Hon'ble the Law Member will agree with me—are suits which are *ex parte* based on bonds where people are not able to pay in time on account of the limitation or some other reason, and decree is passed on the evidence of one witness. Therefore, to say that even for such suits 50 per cent of the *ad valorem* fee should be increased is rather very hard. It would be justifiable on the part of the Hon'ble the Law Member to have said that he is not introducing a financial Bill but that he is introducing a Bill to put an end to the anomalies in regard to court fees on land suits and other suits which take up much time of the courts and to reduce at the same time the fees that are levied for those bond suits which are uncontested. It has been suggested that it would be better, in cases where suits are not contested and in which the defendant comes and admits the claim, reduced fees are levied. That would be to make people more honest. We do not know if the opinions of the High Court and other bodies have been taken in this matter. The Hon'ble the Law Member never suggested anything as to whether the opinion of the High Court which should guide us in this matter has been taken or not. There is a rumour flying in the air that the High Court has expressed its opinion that if the Bill is passed it will affect the trade of the country and inflict undue hardship on the parties. Under these circumstances, I would most strongly object to the principle on which this Bill has been introduced. I hope that either this Bill will be delayed till the Budget session is over or it will be brought on some other occasion. In any case I object to its introduction at the present stage."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, whenever the sanction of the Government of India is obtained for any Bill, it is mentioned in the preamble. Here in this Bill I do not find any statement to the effect that such sanction has been obtained. I draw your attention, Sir, to page 164 of the "Taxation Rules" of the Government of India."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Probably it may save discussion if I mention that we asked for the Government of India's sanction because we had some doubts, and the Government of India said that no sanction was necessary and that we might proceed with the Bill."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I believe, Sir, it is for you to say whether the sanction of the Government of India is necessary or not. The rule says: 'The legislative council of a province may, with the previous sanction of the Governor-General, take into consideration any law imposing for the purposes of local Governments any tax included in schedule to these rules.' Vide schedule I, item 8—Stamp duty other than duties of which the amount is fixed by Indian legislation. In this case, the Court Fees Act of 1870 is an Act of the Indian Legislature. This Bill is an attempt to change or enhance the duties fixed by the Indian Legislature. Court fees is one of the varieties of stamp duties, and in my humble opinion the whole thing comes under the purview of rule 8 and requires the previous sanction of the Government of India. It is for you, Sir, to decide whether this Council has got jurisdiction to proceed with this legislation without such a sanction."

[16th February 1922]

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" If you refer to page 123 of the Standing Order, it is a provincial subject.

" Item 20 says :

' Non-judicial stamps, subject to legislation by the Indian Legislature, and judicial stamps, subject to legislation by the Indian Legislature, as regards amount of court fees levied in relation to suits and proceedings in the High Courts under their original jurisdiction.'

" And this Bill deals with fees payable in mufassal courts."

The Hon'ble the PRESIDENT :—" I have no hesitation in ruling that the Council is not acting *ultra vires*."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" The introduction of taxation bills long before the budget of the year is introduced,

5-15 p.m.

I submit, is quite inconvenient and a precedent of that stamp shall not be introduced. In the rules it is nowhere laid down fixing the time when the taxation bills should be introduced. A great anxiety was shown in the past in this Council to adhere to the parliamentary practice and I respectfully draw the attention of this House to a portion from May's Parliamentary Practice at page 487 :

' The consideration of financial statements for the year made by the Chancellor of the Exchequer is an important feature in the financial legislation each session. This statement, familiarly known as " the Budget " is made when the Minister has completed his estimate of the probable income and expenditure for the financial year, and usually after some progress has been made in voting the grants for the army and navy and other public services.'

" So, from this it is clear that the financial bills are brought forward after certain progress is made regarding the voting on grants are proceeded with. What our expenditure will be we have first of all to fix. Of course this introduction of taxation bills is only following our old method of preparing our budget according to our receipts. But the real parliamentary method would be to fix what the expenditure should be and when that is settled the Council may then proceed to find out the ways and means. Instead of doing that, the Hon'ble the Law Member wants that this Council should first proceed with the settlement of the question of receipts. I strongly object to this old method. We shall somehow or other get out of the old groove and get into the parliamentary practice of fixing our expenditure before we come to finding the ways and means therefor. Yesterday a small statement was circulated to the members of this House giving the financial position of this year and it is not possible for any one like myself who is not a member of the Finance Committee and who is not therefore acquainted with the figures to understand what the real situation is. We do not for a moment believe that the finances of the country are so hopelessly misused or exhausted. It was only last year three crores and odd were liberated from the Government of India and in spite of timely warnings and protests from the non-officials the Government have gone on spending immense sums of money without any respect for popular opinion. At this stage, if a Bill for taxation is to be introduced, I think the members of this House would be justified in rejecting it *in toto*.

" Now, coming to the merits of the Bill, I find that a percentage enhancement of 50 per cent allround regarding *ad valorem* fees is objectionable. A distinction must be made in the case of *ex parte* suits and compromises and also regarding valuation of land suits. No attempt is made to remove any of these existing inequalities and I think exception should be made in the case of suits of minor importance. I do not think that various items in the Court Fees Bill have been carefully examined and public opinion

16th February 1922] [Mr. C. V. S. Narasimha Raju]

was called for. At least all the material that was before the Government, when proposing this enhancement, was not before the public and I understand the Hon'ble the Law Member has not elucidated this Council as to the material on which these proposals are brought forward. When the whole matter is quite unsatisfactory I think the Council will not be justified in allowing the introduction of this Bill."

The Hon'ble the PRESIDENT :—" Before I adjourn the House I should like to mention for the information of honourable members that, in view of the heavy work before us, it will be my duty to ask the House to sit on Saturday also. It would not be possible to finish to-morrow evening as was originally intended. I hope honourable members who are arranging to start to-morrow night will alter their programme so that they may remain in Madras the day after to-morrow also."

The Council then adjourned at 5-30 p.m. to meet at 11 a.m. on Friday the 17th February 1922.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

The Council reassembled at the Council Chamber, Fort St. George, at 11-10 a.m. on Friday, the 17th day of February 1922, 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 Port Health Officer, Calicut.

1284 Q.—MR. A. D. M. BAVOTTI SAHIB : Will the Hon'ble the Member for Finance be pleased to state—

(a) how many years it is since Dr. Mugasett, a private medical practitioner, has been appointed Assistant Port Health Officer in Calicut ;

(b) for how many months in a year he works in that capacity and what he is paid per mensem ;

(c) how many boatmen there are in the Calicut Port Office and how many of them are with the Port Health Officer ;

(d) the average annual cost of maintaining the Assistant Port Health Officer and his staff during the last three years ;

(e) the average number of steamers and sailing vessels inspected in a year by the Assistant Port Health Officer ; and

(f) whether there are any other ports in the Presidency of equal or not greater importance where the services of full-time private medical practitioners as Assistant Port Health Officers are entertained ?

A.—(a) About 22 years.

(b) Ten months in the year at Rs. 100 per mensem.

(c) Five men—all with the Port Health Officer.

(d) (i) Port Health Officer	..	..	..	..	Rs.	1,000
(ii) Boatmen	..	..	..	..	..	575
(iii) Boat hire	..	..	..	..	..	30
(e) One hundred and sixty-five steamers and sailing vessels.						535

(f) The answer is in the negative.

Kammalas as backward classes under Educational Rules.

1285 Q.—MR. A. D. M. BAVOTTI SAHIB : Will the Hon'ble the Minister for Education be pleased to state—

(a) with reference to the interpellation No. 1212 (c) put by me at the meeting of the Council held on 21st January 1922 and the reply given by

[17th February 1922]

the Hon'ble the Minister thereon, whether the Government have asked the Malabar District Educational Council to revise the list of backward classes under the educational rules;

(b) if so, whether they have received the report from the above-said Council recognizing the Kammalas of the district as backward under the educational rules; and

(c) which are the other communities recognized as backward classes in the report?

A.—(a) & (b) No.

(c) The Government have no information.

Duty allowance and free quarters to compounders.

1286 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(a) whether the Government has received memorials from hospital compounders in 1919 and 1921; and

(b) what action has been taken thereon?

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

(b) The requests contained in the memorials have been considered in connexion with the revision of their scale of pay. Final orders are expected to issue shortly.

Furlough on full average salary to officers.

1287 Q.—Rai Sahib E. C. M. MASCARENHAS: Will the Hon'ble the Member for Finance be pleased to state—

(a) whether it is a fact that the new rules sanctioning furlough on full average salary to officers subject to the *European Service Leave Rules* came into force on the 18th November 1919 and that the benefit of those rules was given to all officers who were on furlough or combined leave on that date;

(b) whether it is a fact that the above rules were extended to officers subject to the *Indian Service Leave Rules* with effect from the 7th November 1920, but the benefit of those rules was given only to officers on leave in England on that date, and not to officers on leave in India, the former being mostly, if not exclusively, Europeans, and the latter being mostly Indians; and

(c) whether the Government will be pleased to state the reasons for making what virtually is a racial distinction?

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

(b) The answer is in the negative. All officers of both races subject to the *Indian Service Leave Rules* were permitted to commute if they were taking furlough on medical certificate or proceeding on leave out of India or Ceylon.

(c) A reference is invited to paragraphs 80 to 82 of the Public Services Commission's report and to paragraph 98 of Sir Abdur Rahim's minute which is attached to the same.

17th February 1922]

Disafforestation of grazing ground in Guntur.

1288 Q.—Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the Hon'ble the Home Member be pleased to state the extent of reserved grazing ground in the Guntur district disafforested for the last five years for cultivation; the names of villages with their extent and how these lands were disposed of?

A.—A statement showing the extent of disafforestation during the past five years is laid on the table.* Information how the land so disafforested has been disposed of is not available.

District Educational Councils and educational activities under the Labour Department.

1289 Q.—Mr. A. T. PALMER: Will the Hon'ble the Law Member be pleased to state whether it is a fact that educational activities under the Labour Department are not under the supervision of the District Educational Councils?

A.—The educational activities of the Labour Department are not under the supervision of District Educational Councils.

Industrial factories run by the Government.

1290 Q.—Mr. A. T. PALMER: Will the Hon'ble the Minister for Development be pleased to lay on the table a list of

- (a) the industrial factories run by the Government,
- (b) the expenditure on each of them for the year 1920–21, and
- (c) the receipts for the same year?

A.—The Honourable Member is referred to the administration reports for the year 1920–21 of the Industries and Fisheries Departments which have been placed on Editors' Table.

Cottage industries.

1291 Q.—Mr. A. T. PALMER: Will the Hon'ble the Minister for Development be pleased to lay on the table a list of cottage industries that are being taught by the Government at present?

A.—The following cottage industries are being taught in the institutions under the control of the Development Department and in those aided by Government:—

Handloom weaving.	Lace embroidery.
Jewellery making.	Needle work.
Rattan work.	Mat making.
Lacquer work.	Basket making.
Cabinet making.	Fibre work generally.
Carpentry.	Blacksmithy.
Carpet weaving.	Cane work.

[17th February 1922]

Accounts of the Madras Corporation re: sale of rice.

1292 Q.—Rao Sahib U. RAMA RAO: Will the Hon'ble the Member for Finance be pleased to state whether the accounts of the Madras Corporation in regard to the purchase and sale of rice are subjected to audit, and, if so, to place on the table the report of the auditors?

A.—A report on the audit of the accounts relating to the transactions referred to has been received from the Examiner of Local Fund Accounts and is under the consideration of the Government. The question of placing it on the table will be considered in due course.

Rice transactions of the Madras Corporation.

1293 Q.—Rao Sahib U. RAMA RAO: With reference to my interpellation No. 975 (b) regarding the rice transactions of the Madras Corporation, will the Hon'ble the Member for Finance kindly place on the table the private auditors' report referred to therein?

A.—The Government have no copy of the private auditors' report.

Rao Sahib U. RAMA RAO:—“With reference to the answer to question 1293, may I request the Hon'ble the Member for Finance to get a copy of the private auditors' report and place it on the table?”

The Hon'ble Sir CHARLES TODHUNTER:—“I suggest, Sir, that that is a request which should be made in the Madras Corporation in the first instance.”

The report on the Malabar train tragedy.

1293-A. Q.—Diwan Bahadur M. RAMACHANDRA RAO: Will the Hon'ble the Home Member be pleased to state—

(1) when the report on the Malabar train tragedy and the evidence recorded by the committee will be made available to the members of the Council;

(2) whether the report and the evidence will be supplied in time to afford to the members of the Council an opportunity for discussing the same by resolution at the March session of the Council; and

(3) whether the Government will postpone passing orders on the report until after a discussion takes place in the Council?

A.—(1) The report cannot be made available before the Government have arrived at their conclusions.

(2) No such guarantee can be given.

(3) The answer is in the negative.

Diwan Bahadur M. RAMACHANDRA RAO:—“May I ask the Hon'ble the Home Member when the Government are likely to arrive at their conclusions on the report about the Malabar train tragedy?”

[17th February 1922]

The Hon'ble Sir LIONEL DAVIDSON:—“I hope, Sir, by the end of the next week. But I cannot give any positive undertaking on the subject. There has already been a very careful preliminary consideration of these issues in the course of which it was discovered that information on one or two points was necessary for the proper appreciation of the case and that a reference was also necessary to one or two officers whose opinion in the view of Government was equally essential. In those circumstances, Sir, I cannot give any guarantee beyond the general statement that the Government, when the pressure of this Council business is over, will do their utmost to arrive at their final conclusions as rapidly as possible.”

Mr. K. PRABHAKARAN TAMPAN:—“May I ask whether before the Government pass their orders those persons who are found guilty or responsible directly or indirectly will not be given an opportunity to explain their conduct?”

The Hon'ble Sir LIONEL DAVIDSON:—“That, Sir, follows as a matter of course. In some cases that opportunity has already been given and in other cases opportunity for explanation may be afforded in another form.”

Electoral rolls of the Anantapur municipality.

1294 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(a) the latest date by which the electoral rolls of Anantapur municipality should have been revised;

(b) whether the electoral rolls were so revised, and, if not, the reasons for the delay in revising them; and

(c) whether the election of councillors for one of the wards was set aside by the District Court so early as August last, and whether steps were since taken to hold a fresh election to fill up the vacancies?

A.—(a) 1st July 1921.

(b) The electoral rolls have not been revised. The Chairman reports that the delay was due to insufficiency of the office staff and to factions in the Council.

(c) The answer to the first part of the question is in the affirmative. Elections are reported to have been held, but the matter is under magisterial enquiry.

Mr. A. RANGANATHA MUDALIYAR:—“Sir, with reference to the answer to question 1294, I wish to know whether the municipal staff of Anantapur is not of the same strength as the staff of other municipalities similar to Anantapur and whether it is in any way less.”

The Hon'ble Mr. P. RAMAIAH:—“I would like to have notice of the question, Sir.”

Memorials from compounders in the Presidency.

1295 Q.—Mr. W. P. A. SAUNDARA PANDIA NADAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state whether the

[17th February 1922]

Government have received any memorials from the compounders in the Presidency with reference to the Government's reply to the interpellation No. 1014 of November 1921 regarding the qualifications of compounders; and, if so, what orders have been passed thereon?

A.—No such memorials have been received by the Government.

Prisoners in goods and luggage wagons.

1296 Q.—MR. T. SOMASUNDARA MUDALIYAR: Will the Hon'ble the Home Member be pleased to state—

(a) how long the system of sending prisoners in goods wagons and luggage wagons has been in force in (1) the South Indian Railway and (2) the Madras and Southern Mahratta Railway;

(b) what is the total number of occasions on which the prisoners were so sent, the number of wagons used, in each of the above railways;

(c) under whose orders the prisoners were so transported, whether of the Railway concerned, or of the Local or other Government;

(d) whether the wagons used exhibited either inside or outside the compartments the maximum number of passengers which may be carried in each compartment, as provided in section 63 of the Indian Railways Act;

(e) whether the fact that the provisions of section 63 had been contravened with respect to (1) the maximum number of passengers to be carried in any compartment and (2) the exhibition of the maximum number of passengers to be carried in any compartment was ever brought to the notice of the Government, and, if not, who was responsible for the omission;

(f) whether the Government has sought at any time to enforce the penalties prescribed under section 93 of the Railway Act against the Railways concerned, and if not, why not;

(g) whether the sanction of the Governor-General in Council has ever been sought under section 97 of the Act for recovery of penalties from the Railways concerned;

(h) whether any railway servant has been prosecuted under section 102 of the Act for offence under the said section; and

(i) whether any prisoners have been sent subsequent to the recent Mappilla Train Tragedy in goods wagons or luggage wagons, and if so, the number of prisoners and the number of occasions on which they were so sent?

A.—The question presumably refers to the arrangements for the removal of Mappilla prisoners from Malabar. The matter has been the subject of an enquiry by a specially appointed committee whose report is now under the consideration of the Government; and until the Government have formulated their conclusions they deem it undesirable to answer questions on matters of detail.

Batta and travelling allowances for jurors and assessors in the mufassal.

1297 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon'ble the Home Member be pleased to state whether there is a proposal to revise the scale of batta and travelling allowances payable to jurors and assessors in the mufassal?

A.—The matter is under consideration.

[17th February 1922]

Sub-Assistant Surgeons under local bodies.

1298 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(a) the number of sub-assistant surgeons in the services of local bodies at the end of 1921;

(b) the amount which a local body is required to contribute with respect to each sub-assistant surgeon;

(c) the number of sub-assistant surgeons in the service of local bodies who are paid in excess of and also less than the amount of contribution; and

(d) the probable saving, if any, accruing to the Government by reason of the contributions received exceeding the amount of the actual pay?

A.—(a), (c) & (d) The information is not available.

(b) Rupees 95½ a month.

MR. R. SRINIVASA AYYANGAR:—"With reference to question No. 1298, will the Hon'ble the Minister for Local Self-Government be pleased to give us the information asked for in clauses (a), (c) and (d) of that question? The answer given is, 'the information is not available.' Will he be pleased to call for the information and supply it?"

THE HON'BLE MR. P. RAMAAYANINGAR:—"I don't think it is worth while doing so."

MR. R. SRINIVASA AYYANGAR:—"May I put a further question as to whether there is any register or book maintained in the Government office showing the number of sub-assistant surgeons in the service of local bodies so that we may get the information from that source?"

THE HON'BLE MR. P. RAMAAYANINGAR:—"The Surgeon-General's office may have a copy of the register."

Special Magistrate for Nellikuppam.

1299 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon'ble the Home Member be pleased to state—

(a) whether it is a fact that till a year ago the sub-registrar of Nellikuppam, Cuddalore taluk, was exercising the powers of a special third-class magistrate and that since then there has been no special magistrate for that place;

(b) the reason for there being no special magistrate for that place; and

(c) whether steps are being taken to have a special magistrate therefor?

A.—The local sub-registrar was exercising the powers of a special magistrate until April 1919, when he is understood to have been replaced by another officer. The Government are not aware why similar powers were not recommended in the case of his successor and will enquire of the District Magistrate if there are sufficient grounds for the appointment of a special magistrate and a suitable officer is now available.

[17th February 1922]

Government circular to the subordinate magistrates.

1300 Q.—Mr. R. SRINIVASA AYYANGAR: Will the Hon'ble the Home Member be pleased

(a) to state whether it is a fact that last year the Government issued a detailed circular or order for the guidance of the subordinate magistrates in the matter of enquiries, trials and other connected matters; and

(b) to lay the order or circular, if any, on the table?

A.—The Government issued no order or circular of their own. They did however commend to the notice of district magistrates a circular issued by a particular district magistrate in 1917.

The RAJA OF RAMNAD:—"With reference to the answer to question No. 1300, may I know who the particular district magistrate was? I want his name and his district."

The Hon'ble Sir LIONEL DAVIDSON:—"I think it was either Mr. P. L. Moore or Mr. J. F. Hall, but I cannot say positively without referring to the papers."

Mr. R. SRINIVASA AYYANGAR:—"May I ask with reference to that question if the Government will be pleased to lay that circular of 1917 on table?"

The Hon'ble Sir LIONEL DAVIDSON:—"I will examine the question, Sir. But I may in the meantime, for the information of the honourable member, say that the Government Order about the circular had special reference, so far as I remember, to a commendation bestowed by the High Court on the methods of disposal obtaining in the magistrate's district, with the result that the Government examined the particular instructions which he had issued, and, I believe, also consulted the Advocate-General in regard to the propriety of his circular which covered other matters besides the question directly under disposal. In the result the Government commended the circular to other district magistrates. I think that is broadly the history of the case. But I am speaking from recollection and am not quite certain whether it is expedient to publish the circular. It is not customary to lay district magistrates' circulars on the table of this House, and if there was anything wrong with such a circular, it was always open to the High Court to rectify it."

The Stationary Sub-Magistrate's Court, Kallakurichi, South Arcot.

1301 Q.—Mr. R. SRINIVASA AYYANGAR: Will the Hon'ble the Home Member be pleased to state—

(a) the number of cases instituted, including charge sheets, in the Court of the Stationary Sub-Magistrate of Kallakurichi, South Arcot district, in 1919, 1920 and 1921;

(b) the amount of fines imposed by the said court in the said period of three years;

(c) the average monthly expenditure incurred in connexion with the said court;

(d) whether the Government is satisfied that the stationary sub-magistrate is in a position to cope with the file; and

(e) whether there is a proposal to locate either in Chinna Salem or Sankarapuram a Deputy Tahsildar's office?

17th February 1922]

4.—The Government have no information on the points raised in clauses (a), (b) and (d) of the question. The average monthly cost of the court in question is probably about Rs. 275.

No proposal of the kind mentioned in clause (e) of the question is before the Government.

Mr. R. SRINIVASA AYYANGAR:—"With reference to the answer to question No. 1301, I should like to know if the information was called for from the officer concerned. Was any attempt made to call for the information?"

The Hon'ble Sir LIONEL DAVIDSON:—"No, Sir, none."

Mr. R. SRINIVASA AYYANGAR:—"If that be so, may I request the Honourable Member to call for the information?"

The Hon'ble Sir LIONEL DAVIDSON:—"I do not think that any useful purpose would be served by calling for the information. If I did so, I might be requested to issue similar references regarding the many hundreds of subordinate magistrates in the Presidency."

Darkhast applications from the depressed classes.

1302 Q.—Mr. T. C. TANGAVELU PILLAI: Will the Hon'ble the Law Member be pleased to state—

(a) the number of darkhast applications received from Adi-Dravidas and other depressed classes in the Trichinopoly district from 1st January 1921 to 1st January 1922;

(b) how many applications were disposed of; and

(c) the total number of acres in the respective taluks of the Trichinopoly district given to Adi-Dravidas on darkhast in the year 1921?

A.—(a) The number of applications received in 1921 was 1,134.

(b) The number of applications disposed of in 1921 was 541.

(c) The extent of land assigned in the different taluks in 1921 was as shown below:—

	Extent assigned.
	ACS.
1. Trichinopoly	Nil.
2. Musiri	0.94
3. Kulittalai	69.28
4. Perambalur	185.18
5. Udayarpalayam	Nil.
6. Karur	2.49
7. Lalgudi	2.02
Total	259.81

The Russellkonda Saw Mill.

1303 Q.—Mr. O. TANIKACHAI A CHETTIYAR: Will the Hon'ble the Home Member be pleased to state with reference to the Russellkonda saw mills—

(a) what the estimated cost of the machinery was;

(b) what the estimated cost was of erecting the machinery;

(c) how much of the cost under each of the above heads was incurred during 1920-21;

[17th February 1922]

- (d) how much was incurred during 1921-22;
 (e) whether the budget estimate sanctioned for 1921-22 has been in any way exceeded; and
 (f) if so, by what amount;
 (g) whether, before the machinery was ordered, there was a contract entered into fixing the price of the machinery;
 (h) whether, if there was a contract fixing the price, the price claimed by the vendor was the same as the contract price or in excess of it;
 (i) whether the price claimed by the vendor is in excess of the estimated cost;
 (j) whether, if the price exceeded the estimated cost, it exceeded the sum of Rs. 2,16,000 provided by the budget of 1920-21;
 (k) if so, what the amount of excess was and from what fund the excess was met;
 (l) whether the necessary machinery has arrived;
 (m) if it has, whether it has been erected into position;
 (n) whether the saw mills are now working; and
 (o) if so, for how many months past?

A.—(a) & (b) The estimates for the purchase of machinery and its transport and erection were as follows:—

	Original estimate, 1919.	Revised estimate, 1921.
	RS.	RS.
Cost of machinery and freight ..	1,13,800	2,15,496
Erection and transport ..	30,000	30,000
Total ..	1,43,800	2,45,496
(e) Under cost of machinery and freight ..	..	11,347
Under erection and transport ..	..	Nil.
Total ..	..	11,347

- (a) The financial year 1921-22 not having closed, the figures cannot be given; but it is probable that the whole budget allotment of Rs. 2,16,000 will have been spent by the end of March 1922.
 (e) & (f) There has been no excess expenditure over the budget estimate so far as the Government are aware, but for reasons given above the final figures are not yet available.
 (g), (h) & (i) No contract fixing the price was entered into. Messrs Parry & Co. were empowered through their Chief Engineer to select and purchase the most suitable machinery and plant at the rates most favourable to Government.
 (j) & (k) The Government have no reason to believe that the estimated cost has been exceeded; but until the accounts are presented in final form, they are unable to make a definite statement.

17th February 1922]

- (l), (m), (n) & (o) From the latest information received from the Chief Conservator, it is understood that practically the whole machinery and plant have been installed and will shortly be in working order

Mr. O. TANIKACHALA CHETTIYAR:—"With reference to answers to (e) and (f) and also (j) and (k) of question No. 1303, may I request the Hon'ble the Home Member whether, when these figures are available, he would give the information?"

The Hon'ble Sir LIONEL DAVIDSON:—"I do not think, Sir, there will be any difficulty about complying with that request, but I cannot absolutely promise it at the moment."

Correspondence regarding the Russellkonda Saw Mill.

1304 Q.—Mr. O. TANIKACHALA CHETTIYAR: Will the Hon'ble the Home Member be pleased to place on the table—

(1) the correspondence, if any, between Messrs. Parry & Co. and the Government relating to the excess price claimed or paid for the Russellkonda Saw Mills machinery; and

(2) the contract or the letters which constituted the contract between Messrs. Parry & Co. and the manufacturer regarding the price of machinery?

A.—(1) The Government are not in a position at present to publish any papers. They await the final report of the Chief Conservator.

(2) The Government have no such papers at their disposal.

Mr. O. TANIKACHALA CHETTIYAR:—"With reference to the answer to question No. 1304, may I request the Hon'ble the Home Member to obtain such papers, for after all they are papers in the possession of our agent?"

The Hon'ble Sir LIONEL DAVIDSON:—"I have no objection to asking Messrs. Parry & Co. to let Government see the correspondence on the subject. I have no reason to suppose that there is any desire on their part to conceal the facts, and I am quite confident that they are not trying to make a profit out of Government in this matter."

Mr. O. TANIKACHALA CHETTIYAR:—"I am not making that suggestion; because I found in one of the papers that the cost has been nearly doubled. I wanted to find out whether the business has been done on business lines."

The Hon'ble Sir LIONEL DAVIDSON:—"The instructions in our agreement with Messrs. Parry and Co. were that they should arrange through their Chief Engineer to select and purchase the most suitable machinery and plant at the rates most favourable to Government. That is the information given in the answer to clauses (g), (h), and (i) of question No. 1303. I have no reason whatsoever to suppose that that injunction has not been loyally carried out."

Sir JAMES SIMPSON:—"With reference to the same question (No. 1304) are the Government aware that the information can be easily placed at the disposal of the Council? Messrs. Parry and Co. and I would be glad to have the opportunity of placing the whole correspondence for reference before this House."

The Hon'ble Sir LIONEL DAVIDSON:—"The Government were not aware of that fact. But, Sir, they are not surprised at the information thus supplied through Sir James Simpson."

[17th February 1922]

Representation of the depressed classes in posts of Probationary Revenue Inspectors.

1305 Q.—Mr. G. VANDANAM: Will the Hon'ble the Member for Revenue be pleased to state whether any man from the depressed classes, or a Christian from the depressed classes, has been ever taken as a probationary revenue inspector in Guntur district?

A.—No probationary revenue inspector was recruited from the depressed classes till the 1st January 1921. The Government are not in possession of later information.

Mr. G. VANDANAM:—“With reference to the answer to question No. 1305, will the Government be pleased to consider the claims of the depressed classes preferentially? I hear the place is going to be filled up soon.”

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“The Government are always prepared to consider the claims of depressed classes where qualified men are available.”

Appointment of an Indian as Conservator of Forests.

1306 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the Hon'ble the Home Member be pleased to state—

- (a) if there is a permanent vacancy now among the Conservators of Forests and if another permanent vacancy is likely to occur soon; and
(b) whether the Government have come to any decision as to the desirability of appointing an Indian as Conservator of Forests?

A.—(a) There is now no permanent vacancy among Conservators and none is likely to occur in the immediate future.

(b) As stated in the answer to question No. 225 the Government cannot indicate their intentions regarding future promotions.

Water reservoirs in Kollegal.

1307 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the Hon'ble the Member for Revenue be pleased to state whether there has been any advance made in 1921 in the investigation of schemes of water reservoirs in the Kollegal taluk of the Coimbatore district, and if so, to what extent and with what results?

A.—A report on the subject of possible irrigation schemes in the Kollegal taluk has been obtained from the Superintending Engineer in which the following three schemes are suggested as worth investigation:—

- (i) Restoring an old tank on the Hebbo-halla,
- (ii) Taking a separate channel from the Gundal for filling tanks, leaving the existing channel for direct irrigation alone, and
- (iii) Utilizing the supply in the Udathorai-halla.

Preliminary reports with an approximate estimate of cost and revenue return have been called for from the Superintending Engineer in respect of schemes (i) and (ii). As regards (iii) the Superintending Engineer has asked the Executive Engineer to inspect the site and submit a report which is also awaited.

17th February 1922]

[Vide Answer to question No. 1288 asked by Munshi Muhammad Abdur Rahman Sahib at the meeting of the Legislative Council held on 17th February 1922, page 2345 supra.]

List of reserves disafforested in Guntur district from 1917 to 1921.

Year.	Class.	Name of reserve.	Area disafforested.	Name of village.
			ACRES.	
	III	Kanuparti Block I ..	246-95	Kanuparti.
	III	Kottapalam plantations A and B ..	129-66	Allur
	I	Kottapalam casuarina plantation extension.	318-40	Do.
	VI	Potumeraka perra reserve bit I ..	645-00	Potumeraka and Mula-konda.
	VI	Narakodur blocks I and II ..	229-78	Narakodur.
	VI	Nidamaru reserve blocks I-A and I-B ..	402-12	Nidamaru and Kantheru.
	VI	Blocks II and III and extensions ..	330-00	Dindi.
	VI	Dindi extension I ..	605-00	Adavalthevi.
1917	VI	Adavalthevi perra bit I ..	204-10	Do.
	VI	Do. bit II part ..	194-80	Potumeraka and Mula-kunda.
	VI	Potumeraka perra bit II part ..	158-40	Nizampatam.
	VI	Nizampatam extension, I part ..	81-50	Do.
	VI	Nizampatam reserve part ..	74-00	Amuthalapalli.
	VI	Amuthalapalli reserve part ..	413-00	Dindi.
	VI	Kottapalam extension, I part ..	145-00	Alugurazupalle.
	VI	Pasuvemela extension, IV part ..	852-00	Remedicherla.
1918	IV	Bollapalle extension, VIII part ..	146-08	Pedaganjam.
	IV	Ganjam block, I portion ..	297-00	Narakodur and Bodampad.
1919	VI	Narakodur block III ..	890-00	Agnikundala and Ipur.
	IV	Guttikonda extension IX ..	1,959-00	Ravulapuram and Gutla-palle.
	IV	Bollapalle extension, III portion ..	530-00	Agnikundala.
1920	IV	Guttikonda extension, VII portion ..	181-00	Nayanipalem.
	IV	Nayanipalem block, I portion ..	482-00	Perupad.
	IV	Koppukonda extension, I portion ..	650-00	Mutukur and Kolagutla.
	IV	Mutukur extension, IV portion ..	181-00	Dargi and Obilesanipalle.
	IV	Kakirala extension, IV portion ..	138-00	Alugurazupalle.
	IV	Pasuvemela Extension, IV portion ..	600-00	Bathamallipada.
	IV	Mandadi Reserve Block, I portion ..	390-00	Agnikundala.
	IV	Guttikonda Block, II portion ..	1,128-00	Goli.
	IV	Goli reserve portion ..	1,279-25	Kuragallu, Mandam, Venkatapalem, Kist-nayapalem and Nowlur.
1921	IV	Kuragallu and Extension I ..	298-22	Peddapalakalur.
	IV	Lam Block II ..	740-00	Goli and Gottimukkala.
	IV	Goli Extension Block I ..	24-00	Tumerode.
	IV	Tumerode Block I ..	87-00	Guttikonda.
	IV	Janapad reserve portion ..	432-00	Tumerode.
	IV	Tumerode Block V ..	497-00	Pasuvamela.
	IV	Pasuvamela Extension IX ..	385-00	Do.
	IV	Pasuvamela Extension V ..		
		Total ..	16,149-31	

[17th February 1922]

Year.	III	IV	V	VI	Total.
1917	ACRES.	ACRES.	ACRES.	ACRES.	ACRES.
1918	695-01	997-00	146-08	3,337-70	4,032-71
1919	..	..	..	..	997-00
1920	..	3,540-00	..	297-00	443-08
1921	..	7,111-58	..	..	3,560-00
Total	695-01	11,688-58	146-08	3,634-70	16,144-37

N.B.—Two hundred and forty-one acres of Lam block I (Bapatla range) and 531 acres of Kolakur reserve (Bapatla range) have been cleared of tree growth and handed over to the Revenue Department for assignment but these areas have not yet been formally disafforested. Further, the Director of Agriculture has asked for 400 acres out of the remaining area of 500 acres of the Lam block I for experimental cotton cultivation. It is under correspondence. From Guttikonda extension VIII, which contains 800 acres, an extent of 300 acres is proposed to be disafforested and the District Forest Officer will shortly submit the necessary notification.

II

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

The Hon'ble the PRESIDENT announced that the undermentioned Acts received the assent of His Excellency the Governor-General on the 8th February 1922:—

The Madras City Tenants' Protection Act, 1921.

The Madras District Municipalities and Local Boards Act (Amendment) Act, 1921.

II-A

DEMAND FOR SUPPLEMENTARY GRANT FOR 1921-22.

41. Civil Works—Provincial.

The Hon'ble Sir LIONEL DAVIDSON moved—

'That the Government be granted an additional sum of Rs. 34,000 under 41. Civil Works—Provincial—Reserved on account of electrical repairs to the Government Houses.'

In doing so, he said:—"Sir, the grant for which I move originates in purely technical grounds. The facts are as follows: in the current year's budget, owing to a mistake in the arrangement of details, the provision for electrical repairs to the Government Houses at Madras and Guindy was included by the Electrical Engineer in the total provision for electrical repairs for the whole of his sub-division, which appears under a transferred head. When in September last, the electrical engineer sought to regularize this by proposing a transfer to the reserved head 'Electrical repairs to Government Houses', correspondence ensued and attention was drawn to the fact that such a transfer was not permissible under the rules except with the sanction of the Legislative Council. It ought to have been applied for at the time, but the Secretariat Departments concerned did not quite grasp the issue, and that is the reason why this demand was only brought to my notice in a final form last night for the purpose of moving it in the Legislative Council. The facts of the case are within the cognizance of the Minister in charge of the transferred head of Public Works and I understand that he has no objection to the transfer which merely represents the necessary method of remedying a formal defect in the budget."

[17th February 1922]

The RAJA OF RAMNAD:—"May I ask the Hon'ble the Home Member one information? I find from the Administration Report of the Public Works Department that reached me last night that very nearly a sum of Rs. 1.10 lakhs has been incurred in the electrical installation in the Government Houses. May I know if this expenditure is in addition to that and how these repairs for Rs. 34,000 are necessitated while a huge expenditure has been incurred only recently, in 1920-21?"

The Hon'ble Sir LIONEL DAVIDSON:—"I am afraid I am unable to answer that question off hand. All that I am concerned with at the moment is to regularize a technical defect owing to which provision included in the budget was entered under a wrong head."

The demand was then put to the House and granted *nem con.*

III

A BILL TO AMEND THE COURT-FEES ACT, 1870—cont.

The Hon'ble Sir CHARLES TOPHUNTER:—"Sir, I understand that my Honourable Colleague has been severely taken to task for the crime of having introduced this Bill in advance of the budget and as the crime, if it is one, is entirely mine, I hasten to take the burden of it upon my shoulders and to explain that the sole motive of the criminal was a desire to consult the convenience of the Council.

"A good deal was said yesterday on the subject of the constitutional procedure in England. As regards that, may I say in the first place that a constitutional procedure which is suited to a nation of shopkeepers is not equally suited to a nation of lawyers? In England, the budget used to be introduced without previous notice of new taxation, and if it passed the House, taxes were at once levied on the basis of the resolutions of the Committee of Ways and Means. The nation of shopkeepers paid their taxes and got on with their business. They did not ordinarily choose to inquire into the legal basis of the levy. This happy condition of affairs continued until a gentleman whose horror of any violation of the law, however technical, was worthy of Mylapore, brought a suit against the Bank of England and recovered a sum of £52½ at a cost to himself of more than £3,000, that is to say, he recovered it for a time, but had to pay it again a few months later. But he vindicated his principle and he made the Parliament pass an Act known as the Provisional Collection of Taxes Act, 1913, which makes the resolutions of the Committee of Ways and Means operative, although the Bills to give effect to them may not be finally carried into law for months afterwards. Now, Sir, we have in this country no Provisional Collection of Taxes Act, nor, I fear, have we the spirit of the shopkeeper which will accept taxes provided for in the budget even though they have not been carried into law. Therefore, if we want to carry on our administration from the 1st April, we must pass our taxation Bills into law before that date. But the month of March is going to be an exceedingly busy one and if we do not begin the consideration of these Bills till well on into it, we shall be faced with the imperative necessity for hasty legislation of the kind which we have heard so much deprecated in the last three days. I might perhaps say this further on the subject of the constitutional position, that the underlying reason for the arrangement in force in England is to prevent forestalling of the taxes by a rush of transactions at the end of the year.

[Sir Charles Todhunter]

[17th February 1922]

This, of course, has its corollary in many cases of hardship to persons who are suddenly caught in the new taxes in a way which at times makes it impossible for them to carry on their businesses. In Madras, at the present day, we are all common sufferers from a series of causes which are only too well-known. We all realize, I think, that we must meet the situation, but the Government at any rate are anxious that the means taken to meet it should press with as little hardship as possible upon those who are fellow sufferers with themselves.

"There is another reason why constitutional precedent does not apply and that is that our diarchical constitution is like none other in the world. If a responsible Government in England introduces taxation Bills which the House are not prepared to pass, the Government resign, and it is left to the people who have refused to pass the Bills to devise others that will be more palatable to the nation. Under the diarchical constitution, where it so chances that the head of revenue which it is proposed to increase falls within the reserved subjects, a similar constitutional situation does not arise. It is not incumbent upon the reserved half of the Government to resign. On the other hand, its critics oppose the Bills with the knowledge that, if they reject the taxation proposed under a reserved head, it will not be for them to devise alternative means of meeting the deficit.

"Lastly, Sir, I believe it has been urged that these taxes are not necessary. As to that, I need only say that, if it can be shown in the course of the budget debate that there is any other proper way of meeting the deficit, there will be no need to pass the Bills into law. The position of the Government is not only that these taxes are necessary but that they will only go half the way towards meeting the deficit with which we are faced. They have arrived at this conclusion after an exhaustive scrutiny of the budget by the Finance Committee, who have suggested every economy that does not involve radical changes of policy, and after a further scrutiny by the Finance department whose additions to the reductions advocated by the Committee have reduced the demands set down by the heads of departments as the absolute minimum essential to carrying on by no less than 42 lakhs of rupees. One honourable gentleman said that there was no necessity for the money at all, and that, if the Government had given effect to all the resolutions that were passed last year and accepted by the Government as to the cutting down of travelling allowances, reduction of establishments, etc., this necessity would not arise and there would be no deficit. I am afraid that the honourable gentleman in question has a very rude awakening awaiting him. On a rough calculation the sum total of all the reductions recommended, which have not yet been carried into effect, whether accepted by the Government or not, even in its ultimate effects, would not exceed 23 lakhs, while the immediate effect, owing to the impossibility of suddenly dismissing large numbers of officers, would be very much smaller. The deficit as has been pointed out is 66 lakhs this year and 144 lakhs next year. This deficit would not be met if every gazetted officer in the service of Government was dismissed without compensation to-morrow.

"Finally, Sir, it has been suggested that we are unduly pessimistic as regards the revenue. As to that, I can only say this, that we have repeatedly and anxiously enquired of the heads of departments upon whose knowledge and scrutiny of the situation these estimates depend, whether they cannot possibly find ground for raising them even a little, and the reply has been in

17th February 1922]

[Sir Charles Todhunter]

the negative. In these circumstances, Sir, the Government who are responsible, if not to the electorate, to the Secretary of State, find themselves quite unable to share the irrepressible, I might almost say, irresponsible optimism of a gentleman who is able with one breath to propose the total abolition of the 5½ crores of excise revenue, while with the next he assures us that the revenue is going to continue and increase.

"It seems hardly necessary to refer to the fact that these taxes are on the lines of those proposed and already introduced in the Councils of three other provinces which are none of them so badly involved as we are. I hope, Sir, I have said enough to show that in the interests of their own convenience and of the persons whom these taxes will affect it is desirable that the Council should allow the Bills to be introduced and taken up for consideration by a Select Committee."

MR. P. SIVA RAO :—"Mr. President, Sir, I have heard the Hon'ble the Finance Member very carefully. In spite of what has fallen from him, I am constrained to express my strong agreement with the remarks of the honourable member Mr. Ramachandra Rao when he stated that this was a very inopportune moment for bringing in a Bill of the kind. Now, Sir, it does not depend upon whether our nation is a nation of lawyers or of shopkeepers. What we feel is this, that there is absolutely no material for us to go upon. We are asked, Sir, to assume as to the state of our finances, that this current year begins with a deficit of 64 lakhs and, except in the case of those members of the Finance Committee who have had the benefit of having a glimpse of what the coming budget will be, none of us has any idea what the income and the expenditure in the coming year will be. We are asked to take it for granted that the irreducible minimum of expenditure in the coming year would be something like 1,700 lakhs and that includes a provision of 64 lakhs to wipe off the closing deficit."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*) :—"I have just told the House that it does not include the 64 lakhs. What it includes is one year's payment towards the amortization of a loan taken to meet that deficit."

MR. P. SIVA RAO (*continuing*) :—"Even then, Sir, I am anxious to find out whether in the coming year the Government have carried out their intention to apply the pruning knife to effect any economy in expenditure. The current year's expenditure is put down at 1,674 lakhs and that in the coming year at 1,700 lakhs. What I wish to impress upon the honourable members of this House is that there has been no serious attempt made by the Government to effect any saving or economy on the expenditure side of the budget. I remember when some of us moved for the appointment of a committee of this House to scrutinize the receipts and the expenditure and to formulate proposals for the reduction of certain heads, it was the Hon'ble the Finance Member that opposed that motion and said that there was absolutely no necessity for the appointment of such a committee and that the Government by themselves undertook the responsibility of scrutinizing and effecting it as far as possible. Now, Sir, I wish to know how far economy has been effected. The difficulty is this. During the period between the 17th and 31st of March when the whole budget will be subjected to the close scrutiny of the House, it may be that, after all, we may not have to face a deficit of 144 lakhs in the coming year. Now, Sir, if there should

[Mr. P. Siva Rao]

[17th February 1922]

be a reference to a Select Committee of this Bill, it would probably be asked to submit its report in two or three days or even earlier and if the Bill passes into law.

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"I have just said that if a scrutiny of the budget reveals any other proper way of meeting the deficit there will be no reason for this Council to pass this Bill into law. Government have no idea of hastening the examination of the matter by the Select Committee. Their sole purpose in putting the proposal before the Council at the present time is to give the Select Committee time to examine it properly and not to rush it through in the month of March."

Mr. P. SIVA RAO (*continuing*):—"It is too much to say for me at this stage when the Select Committee may send up its report and when the Bill is likely to come up for final consideration. But my objection is to the placing of this Bill permanently on the Statute Book and to adding to the permanent burdens of the people before we have had an opportunity of ascertaining the precise state of our finances so far as regards the appropriateness of moving this Bill at the present juncture."

"Then, Sir, so far as the rates are concerned, I have looked into it with some care and they are, it seems to me, most prohibitive. The object seems to be, from the Statement of Objects and Reasons, not to stifle litigation, not to boycott the civil courts, but to bring in more money into the coffers of the State. I predict, Sir, with confidence, and I may assure the Hon'ble the Finance Member that, this measure will not have the effect of bringing any additional money into the State treasury; for, the inevitable result of the levy of these excessive rates would be to drive the people to Gandhism, to encourage the people to boycott the civil courts and to resort more to private arbitration. Far be it from me to deprecate any such consequences of the measure. I wish to forcibly draw the attention of the Hon'ble the Law Member to this fact that his object in bringing forward this Bill will not be fulfilled. The exchequer policy of maximum revenue with minimum consumption cannot prevail here. In this case, I believe the number of suits should in no way be affected. It is stated, Sir, that litigation is considered as being a luxury, unnecessary under any circumstances. If there is any such idea, I should entirely repudiate it. Litigation is necessary; sometimes it must be open to the poor man to fight against the ravages of a rapacious money-lender or against the encroachments of an influential land-owner. There must be facilities for a poor man to seek justice; and litigation is absolutely necessary except in Utopia. What, Sir, would be the effect of this legislation? It would be to deprive the poor man of getting justice in the law court at a reasonable expense. I oppose the Bill on the main ground that it is inopportune, that it will not have the desired effect and also on the additional ground that our finances are now in a nebulous condition. The contribution that we have to pay to the Government of India is not yet settled. My strongest objection is to the addition to the permanent burdens of the people pending the final settlement of the question of our contribution to the Government of India. It may be, Sir, that, after all, the Government of India may yield to our demand and remit the whole or a considerable portion of the three hundred and odd lakhs which in the present state of things we have to pay to the Government of India. So, now, is there any justification for adding to our permanent burden at the present moment? It may be said that we may repeal

17th February 1922]

[Mr. P. Siva Rao]

the Act whenever we found finances in a sounder condition. But, Sir, I wish to point out that it is easy to pass legislation but it is up-hill work to have it repealed.

"Then, Sir, even assuming that the deficit of 444 lakhs has to be faced, 11-45 a.m. the question arises for consideration whether we shall not do well to borrow—I mean provisionally. I would only raise such sum as is strictly necessary for the sinking fund and payment of interest, and for the part payment of the loan and in the meantime try to impress upon the Government of India the glaring injustice of exacting 380 lakhs from us when our own finances are so low."

"I may wind up, Sir, by saying that in the case of *ad valorem* fees there is an increase of 50 per cent all round. In the case of some land suits there has been a twofold increase, sometimes threefold and sometimes fourfold, and the rates are most extravagant. In the case of the High Court (I do not know what the intention of the Hon'ble the Law Member is) they go on with these suits—whatever may be the value whether a crore or a lakh—on the payment of the hearing fees of Rs. 30 to start with. In the case of the mufassal courts there was hitherto a rule prevailing that, whatever may be the value of the suit, the maximum that the litigant may be called upon to pay should not exceed Rs. 3,000. Now the maximum limit is to be taken away and the litigant has to pay *ad valorem* on the total valuation involved under the present Bill."

"For these reasons, Sir, I have got my own misgivings as to the utility of this measure at this juncture."

Mr. N. A. V. SOMASUNDARAM PILLAI:—"Mr. President, I object to the motion for the introduction of the Bill to amend the Court-Fees Act, 1870, and I do so on more grounds than one."

"In the first place, I am altogether against amending the Court-Fees Act piecemeal for each province separately to meet its special financial difficulty. The Court-Fees Act is an all-India Act. It has been so for the past fifty years and more and amendment of it must equally be applicable to all the provinces alike and must be considered in all its bearings towards the whole of India. Also there must be a comparative study of the provisions of similar Acts in other countries and the criticisms of the several High Courts on the several provisions of the Act must be considered. We ought not to look upon this Act as a mere measure to be dealt with by us at our pleasure to meet our present financial difficulties. I therefore consider that the amendment of the Court-Fees Act be rather left to the Indian Legislative Assembly who will be in a position to take an all-comprehensive view of the matter, consider the needs and difficulties of the several provinces and deal with the matter in a fair and proper manner, taking note of the consequences which will result therefrom to the people at large who have to resort to courts, to the trade of the country which has to be carried on and to the Government on whom devolves the duty to see that no unnecessary dislocation arises in the business conducive to the prosperity of the country. The Court-Fees Act ought not to be looked upon as a mere taxation measure, though it is so in one aspect of it."

"In the second place, the Amendment Act does not attempt to solve the difficulties long felt in the working of the Act. As the Hon'ble the Law Member has candidly admitted in his Statement of Objects and Reasons, no attempt is made generally to revise the Act so as to reconcile conflicting

[Mr. N. A. V. Somasundaram Pillai] [17th February 1922]

decisions, or to settle controversial questions as to the construction of the various clauses of the Act. In my humble opinion, any amendment of the Act must clear up all difficulties and the amendment as now proposed is not designed to that effect. Even if the Act is to be amended for our province, why not have the amendment all-embracing so that the courts, the litigants and professional men may not meet with any difficulty in the application of the Act?

"In the third place, we must know before enhancing the duty of court-fees, what collection has been made in the past by way of court-fees, what the judicial administration in the country has cost, whether it was self-supporting or whether there has been any surplus or deficit left in the matter.

"The policy of trying to use the Court-Fees Act to meet the general deficit does not seem to me to be proper or acceptable. People on the whole are not indulging in litigation as a luxury. The spread of civilization, the increase of trade, the fluctuating circumstances occurring now and then in the matter of trade and a number of similar other circumstances contribute to the litigation and there is no special reason why such people who are often put to the necessity of spending good money after bad should be taxed unduly high to meet the deficit arising through the extravagance of Government or through the folly of some other people.

"In the fourth place, the proper time for the presentation of the Bill, even in the view of the Hon'ble the Law Member, will be after the presentation of the budget when the Council will be in a position to know and decide whether the deficit cannot be avoided by the proper application of the pruning knife to the several heads and items of expenditure and, if there be still deficit left, whether it is a temporary one to be met by borrowing, or a permanent one to be met by resorting to a measure like this. In this connexion I beg to adopt each and every word of the cogent arguments addressed by my honourable friends Mr. Ramachandra Rao and others who spoke on the Bill.

"In the last place, the enhancement made is unduly high and altogether disproportionate to the need. In the whole Bill there is only one provision wherein the Hon'ble the Law Member has made a reduction in the duty payable. It is only in the case of a suit for maintenance, wherein hitherto we had to pay ten times court-fees on the amount claimed, he has now reduced it to a court-fee to be paid on one year's maintenance amount. In all other cases the enhancement has been unduly high. With regard to *ad valorem* fees which we have hitherto been paying, there was a fixed maximum of Rs. 3,000. Now even that maximum is taken off and we have to pay, whatever be the value of the suit, *ad valorem* fees on it.

"Again, one other matter which I would specially press upon the attention of the members of this Council is the enhancement of duty which will have to be paid in regard to the succession certificate and in probate and letters of administration. There is absolutely no reason why persons who inherit the property of their parents, or their relations, should be called upon to pay—of course they have been paying something up till now in regard to the succession certificate—a considerably enhanced amount without any reasonable limit. Hitherto it was 2 per cent; now it is 2 per cent, 3 per cent, 4½ per cent and so on. With regard to some other litigations also, with regard to nanja lands and Government ryotwari lands hitherto we had to pay on five times the amount of kist or assessment as court-fees, and now it is

17th February 1922] [Mr. N. A. V. Somasundaram Pillai]

ten times; and where it was ten times before, it is now twenty times. Of course there is no reason at all why the duty which we had to pay hitherto with regard to court-fees should be so considerably enhanced. What is the necessity for it? Has such a duty been enhanced to such a height in any other country? I agree with my hon'ble friend Mr. Siva Rao that the Government will possibly be defeated in their object, if their object is not to put a stop to litigation by enhancing the court-fees; but they do so only with a view to find more money getting into their coffers. People are already thinking of the advantage they will have by resorting to arbitration courts. Even the provisions as to litigation which already exist are very ruinous. They are already ruinous both to the person who succeeds and the person who fails. Now if the court-fee is enhanced to such an unreasonable extent, my fear is that hereafter there may not be so many suits filed or so many appeals preferred. On the contrary, there will be a fall in the revenue which the Government have been receiving up till now.

"In these circumstances, Mr. President, I submit that it is just and necessary that the Council does not accord the leave applied for to introduce this Bill."

MR. T. ARUMAINATHA PILLAI:—"Sir, while thanking the Hon'ble the Finance Member for the assurance that this Bill would not be rushed through in this session, I must submit that the reasons he adduced for introducing the Bill at this stage into this Council are not at all convincing. I was closely following the Hon'ble the Finance Member and I found that he was not able to mention a single reason for supposing that the present financial stringency is to be a permanent one. After all, he referred to the causes which led to this financial stringency, and I believe all of us are agreed that the cause is due to the non-co-operation movement. If the cause is due to the non-co-operation movement, then it can only be understood that this financial stringency will be a temporary one. I would ask, Sir, whether the Government would be justified in putting forth a permanent measure of taxation in order to meet a temporary financial stress? I would ask the Honourable the Government Members on the front bench to say whether that is the policy which any good Government would ever follow. I submit, Sir, this is not the principle by which we are to be guided. Moreover, the Hon'ble the Finance Member wanted to meet the arguments advanced by my honourable friend Mr. Ramachandra Rao that this Bill ought not to have been introduced at this stage, but that it ought to have been brought forward only if there was any necessity for it after the budget has been introduced. Except for the statement that the procedure which was suited to a nation of shopkeepers who willingly paid their taxes and got on with their business, was not equally suited to a nation of lawyers and statements of that sort, I do not believe that the Hon'ble the Finance Member has really put forth a strong case to meet the arguments of Mr. Ramachandra Rao. I submit, Sir, that if the intention of the Government is to get an enhanced amount of revenue to enable them to meet the deficit, I would say that it would entirely fail, not because that these people would go to the Gandhi arbitration courts, or anything of that sort, but because there would be no money in the land and people would find it extremely difficult to go to court at all. If the Hon'ble the Law Member who introduced this Bill had stated that it was with a view to prevent increase of litigation that court-fees were being enhanced, then I could very well understand that that was a necessity.

[Mr. T. Arumainatha Pillai] [17th February 1922]

The Hon'ble the Law Member has been good enough to tell us that there was no principle upon which this Bill was introduced except the getting of as much money from the people as possible. If that was the principle upon which the Bill was introduced, I am afraid the effect of it will not be the same as the Hon'ble the Law Member intended.

"Coming to the Bill itself, I submit that even where a Bill is introduced without any principle and the only principle being to get as much money as possible, there must be a limit to the taxation proposals contained in the Bill. The Hon'ble the Law Member has framed the rates for the filing of suits about lands in the ryotwari tracts. He has changed the five times assessment which settles the court-fees and the jurisdiction to ten times under the new Bill and has also increased the $7\frac{1}{2}$ per cent we have been paying into 12 per cent. I would leave it to the Hon'ble the Law Member to make out the percentage of increase. According to my calculation, it is three times if not four times. I would put it to the Hon'ble the Law Member whether this is the right method in which the taxation is to be increased. The Hon'ble the Law Member seems to have forgotten that when he introduced the same old rate for the Small Cause Suits up to Rs. 500 that he was maintaining the old state in order to help the poor people. But the Hon'ble the Law Member—an erudite lawyer like himself, one who has been practising in all courts and who knows the procedure of every court—I am rather surprised to find, forgot that the majority of the persons who resort to the munsifs' courts are really poor persons. I would ask him whether he is justified in levying a heavy burden of court-fees upon the people who go to the district munsif's court. What is the difference between the people who go to the Small Cause Court and the people who go to the district munsifs' court with a jurisdiction of Rs. 2,500? I thought the Hon'ble the Law Member would have made this distinction. If that has not been made, then I submit that this Bill is intended to rich people and not to help the poor people. The effect of this Bill would be instead of increasing the litigation and increasing the revenue the litigation will decrease and there will be more of violence when the poor people are oppressed by the rich people. That will be the effect of this Bill.

"Then coming to some of the other principles involved in the Bill, I will only submit that when the Hon'ble the Law Member wanted to change some of the sub-clauses of section 7, clause (4), he has not given any reason as to why there should be a change. After all the Hon'ble the Law Member knows that when originally the Court-Fees Act was introduced, the reason why these suits were allowed to be valued according to the plaintiff's own bill was that it was impossible to put any material valuation upon these suits. Has the Hon'ble the Law Member stated that it is possible to do any of these things? He has not stated any of these things except the haphazard way of saying, 'we want money, willy nilly, either by hook or by crook we will get the money'. I do not think legislation ought to be from that point of view.

"Then, Sir, he says that in mortgage suits it must be necessary that there must be a *bona fide* title with the *ad valorem* stamp duty. I bow to my friend, the Hon'ble the Law Member, for his knowledge of law. But I would submit that so far as this thing is concerned it must be a very curious article which is to be introduced.

17th February 1922] [Mr. T. Arumainatha Pillai]

"Then coming to the land acquisition, it is a new departure. The Government compulsorily acquires; it employs its own officers and they put as much valuation as they like. Nobody has got the right to question them, except by way of giving evidence. If we are not satisfied with the disposal of the Special Deputy Collector or the Special Officer, we go to a Court of Law. This Bill says: 'you must be satisfied with what we do. If you are going to appeal you must pay this high stamp duty'. I would submit that so far as this thing is concerned it is the most retrograde measure that ever can be introduced. I would ask the Hon'ble the Law Member whether he had been good enough to send this Bill for the opinion of the various legal associations in this Presidency. There is the High Court Vakils' Association of which the Hon'ble the Law Member was till recently a very leading member. He had not asked its opinion. As soon as they came to know of it they passed a resolution protesting against this thing. Before any Bills especially those which affect the legal profession are introduced it has been the general custom, though not an invariable custom, to ask the opinion of the legal associations. But in this case why has it not been done? It only shows that so far as this thing is concerned there is something at the back of the mind of the Government which they are not willing to give forth. This only leads to the suspicion that the Government are not willing to allow us to look into the budget and settle for ourselves as to what are the amounts that have to be paid and what are the allowances and other things that have to be settled. When the Government are under that suspicion, Sir, I submit they are not entitled to put in this Bill. Therefore, I, for one, would oppose this Bill."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"This is a taxation Bill pure and simple and I wish the Council to look at it only from that standpoint. The other day the present Secretary of State, Mr. Montague, in replying on the censure motion in the House of Commons and in defending his own policy, admitted that the people here are heavily taxed and that the people are poor. With that statement before us, an authoritative expression of opinion about the condition of the country, it is with great circumspection and care that we should view any taxation proposals which this Council is called upon to deal with. It is rather inconvenient that we are not in possession of full information as to the financial condition of the province at present to enable us to come to a correct conclusion as to the necessity or otherwise of levying fresh taxes. It is a matter for deep consideration as to whether the estimates which might have been made hitherto about the probable income in the year to come are not under-estimates owing to the operation of various causes. We are aware that there has been a deficit in the current year on account of the fall in the excise revenue. But, Sir, even with the little information that we have been able to gather in some parts of the country, I believe, there has been an increase in the excise revenue likely to be realized in the year to come judged from the sales that have begun in some parts. If the officers will collect information they will find that the sales are fetching fairly good prices this year. I am mentioning this to show that the fall in excise revenue this year is not to be taken as a criterion for anticipating a similar loss of revenue in that item next year. If this deficit which has taken place this year is wiped off and if there should be an increase, things might be different. Again, Sir, it is a matter for consideration as to whether in times of scarcity when the people are already

[Mr. A. S. Krishna Rao Pantulu] [17th February 1922]
complaining of new taxes the programmes of new buildings which have been undertaken in the years past and are likely to be undertaken in future should be taken up."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I say that the figures of expenditure include no provision at all for new buildings?"

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*):—"I am glad to find that the figures of expenditure do not at all include any expenditure for new buildings. I started by saying that even in the case of works that have been started it has to be considered whether it is possible to effect any retrenchment in that direction and to keep certain items of works in abeyance till we are in a better financial condition."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I say that orders to that effect have already been issued some months ago?"

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*):—"I am glad again that orders have been issued to that effect. That is one of the sources that ought to be carefully considered. That does not exhaust all the possible sources of retrenchment. What I want to impress upon the attention of this Council is that notwithstanding the careful examination of the financial proposals by the Finance Committee, notwithstanding the fact that on the 4th of March next to which day we are carefully looking forward for an exposition by the Hon'ble the Member for Finance about our financial condition, we cannot come to any conclusion till after the final consideration upon the votes for grants. The Hon'ble the Finance Member has been in a position to tell us that the Select Committee which is proposed to be appointed will have ample opportunity of considering the state of finance before arriving at a conclusion. If, as pointed out by him, this Bill is passed into law at the meeting to be held in March the Select Committee may have a chance, if at all, of looking into the memorandum prepared by the Chief Secretary to Government and the Hon'ble the Finance Member; but it will not be possible for the Select Committee to have any idea as to the possible conclusions which this Council may arrive at in dealing with the budget. A period of twelve days has been provided for the discussion of grants. Various proposals are likely to be placed before this House for the purpose of effecting retrenchment. It is only then that one can come to a definite conclusion as to what sources of retrenchments there exist and what funds are available for meeting the extra expenditure. That is the difficulty we are labouring under in giving our assent to this motion and I am not yet satisfied about the necessity for additional taxation."

"In the course of the remarks of the Hon'ble the Finance Member he told us that we ought not to draw analogy from other countries and that there is something peculiar in the diarchical Government and that the Government is under some disability in introducing Bills of this description. May I point out that under section 72 (e) of the Government of India Act provision has been made for special cases in which the Council may refuse. His Excellency may cancel the decision of the Council in exceptional cases. I only wish to point out that if this Council for lack of information at present as to the actual financial condition of the province votes against this Bill, there is ample opportunity to consider it on a proper occasion when it arises."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I ask the honourable member to enlighten us as to whether the proper occasion will arise between the 28th March and the 1st April?"

17th February 1922]

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*):—"I would mention, Sir, that if it is found after discussion upon the grants that there is no necessity for taxation the Government would themselves wisely drop out the Bill. If it is found necessary to introduce it I am certain that the Council would always be willing to extend that consideration which is due to the Government according to the necessities of the situation. I believe there will be no difficulty in discussing this question even after the grants have been voted. I do not think that the Hon'ble the Finance Member need be under any feeling of nervousness that the Council will create any difficulties, if it is found necessary to deal with such cases."

"Sir, now coming to the Bill itself, I need not detain the Council long; because several of my honourable friends have already dealt with the increase—the abnormal increase—in the rates provided for in the Bill. I only wish to draw the attention of this Council to one or two principles embodied in this Bill, especially with reference to suits pertaining to lands. I invite the attention of the Council to clause 7. The principle has been that the plaintiff is at liberty to give his own value to the suit—it may be one rupee or two rupees—to have the question of title decided in suits for declaration, injunction and so forth. It is only in cases where there is no difficulty as to his possession of land, that full value of the land need not be given. The introduction of the present provision is, I am forced to state, likely to affect all persons who have to enter into litigation for the purpose of establishing their claim to lands. Again, with regard to suits for the recovery of lands under section 7, not only an increased court-fees at 100 per cent has been provided for, but a new principle has been suggested which will make the situation even worse in the new paragraph added at the end of the section. Those who now sue for land and are allowed to pay five times the assessment as court-fees will have to pay a much higher sum which may be about 20 or 30 times over the present rates. This will really be a hardship to those landlords who for causes for which they are not really responsible are forced to file suits for recovery of lands."

"Before I close I may also point out that I take a different view of the necessity of litigation from the one taken by my friend Mr. Siva Rao. If this Bill can have the effect of reducing litigation and inducing persons to settle their disputes by amicable settlement among themselves, we shall feel happy to welcome the measure. But my fear is, Sir, that it will not have that effect. It may not have the effect of reducing litigation, but it may have the effect of prejudicially affecting persons in cases where they cannot be held responsible. This Bill will not so much affect the richer classes who can afford to pay heavier court fees and heavier taxes. My fear is that it will affect the poorer classes to a very large extent. In all suits for money it will be found that the moment the plaintiff succeeds, the heavy court fees will be included as costs in the suit and the unfortunate defendant will have to pay a very heavy sum in the long run. He may have to allow his property to be sold and himself to be ruined. It is because of the effect it will produce not upon those rich persons who for the sake of luxury or for some other reason file suits and can afford to pay these rates, but upon the unfortunate poor litigants who will be forced to go before courts for causes beyond their control, that this Bill has to be opposed."

Sir JAMES SIMPSON:—"Mr. President, I strongly support the introduction of this Bill. It must be admitted that this is an emergency measure. The

[Sir James Simpson]

[17th February 1922]

case put forward by the Hon'ble the Finance Member is not only eminently reasonable but also unanswerable. He has given the House an undertaking that if, during the discussion of the budget, it is found that we do not require the enforcement of this measure, it will be dropped. Under these circumstances, Sir, I fail to see why there should be any hair splitting on this question. I confess I have been somewhat depressed with the argument, rather the statement, made by my honourable friend, Mr. Arumainatha Pillai, that our deficit is due to non-co-operation, that non-co-operation is passing away that by another year we may have no deficit, and that therefore, there is no necessity for such an emergency measure. That, perhaps, may afford some satisfaction for to-morrow; but it gives me no comfort or satisfaction in discharging my debts to-day, and I am not for burying my head in the sands and waiting till the next budget or next year, when there may be no non-co-operation. I am in favour of passing measures that will clear my debt to-day.

"I believe, Mr. President, that there is an impression abroad—I do not say that it is in this House, and I hope it will find no adherents in this House, but there is a very general impression abroad—that we need not impose taxation to cover the whole of our deficit. As an alternative we may borrow money and only impose such a measure of taxation as will discharge the interest on our borrowing. It seems to be very beautiful. But it seems to be specious; it is altogether wrong; and it is bad business. If the Madras Government goes in to the money market and asks for a loan and only puts the facts before the market that its taxation will only pay interest on the loan, it can never get a pie."

Rao Bahadur T. A. RAMALINGA CHETTIYAR (*interrupting*):—"If Sir James Simpson refers to the remarks I made in my speech, namely, that we can borrow and provide for interest and sinking fund charges, I may draw his attention to the fact that I wanted to provide not only for interest but also for sinking fund charges so as to provide for the payment of the whole loan in a few years."

Sir JAMES SIMPSON (*continuing*):—"I did not refer to anything which Mr. Ramalinga Chettiyar said. I said that it was the impression I gathered abroad. My point is this: that even with a sinking fund, we must show to the public that we have measures to discharge the whole of our debt within a reasonable time. It is not good business or good finance to do that sort of thing. We can never raise a pie by such means. That is my considered opinion as a businessman, and I think that to be the opinion held by all businessmen."

"I, therefore, strongly appeal to the House, in view of the undertaking given by our Chancellor of the Exchequer that if this measure is not found to be necessary when we consider the budget, it may be dropped, to pass this measure unanimously."

Mr. R. SRINIVASA AYYANGAR:—"Sir, the only honourable member who has so far given support to the motion before the House is our friend Sir James Simpson. If it is apprehended for a moment that the judicial administration is carried on at a loss and it has a very heavy deficit, I can very well understand the reasonableness of introducing a Bill of this description for the purpose of making good such a deficit. But, as a matter of fact, the House may remember that the judicial administration in this Province is not only self-supporting but every year it brings in some surplus."

[17th February 1922]

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"That is not correct, Sir."

Mr. R. SRINIVASA AYYANGAR:—"I only said that 'if it is so and so', i.e., if it had been brought forward on that ground and so on, and if I had been permitted to finish what I was going to say, I would have said that that not being the case, there was absolutely no reason for the introduction of this Bill to meet other charges."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"It is not paying its way and it is increasingly making a deficit."

Mr. R. SRINIVASA AYYANGAR:—"As a matter of fact I was recently going—I believe last week—through a copy of the Civil Administration Report which was supplied to us and which had been placed on the Editors' Table, and I found therein that for the year 1920-21 there was a surplus of over six lakhs of rupees."

The Hon'ble Sir CHARLES TODHUNTER:—"I think, Sir, the honourable gentleman is making a mistake. The surplus of 6.50 lakhs was on the minus side."

Mr. R. SRINIVASA AYYANGAR:—"I am only speaking from memory. I may be wrong. I do not labour the point further. What is rather unfortunate is that within a year after the introduction of the reforms, this Council or the Government is faced with a heavy or, if I may say so, a bed-rock deficit. This is a very unfortunate feature and it is equally unfortunate that the Government, by reason of the financial stringency with which it is confronted, is obliged to go before the Legislative Council for the purpose of giving its assent to certain taxation Bills. My humble opinion is that the object in view will better be attained by a process which I shall presently indicate, viz., by applying the retrenchment policy right through the machine—a term with which we are all familiar. The Hon'ble the Finance Member has stated that three other provinces are having similar Bills. But may I, Sir, be permitted to invite the attention of honourable members to this fact that, compared with the three provinces, we are far worse financially? For the contribution which this province is called upon to give to the Imperial Government is 8.48 crores of rupees—the highest on record—whereas the other provinces are being called upon to contribute a far lower amount. For instance, Madras pays 3.48 lakhs of rupees, Bombay 56, Bengal 63, and so on. My submission, therefore, to the Council is that, instead of imposing fresh taxation upon the people and thereby prejudicing litigation, the safer course would be to request the Imperial Government to come to the rescue of Madras and ease the financial stringency by reducing the contribution which it has been receiving from this province for many years past. So much for the essential principle of this Bill."

"Coming to the merits, some of the honourable members who spoke before me have given us a long catalogue of certain defects which they perceived in some of the details of the Bill. I should like to invite the attention of the House to a few salient features, which, I submit, constitute a standing menace so far as the litigant public is concerned. The Hon'ble the Law Member in introducing the Bill stated that the increase is sought to be only 50 per cent. I shall be able presently to show that while in certain cases, it is to be 50 per cent, in certain other cases it is to be 100 per cent. There are certain classes of cases in which it is

12-30 p.m.

[Mr. R. Srinivasa Ayyangar] [17th February 1922]

ten times or even fifty times more than the court fee payable at present. Let me illustrate my argument by soliciting the attention of the House to article 17-A of Schedule II of the Bill before the House at page 12. Hitherto, as the House is aware, court fees that were payable in certain classes of suits mentioned in article 17 of the Schedule II of the Court Fees Act were fixed irrespective of the valuation, and in certain other classes of suits, a fixed court fee of Rs. 10 was payable. We were paying till now a fixed court fee on certain classes of litigation mentioned in article 17-A irrespective of the forum, that is, whether they were filed in a district munsif's court, or the sub-court, or the city civil court or the district court. But now a sort of divergence is sought to be introduced. The fee is raised to Rs. 15 so far as the district munsif's court and the city civil court are concerned. Upon proceedings of a similar character praying for the identical reliefs instituted in a district court or a sub-court, two different sets of court fees are sought to be levied according to the jurisdictional value of the suits. If the jurisdictional value is less than Rs. 10,000, a court fee of Rs. 100, and if the jurisdictional value is Rs. 10,000 or upwards a court fee of Rs. 500 is levied, that is respectively 10 and 50 times more than the present court fees.

"Coming to articles 17-B, 18 and 19, there also we find a radical change is sought to be introduced by raising the court fees from Rs. 10 to Rs. 15 and Rs. 100. Thus we find an all-round increase except in one case in which the existing court fee is retained: that is, with reference to small cause suits outside the Presidency town. No doubt those who resort to small cause courts will tender their thanks to the Government for not increasing the burden. That is one class of people wherefrom the Government may expect thanks. There is yet another class who will be prepared to extend their thanks for lightening the burden. That is the class of persons who, by reason of poverty or for other reasons, are obliged to resort to courts for the purpose of enforcing their maintenance. Section 7, clause (ii) of the Court Fees Act, says:—

'In suits for maintenance and annuities or other sums payable periodically according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year.'

"But now so far as the claim for maintenance is concerned, in view of the peculiar position these people occupy, section 5 of the present amending Bill proposes to introduce the following:—

'Such value shall be deemed to be in suits for maintenance the amount claimed to be payable for one year.'

"Therefore the burden upon them has been reduced by ten times. So, I think if at all the Bill can claim any support, it will be only from the class of persons who are sought to be benefited by reason of this reduction. The Bill itself needs careful looking into, and there are various portions of it to which exception may rightly be taken. I do not want to take the Council to the other items, for our attention has already been drawn to most of the details by the other honourable members who have preceded me. This Bill contains certain new and novel provisions, provisions calculated to enhance the court fees phenomenally to a large extent. I therefore beg leave to oppose this Bill."

Mr. B. MUNISWAMI NAYUDU:—"Sir, I feel bound to give my support to this motion for leave to introduce this Bill having regard to the special

17th February 1922 [Mr. B. Muniswami Nayudu]

circumstances and the financial state of our province at the present day. After the resolution urging upon the Government of India to reduce the provincial contribution moved by my honourable friend, Mr. Ramalinga Chettiyar, was unanimously accepted by this Council, it has been our pious hope that the Government of India would comply with our request. But we find that the Government of India have not paid any heed to our request. Having regard to that circumstance, if we should with a spirit of anger and protest, as it were, refuse to pass the Bills for fresh taxation in order to force the Government of India to come to their senses and say that they should relieve us of the contribution, I submit it would probably be committing the same mistake, which the followers of the non-co-operation movement are committing. There is always a certain stage to which things can go and beyond which it may be unreasonable to proceed. Having regard to the present financial condition of the province, we should no doubt impress upon the Government that they should pursue a more economic policy of spending the revenue. There has also been tabled a resolution urging that as far as possible the evil of drinking should be put down. Of the two main sources of revenue which this province is getting, abkari revenue forms an important item. If that should have to go, I submit that this Council would have to face one day or other the problem of how to meet our deficit. I think we had a deficit of one crore this year in exchequer revenue alone and it has landed us in a general deficit of 61 lakhs which has been treated as loan. It is not good or sound policy to state that the deficit should be treated as loan year after year and if we go on accumulating it, we will find eventually that it will be impossible to pay the interest and also the sinking fund charges. For after all who is it that has to pay it? It will be the ordinary landholder. It will be a first charge upon the land revenue. To the extent to which land revenue is encumbered the possibility of helping the country, of helping the various industries and of helping the agricultural, the veterinary and other departments would diminish. Those departments would be practically starved and could not be developed in the near future.

"Then, Sir, it has been stated that justice is a self-sufficing department. True it has not been shown by the Hon'ble the Law Member who introduced this Bill that so far as the administration of the Judicial Department is concerned there has been any deficiency, and therefore it is argued that there is no necessity to raise court fees. I submit, Sir, the proper way of looking at things would be not merely to consider justice by itself as a department but also to take the sister department, the Police Department, the maintenance of which is a necessary charge upon the court fees. If we apportion the proper share from out of the receipts of the Judicial Department to the Police Department which is necessary for the maintenance of peace and safety of the country, then we should normally find that the Judicial Department is not a self-sufficing department at all. It is but fair that people who have to be litigating and who have got their rights to be adjudicated in a court of law should also contribute towards making both these departments self-sufficing. It is but right that they should contribute a portion to the charges of the police administration.

"Then, Sir, it is stated that the rates in the Bill are so high that it will frustrate the real object of the Bill, namely, the increase in revenue, and that at any rate the normal amount of litigation may go down. It was also apprehended that there might be such a fall in litigation that instead of having

[Mr. B. Muniswami Nayudu]

[17th February 1922]

an increase in revenue, we might have a deficit. As to that, Sir, I submit that it is a matter that has to be seriously scrutinized having regard to the statistics and other things. I do not know whether if we raise the court fees payable on suits, money-lenders would give up filing suits. I think they will certainly have to file suits and get back their money. If it is stated that they may go to arbitration courts, if ever that contingency arises, we shall certainly thank this Government for creating that feeling in the mind of the people. But I am sure that feeling will die out of their minds in a year and next year there will be a very great rush of suits in the courts. For instance, there was a fall in the rent which the arrack-renters paid last year owing to a certain feeling coming upon the people, but the next year there has been an unusual bidding sometimes more than in the previous years. In the same sense we find at times that no suits are filed so long as a particular judicial officer remains in a particular station and as soon as that particular officer is transferred, we find that all suits which would ordinarily have been filed before are filed thereafter and thus the institution of suits increased later on. In a similar manner I might say that though there may be a smaller file in the first year, in the next year there is bound to be an increase, at any rate the normal increase. If supposing we do not accept this principle of taxation, who else will have to pay for the deficit that is facing us? Is it the landowner who has already been overburdened with taxation? The other day we resolved practically unanimously that the land revenue must be made permanent. But in view of the enormous deficit of the Government, we were also willing if necessary to have an additional cess upon land imposed when necessary. Now I ask, is this Council going to sanction any proposals by way of additional cess or otherwise on land which is already overburdened or is this Council going to take the opportunity of giving leave for the introduction of this Bill and thus avert the necessity of imposing fresh taxes on land owners? It is only natural that those who want certain services to be maintained by the Government for recovering their properties or for the purpose of recovering their money or for the purpose of settling disputes between themselves and others should pay for such services rendered by the Government. These services are rendered by the Government not only for the landlords but also for those people who are not landlords, namely, money-lenders who have no lands at all and for other people who want their titles to be investigated. Under all these circumstances, I submit it is but fair that people owning no lands should also share the increase of taxation.

"Then, Sir, there have been various objections raised regarding the rates that are now proposed in the schedules. In the course of discussion it has been stated that the maximum of court-fees has been taken away and that if this Bill is passed into law, court-fees will have to be paid above Rs. 3,000 without limit. I fail to see wherein the injustice of it lies. A person now filing a suit for recovery of 4 lakhs of rupees pays a court fee of Rs. 3,000. Why should another person filing a suit for more than 4 lakhs of rupees, say a crore, pay the same court fee of Rs. 3,000 and nothing more? On the other hand, I should like to urge upon the Hon'ble the Law Member who introduced this Bill to consider whether it would not be possible for him to see that the lower rates that are now prevailing are maintained as far as possible on suits valued at Rs. 3,000 and below, and that higher rates are introduced only on suits valued above Rs. 3,000. This step would really benefit the poor man who is already paying a very heavy tax and I am sure that

[17th February 1922] [Mr. B. Muniswami Nayudu]

the enhancement in revenue that is expected to be got by raising these lower rates could easily be obtained by the repealing of the said Rs. 3,000 minimum rule and making them pay on the whole sum they sue.

"I am glad to see that there has been a genuine attempt on the part of the Hon'ble the Law Member at giving relief to a class of people who deserve the greatest relief. It has always been felt a very great hardship in the case of a widow who has to sue for her maintenance that she has to pay court fees on ten times the value of the amount claimed to be payable for one year. Oftentimes people are obliged to bring maintenance suits in *forma pauperis* and we find that even before the question whether the applicant is a pauper or not is determined, compromises are arranged or other devices planned to see that the Government does not get the revenue. I do not think that courts are intended for such purposes. It was a great hardship to make the widows pay such a large court fee and I feel sure that the Council would thank the Hon'ble the Law Member for having introduced this change.

"Then, Sir, it has been urged that with regard to declaratory suits, the court fees have been raised in some cases from Rs. 10 to Rs. 100. I have known, Sir, that claims involving thousands of rupees are litigated upon by seeing only as for a declaratory decree on a mere Rs. 10 stamp paper. Is it not right, Sir, that in such suits a higher rate of court fee should be paid? I do not see any reason why those people who want their titles to be investigated should not be called upon to pay court fee on such suits treating them as suits for possession. For all these reasons I approve the principle of this Bill and appeal to the House to allow it to be referred to a Select Committee."

Mr. S. SOMASUNDARAM PILLAI:—"It has been admitted on all sides that there is a deficit. That must be met somehow or other. Now, how are you going to meet that? You must find out some method which will affect the least number of people; and this Court fees Amendment Bill is a measure which will affect the least number of people. It is certainly a luxury. It would, as the Hon'ble the Law Member said, discourage litigation. It was feared that many people could not go to the court if the new measure was adopted. Drunkenness and litigation are on the same level: whoever tasted it once will not forget. Whoever goes to court will certainly go to court even if he becomes a pauper and make others also paupers. Some of the members shed crocodile tears at the fate of the poor litigant; but they were not willing to force the pleaders to receive not more than schedule rates. If the schedule fee is Rs. 1,000 they demand Rs. 10,000: I cannot understand this. As regards court fees, as the amount increases the court fee also should increase. Where is the harm if it does? It may increase pauper suits; but the clever courts will find it out and will not give permission to do so. But it will certainly increase revenue. Moreover it is only a self-imposed tax. This is the only source of income which does not affect all. It is just and reasonable that the court fees should be increased. Of course all sorts of objections have been raised in regard to details. But there is a committee stage when you can discuss the details. Instead of doing that the Bill is opposed at the very outset, I cannot understand this. In my humble opinion it is a waste of time to discuss it anymore now. So I appeal to all the members to allow the Bill to be introduced now and then discuss the details."

[17th February 1922]

Mr. R. SRINIVASA AYYANGAR :—" A personal explanation, Sir. The House may remember that the Hon'ble the Finance Member contradicted my statement when I said that in the year 1920 the Civil Justice Administration showed a surplus of over 6 lakhs. I find that my statement is correct."

The Hon'ble Sir CHARLES TODHUNTER :—" I gladly acknowledge the error. The figures I was quoting was that of the Accountant-General which had a minus before it." (Laughter.)

Rao Bahadur K. GOPALAKRISHNAYYA :—" I rise to lend my support generally to the provisions of the Bill. No doubt a technical objection has been raised at the very outset that it would have been more appropriate to have introduced the Bill either at the time of the debate on the budget or after it. Although in such a case the Council would be in a position to understand what expenditure could be cut down and whether any taxation like this was absolutely necessary, it is all the same whether the taxation proposals are taken up now or at a later stage so long as the House does not commit itself to any particular conclusion. So far as this Bill is concerned the Hon'ble the Law Member in the Objects and Reasons and in his personal explanation at the time of the introduction of the Bill has stated that it is more or less a taxation measure. In my opinion this Bill should not be looked at merely from the point of view of taxation, but it should also be looked at from the point of view of the litigant—whether it would not be unduly burdensome to the litigants. This form of taxation is, in my humble opinion, a duty levied by the Government for services rendered by it in a particular manner. It is not a duty levied generally on the public, but it is what is levied on such of the people as resort to law courts and as such whenever there is a deficit in the administrative branches of civil justice certainly it is the duty of this Council to see that that deficit is met by a taxation of this sort. But at the same time it seems to me to be a debatable point whether there is any deficit in this department or not. So far as I am able to make out from the Law Member, there seems to be some deficit even in this department and so this deficit will have to be met by lending our support to this measure. I should very much like that the Hon'ble the Law Member could have borne in his mind the well-known principle which was enunciated by no less a financier than M. Colbert of France, the famous Minister of Louis XIV. He said that taxation must not only be light but should also be remunerative. He also observed that in the collection of taxes least trouble should be given to the people who pay them. It should be such that the people should not feel the weight of it. There is the famous statement of his to the following effect: 'Taxation must be coupled with the art of plucking the feathers of the goose with the least amount of squealing.' That must be the manner in which taxation should be imposed. When that principle is applied to this Bill, it seems to me that the various proposals that are made in the schedule seem to be rather very extraordinary. The court fees are sought to be increased by leaps and bounds irrespective of the inevitable result of crippling the revenues of the State. No doubt the Hon'ble the Law Member has provided for certain relief in maintenance cases; certainly some difficulty was felt by the litigants in the maintenance cases. Maintenance cases are filed by people who are not able to secure their food and still less able to pay court fees. The relief provided for now is certainly beneficial to them. There are also certain other matters which will have to be incorporated in the schedule. In cases of recovery of

[17th February 1922] [Mr. K. Gopalakrishnayya.]

wives the court-fee is smaller than it might really be. I think wives should be valued at a much higher rate than they are valued at present (laughter). I should also invite the attention of the Hon'ble the Law Member to some of the proposals received by the Government of India when they wanted to consider a similar amendment Bill of the Court-Fees Act some years ago. Various presidencies submitted proposals. Various details were then worked out which must be taken into consideration at the committee stage. With regard to a reference to the nation of shopkeepers they have been dexterous enough to shift the incidence of taxation on others. This tax is more or less a direct tax which the litigants themselves will have to pay and we should have to guard their interests. No doubt it will be a check on litigation. If this measure acts as a real check on the litigants, we should welcome the introduction of this measure all the more. From these points of view I give my general support to this motion."

Mr. C. NATESA MUDALIYAR :—" Sir, Mr. President, I strongly support this Bill. I cannot understand why there is any opposition at all to it, unless it be the intention of the gentlemen on the opposite benches to defeat the popular Government. I bear testimony to the fact that the Hon'ble the Finance Member tried his best to apply his pruning knife and it is only those charges that he could not cut down that found a place in his budget estimate. Now the necessity for introducing this Bill came in because the Government of India refused to grant us any concession whatever. About 4 crores of revenue are being drained away annually. We clamour for expenditure but there is no one here to suggest any means as to how to meet this expenditure. We want increase of pay for our subordinate officials. We want increase of grants for our education. We ask for increased grants for developing our industries, but at the same time we want our excise revenue to go. How are we to meet all these things? I thank the Hon'ble the Law Member for having conceived an idea of meeting this difficulty. My friend, Mr. Arumainatha Pillai, told us that the difficulty in regard to the excise revenue was only temporary. How can it be temporary when the whole excise policy of the Government is to be revised? And there is a resolution from one of the prominent members of the party in power stating us in the face that the excise revenue ought to go. Another argument that has been advanced in opposing this Bill is that it will be a hardship upon poor people. Well, the Select Committee that is to be formed, I am sure, will safeguard the interests of the poor people. There is also another fear that the litigants discontented with this legislation may seek arbitration courts. If they can save money by doing that, it is a very good point in our favour. As to the reference made to the nation of shopkeepers, I am sure it is only they that know how to adjust their accounts and how to devise means of raising income for meeting their expenditure."

Khan Bahadur MUHAMMAD USMAN SAHIB :—" Sir, I have great pleasure in giving my strong support to the Bill. From the memorandum supplied to the honourable members by the Hon'ble the Finance Member, we find that there is a very large deficit in the budget. This has to be met somehow or other. There was a rumour that Government were contemplating to levy a tax on betel leaf and indigenous tobacco. I am glad that this rumour has not become a reality. These taxations would have been very unpopular. Mr. Siva Rao told us that if this Bill was passed it would effect in decreasing litigation. If this is true I have great pleasure in congratulating

[Mr. Muhammad Usman Sahib.] [17th February 1922]

the Government in trying to make people settle their disputes outside the law courts. India's greatest curse has been litigation. Any legislative measure that will lessen it should be encouraged. I, therefore, strongly support it."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Mr. President, several objections were taken most of them being with regard to the details of the Bill. I do not propose to follow honourable members with regard to that matter. I shall only deal with the principle of this Bill and that is, to tax the richer kind of litigants as far as possible and to relieve the poorer kind of litigants. Objection has mostly been taken, as it naturally should be, by the vakils or the members of the legal profession to which I have the honour to belong—I do not attribute any motives to their opposition—as they may have only very little to share out of the money the clients may have, after paying the fee to Government. All the same, Sir, the principle of all taxation is to tax the rich in relief of the poor and that is the principle which I have adopted in reframing the scales. I will here mention, Sir, that I have omitted the maximum, because, we should not limit the fee maximum if there should be a proportionate tax on richer litigation.

"Then, Sir, objection was made to the increase in the Probate duty or succession certificate tax. I do not know if Mr. Somasundaram Pillai is aware that estate duty, a death duty is considered to be one of the most legitimate taxes that can be levied by the Government and the more this tax is increased the less the persons who are actually working will have to pay and I am not at all sorry for the increase in the succession duty or succession certificate taxes. I would even go further and compel all persons to take out succession certificate, a probate, in order that they may pay their dues to the exchequer of the Government.

"Again, objection has been raised with regard to the method of valuation which I have adopted in respect of immovable property. The House probably knows that about 90 per cent of the suits which are filed are money suits and that only about 10 per cent of the suits are suits relating to immovable property, and even of that 10 per cent a large number are suits on mortgages. Now what happens is this: when you want to file a suit for the recovery of immovable property you are supposed to pay an *ad valorem* fee on the value of the land. Instead of the market value of the land, the value is calculated at five times the revenue which is paid in ryotwari tracts or at ten times in settled tracts. I will give an illustration to show how ridiculous this mode of valuation is. A suit was filed in one of the Calcutta courts for the recovery of a piece of land valued at Rs. 125. As soon as the decree for possession was passed a bill was put in for the amount of mesne profits calculating the profits at about Rs. 25,000. That shows the absurdity in the valuation on the basis of five times the revenue or ten times the settled revenue. I have tried if possible to raise it in order to bring it in conformity with the normal standard.

"Then, Sir, objection was taken that I was asking the litigants to do the impossible, viz., to value certain suits, which were not capable of valuation. I do not know whether my friend Mr. Arumainatha Pillai is aware of a section in the Suits Valuation Act which prescribes that the High Court may prescribe valuation in regard to such suits. There is also a chapter in the Civil Procedure Code which says: 'If the value of the subject matter is over 10,000, etc., there may be an appeal to the Privy Council.' This

17th February 1922] [Mr. K. Srinivasa Ayyangar]

applies to almost all suits including those which it is said we are not able to value for the purpose of paying the court fees. If you can value a suit for purposes of jurisdiction to enable you to file a suit in the subordinate court, to file an appeal in the High Court, or to go up to the Privy Council, you can equally well value for the purpose of paying stamp duty thereon.

"There is only one further matter to which I wish to draw the attention of the Council. In recent times the number of courts have enormously increased. As compared with the year 1900 there has been an increase of 20 per cent in the number of district courts and institutions have been 32 per cent and 28 per cent respectively in original suits and appeals. In the case of subordinate judges' courts the number of courts has increased from 14 in 1900 to 51 in 1920. It is now 55 including the 20 temporary courts. The institutions in these courts have nearly trebled in the case of original suits. The House will remember that original suits consume more time. As regards number of appeals have risen from 326 in 1900 to 1,665 in 1920. As regards district munsifs' courts their number in 1900 was 166 as against 188 in 1920, while the increase in the institutions have been a little more.

"Now, Sir, I shall place before the House the following figures given to me through the courtesy of the Hon'ble the Finance Member. I think the statement was prepared by the Accountant-General who is presumed to know more about these. He has given the figures from 1916-1921. I do not want to trouble the House by repeating all these figures. The last of them is budget estimate for 1921-22 official year. Total receipts of the courts are 125 lakhs and the total charges are 131.6. This means a deficit of — 6.5. But this deficit is not the real deficit. From the credit side we must deduct the fees which are collected under 'Succession and probate dues.' It ought to go to the general exchequer, and is not really attributable to the civil litigations or to the courts. Then, Sir, a considerable part of the receipts is due to plaints, memoranda of appeals and vakalats presented to revenue courts.

"The existing total collection of court-fees is 134 lakhs. The estimated income from new taxation if the Bill is accepted as it stands is about 35 lakhs. Deduct from this fees collected from succession duty and in the revenue courts, about Rs. 14 lakhs. That leaves you a net amount creditable to Courts of Law of Rs. 145 lakhs including the additional taxation. As against this the expected cost of courts is Rs. 131.60 lakhs. Capital charges for buildings and maintenance charges come to about 10 lakhs and pensions for judicial officers absorb about 4 lakhs. Then I want the House to remember that owing to the large increase in the number of cases temporary courts have to continue from year end to year end. We want to make these courts permanent but we are not able to provide the necessary funds for them and we are put to the necessity of keeping them temporary in spite of the High Court pressing us to make them permanent. We could not keep them temporary any longer. If you want to have justice you have to pay for it. In this connexion you will have to take into account, if you want to have a strict account made of the receipts and expenditure, the cost of the Secretariat and the general administration. Then, Sir, you will have to make provision for the next ten years at least. If you take this Bill at the end of the next ten years you will have to raise the court-fees still further. The original Court-fees Act, which was passed 50 years ago, still continues without any revision. It will be for the select committee to say which item they will have and which item they will not have, because, in a matter of this sort, there may be

A BILL TO AMEND THE COURT-FEES ACT, 1870

[Mr. K. Srinivasa Ayyangar] [17th February 1922]

difference of opinion and I for one would be willing to yield to any reasonable objection. I do not want to traverse the ground covered by the Hon'ble the Finance Member, but I ask you to look at this matter from a business point of view. You will have the budget soon before the Bill becomes law. You will have had at least three days' discussion on the budget, before this Bill is again brought here and if at that time you come to the conclusion that the raising of the fees is unnecessary, drop it by all means. Do not complain that we have introduced it now. We have done so because we want the money urgently. We cannot wait till this House meets next August and that is the reason for the introduction of the Bill now."

The Hon'ble Sir LIONEL DAVIDSON :—"Sir, I move that the question be now put."

The motion put and carried with one dissentient.

The main motion, i.e., that the Bill to amend the Court-Fees Act, 1870, be read in Council, was then put to the House and carried.

The Secretary then read the title of the Bill.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I now move, Sir, that the Bill be referred to a Select Committee."

The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur seconded the motion.

The motion was put and carried.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I move, Sir, that the following gentlemen be members of the Select Committee :—

The Advocate-General,
Diwan Bahadur M. Ramachandra Rao Pantulu,
Mr. T. C. Srinivasa Ayyangar,
Mr. O. Tanikachala Chettiar,
Diwan Bahadur M. Krishnan Nayar,
Diwan Bahadur L. A. Govindaraghava Ayyar,
Mr. B. Muniswami Nayudu,
Mr. P. W. Partridge,
Mr. Abbas Ali Khan, and
myself."

The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur seconded the motion.

The motion was put and carried.

The House then adjourned for lunch at 1-20 p.m. and reassembled at 2-30 p.m.

The Hon'ble the PRESIDENT :—"I understand that it will be convenient if we now take up the Bill to amend the Indian Stamp Act, and I assume that it is the wish of the House to do so."

The RAJA OF RAMNAD :—"May I know, Sir, whether the other Bills will be taken up to-day?"

The Hon'ble the PRESIDENT :—"It will depend upon the expedition with which the other honourable members put into the task."

A BILL TO AMEND THE INDIAN STAMP ACT, 1899

17th February 1922]

IV

A BILL TO AMEND THE INDIAN STAMP ACT, 1899

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, I beg to introduce a Bill to amend the Indian Stamp Act of 1899 in its application to the Presidency of Fort St. George and to move that it be read in Council. I am personally glad, Sir, that the Court Fees Bill was introduced before I had the honour of introducing this Bill, for, as the House will remember, during the course of the discussion of that Bill several important issues were raised and decided, i.e., the question as regards the constitutional procedure to be adopted in the introduction of taxation Bills, the question as to whether they could be introduced before the Budget was presented, discussed and passed by the House, and the question whether any taxation Bill was called for at all. All these questions were carefully considered by the House, and judged from the vote that was recorded, I take it that the House as a whole accepts the principle that this in any case is not an inopportune moment for the introduction of taxation Bills, nor can it be said that there is no need whatsoever for the introduction of any taxation Bill in view of the present financial position of the province. Those grounds having been absolutely cleared, I feel that my task is rendered very simple.

"The Bill that I introduce to-day is, I may say, a very simple measure, simple in the sense that it does not in the least attempt to vary or alter the provisions of the existing Act. All that it aims at doing is to create an additional source of revenue for the province by creating a separate schedule which shall have application in the Presidency, a schedule in which the rates of fees contained in schedule A of the Stamp Act have been enhanced. The other clauses which find a place in the Bill may be said to be more or less consequential on the creation of a separate schedule for application within the Presidency of Fort St. George. Honourable members would have noticed that at the end of the Statement of Objects and Reasons which accompanied the Bill, a statement had been made that an all-India Legislation in regard to Bills of exchange and policies of insurance was being suggested to the Government of India. I may now supplement that information by telling the House that the Government of India while communicating their sanction to us for the introduction of this Bill into this Legislative Council have told us that it is their intention to introduce an all-India legislation not only in respect of the two items which we have specifically excepted from the operation of our present measure but that they have also under contemplation an all-India legislation in respect of a few other items also. They informed us that they intended to have an all-India legislation in respect of acknowledgments, cheques, promissory-notes and receipts as well, so that the number of items to be excluded from the operation of schedule 1-A as compared with schedule 1 will be not merely the two items categorically mentioned on page 21 of the Bill under the Statement of Objects and Reasons but also the items just enumerated. In consequence of the communication from the Government of India I was anxious that I should give the House the earliest information that I could in regard to their intention and I at once tabled the necessary amendments to the Bill which had already been circulated to honourable members of the House, so that they might have an idea of what the Bill was, that I was actually introducing to-day.

[Mr. Muhammad Habib-ul-lah Sahib] [17th February 1922]

Schedule 1-A which originally formed part of my Bill, will have to be read in connexion with the amendments which I have suggested and of which, as I said, I had already given notice.

"It will be noticed, I dare say, that schedule 1-A deals with all classes of instruments mentioned in the existing schedule 1 with the exception of item No. 1 (acknowledgments); item No. 13 (bills of exchange); item No. 19 (certificates); item No. 21 (cheques); item No. 28 (delivery orders in respect of goods); item No. 36 (letters of allotment of shares); item No. 37 (letters of credit); item No. 47 (policies of insurance); item No. 49 (promissory-notes); item No. 52 (proxies); item No. 55 (receipts); and item No. 60 (shipping order). As I have already stated, the Government of India undertake an all-India legislation in respect of these items, and I may say in passing that until all-India legislation is undertaken, and unless it comes into force from the 1st April, the excluded items will, according to the plan of the Bill, continue to pay the same stamp duty as at present. Just to give a general bird's eye-view as it were of the changes which have been introduced by this Bill in schedule 1-A, as regards the rates of increases in respect of the various items, I may in as brief a compass as possible inform the House that in the case of a few items, namely Nos. 2 to 4, 10, 16, 26, 34, 39, 41, 44 and 45, the rates have been doubled; in the case of items under article 7 the rate is proposed to be enhanced by 6½ per cent, the main change there, rather a radical change, being in respect of leases, as honourable members may have doubtless already noticed; and in regard to all other items contained in that long schedule the increase is in no case more than 50 per cent.

"The financial effect of the enhancements of the stamp duty as generally worked out on the basis of the original schedule was expected to produce an additional revenue of 34 lakhs, but after the receipt of the orders of the Government of India that they intend to undertake an all-India legislation in respect of a few items which we had already included in schedule 1-A and which we have since considered it necessary to exclude, the probable receipts by an enhancement of the stamp duties would be nearly 31 lakhs. As I said, Sir, this is merely a taxation Bill. It is introduced merely, as it will be obvious, for warding off the deficits with which we are confronted. The Hon'ble the Finance Member has already assured the House—I take it that his assurance has been accepted by the whole House—that if at a later stage it is found that the expenditure of the province which has been carefully estimated and arrived at is capable of further reduction and if that happy day should dawn when any additional taxation might be rendered absolutely unnecessary, the House would be perfectly justified then to say that either the previous taxation Bill or this taxation Bill need not go any further. Until that contingency arises, we must devise means to provide the necessary funds for the carrying on of the administration and it has been made sufficiently clear that for the purpose of carrying on the administration it is necessary to add to our revenues in some form or other. The increase in the stamp duty was considered as an item which may be said to be free from the general objection which is raised in respect of other forms of increased taxation. This will not fall upon any particular individual. It will not fall upon any particular community. But it will only fall upon those individuals who have some kind of transactions or other point. Those who have transactions and can afford to spend money for such transactions are now being asked to shoulder a small additional responsibility and thus add their quota to the revenues of the province.

17th February 1922] [Mr. Muhammad Habib-ul-lah Sahib]

"This piece of legislation will, I assume, Sir, generally affect those who are able to pay, and as such I think it is free from any criticism that it is an iniquitous or unjustifiable tax. Any way the burden has to be faced, more money has to be found and the administration has to run. Therefore, just as the House had by their previous vote given an indication of their intention to help the executive with their support in the matter of the proposed increase in the court fees which my honourable colleague the Law Member introduced, I feel equally certain that in respect of this measure also they will render us the same support; and if at any later stage we find that we can get along without taxation, I think Government will be as glad as the tax-payer himself if he can be freed from further taxation. I therefore beg to move that this Bill be read in Council."

The Hon'ble Sir CHARLES TODHUNTER:—"I second it."

Rai Bahadur T. M. NARASIMHACHARLU:—"Mr. President, if I rise now, it is not with the object of entirely opposing the introduction of this Bill, but with the object of showing to the Government the alarm with which the people have received the introduction of these taxation Bills. It is only one year since we have commenced to work the Reforms Act, and the people are already concerned that the new Council has not in any way been helpful to them. Of course, there is this other aspect to be considered, namely, that the administration must be carried on without becoming bankrupt, and in order to meet the cost of administration it is also necessary that the people should be asked to bear the burden and charge of that administration. But at the same time it should be remembered that we are, after all, taxing the very people who are already, in my opinion, overburdened with several taxes, and unless and until we are convinced that there is absolutely no other way of meeting the extra expenditure which the Government is forced to incur in the coming year, I think, Sir, we ought to be more cautious in giving consent to this kind of taxation.

"This taxation chiefly concerns the people and, especially, the poorer class of people. People have every day to resort to their sowcars for getting loans for the purpose of executing bonds and for the purpose of executing mortgages, and they have to effect transfers of their property, both movable and immovable. And it is these people that are now asked to pay more for such transactions. I think, Sir, it should be observed that there is a difference between non-judicial stamps and judicial stamps. In the case of the latter, the judicial stamps, they are taken for the purpose of administering justice, that is, for the purpose of employing officers and staff for carrying out the administration of justice. The stamps are levied and proceeds are spent for their salaries and other necessary charges connected with the administration of justice. But in the case of the general stamps, Sir, what is it that the Government is giving in return for the stamps collected from the people? The Hon'ble the Revenue Member just now told us that as people are entering into transactions it is but fair that they should pay to the State for so entering into such transactions. I fail to see, Sir, the justice of such an argument. It is only when you pay to the tax-payer you can expect something to be paid by him. But in this case the Government absolutely pay nothing in return for the tax that is collected from people for the daily transactions which they have to enter into and which they enter into every day. That being the aspect of the case, unless and until the Government is driven to the necessity of meeting the extra expenditure by

[Mr. T. M. Narasimhaচারী] [17th February 1922]

this means and this means only I think, Sir, a distinction ought to be observed between this piece of legislation and the Judicial Stamp Act legislation. It is not necessary, at this stage, that I should enter into the details of the several items in the schedule, because I know it is not the object of the Government to rush through this Bill at one sitting. They will be fully considered at the Select Committee stage and finally they will come before this Council after the Select Committee has formulated its report. Therefore, it is perfectly unnecessary to consider them now; all those details and those anomalies, can be fully gone into hereafter. The only point for consideration now is whether at present the Council is satisfied that there is an urgency for this measure.

"In the previous discussion about the Judicial Stamp Amendment Bill we were told, and that facilitated our discussion of this subject also, we were told that there was a very great necessity for increasing the taxation in order to meet the deficit of 144 lakhs plus something about 60 lakhs. I therefore think at present the question to be considered is whether this Bill is a necessary one, and I think, Sir, that of all the pieces of legislation that are to be introduced this must be taken as the last. That is, it is only when you fail to secure the necessary income from other sources that this must be resorted to. With these words, I in a way oppose the introduction of this Bill."

Rao Bahadur T. NAMBERUMAL CHETTI:—"I rise to say a few words in opposing this motion before the House. The Government have always fallen back on the salt revenue on emergent occasions. Whenever they anticipated a fall in revenue, they raised the duty on salt and met the deficit. When normal conditions were restored they removed the extra duty levied. Thirty-five years ago, when the manufacture of salt was converted from monopoly into excise system, the consumption of salt per head of population was ascertained to be 9 lb."

The Hon'ble the PRESIDENT:—"We are dealing with the stamp revenue and not the salt revenue."

Rao Bahadur T. NAMBERUMAL CHETTI:—"I am coming to that, Sir. All the several Bills now introduced are for increase of taxation. These may be avoided by increasing the duty on salt. During the year 1920-21 the quantity of salt issued from all the factories was 13 million maunds, a levy of one anna per maund will bring in a revenue of 8 lakhs, if 8 annas is levied the deficit of 66 lakhs can be easily met."

"It may be urged that such an increase will fall heavily on the poor. I do not think so, for the average consumption 35 years ago was 9 lb. or 8 measures per head of population. According to the figures in the Administration Report of 1920-21 it is 20 seers or 4 measures. The value of 4 measures is 8 annas. With the additional levy of 8 annas per head as a temporary measure, I do not think the value of salt consumed by any individual will be more than 50 per cent or 12 annas per head per year. This should not be considered a hardship on the poor."

The Hon'ble the PRESIDENT:—"I thought the hon'ble member was going to leave salt and come to stamps. He has not yet done that."

Rao Bahadur T. NAMBERUMAL CHETTI:—"I oppose the motion and say that the duty on salt may be increased and the deficit met, without recourse to fresh taxation which these Bills contemplate."

17th February 1922]

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, but for the remarks of my honourable friend Mr. T. Namburumal Chettiar, it would not have been necessary for me to take part in the controversy over this motion now. I think the last thing we should do is to increase the duty on salt. Salt is an Imperial item of revenue and even if it were otherwise, I think, we must not think of touching salt which the poorest people are accustomed to."

The Hon'ble the PRESIDENT:—"I do not think we need go into the merits of that. There is no object served in discussing a matter which is wholly beyond the power of this house to deal with."

Rao Bahadur A. S. KRISHNA RAO PANTULU (continuing):—"Concerning the motion before the House, though it is not necessary to repeat the arguments advanced on the former Bill, it may be taken that all the objections which were urged to the passing of the Bill to amend the Court Fees Act would apply with greater force in the case of the amendment to the Indian Stamp Act. If the amendment to the Court Fees Act would affect only the litigants and those persons who resort to courts of law for the purpose of enforcing their claims, the Stamp Act with the increased rates now provided for would affect a larger class of people, particularly those who have mercantile transactions and ordinary business transactions. Sir, it has been pointed out already that there is no necessity for finding additional revenue thought this may be one of the items whereby we can get the revenue we want. I am still at a loss to find out whether there is any necessity for a taxation of this kind."

"So far as the rates are concerned, they will have to be carefully scrutinized in the Select Committee; and I should think that the increases of 100 per cent, or 66½ per cent or even 50 per cent, all these have to be moderated and these will be reduced to a reasonable extent. The increase is far too high and will not be justified under the circumstances."

Diwan Bahadur M. KRISHNAN NAYAR:—"A famous soldier statesman in England said on a memorable occasion: 'The Queen's Government has to be carried on'. I say the same thing now only with the substitution of 'King's' for 'Queen's'. Rightly or wrongly, there is a deficit staring us in the face and criticisms have been levelled against the Government—they may be right, or they may be wrong—that the Government with more economy could have avoided either the whole or part of it. But there the deficit is and the Government has to be carried on. So that taxation is essential and the only question is, which are the subjects that could be taxed. I believe that of the many possible items that could be thought of in connexion with taxation, the enhancement of stamp duties is one of the least objectionable. I therefore support the principle of the Bill. All taxation is odious and nobody is willing to have taxation. But taxation is preferable to chaos and we have to pay taxes to keep ourselves in society, one of the evils of which is taxation. With reference to the details, attention has to be paid to the enhancement of stamp duty with reference to certain documents like conveyances, mortgages, etc., which are ordinarily executed in the mufassal. Those are matters for consideration by the Select Committee and at a later stage by us in the Council. At present the only question is with reference to the principle of the Bills. I support the principle of this Bill which asks for enhanced taxation."

[17th February 1922]

Mr. C. V. VENKATARAMANA AYYANGAR :—"It seems, Sir, that every speaker wants to add to his speech on this subject what he had already said before as regards the previous question. I shall not therefore go into that. I shall just say a few words as to whether this should be introduced as a financial Bill just at this stage of our deliberations. The gallant member for Finance."

The Hon'ble Sir CHARLES TODHUNTER :—"May I say, Sir, that I hold no military Commission?"

Mr. C. V. VENKATARAMANA AYYANGAR :—"Of course we have only Knights here in general but if the Hon'ble the Finance Member does not like to be gallant, I shall simply refer to him as the Hon'ble the Finance Member. All that I say is, we have been challenged by him and I will reply by saying that the reduction in gazetted services would lead to consequential reduction in the staff of non-gazetted services as many of the latter are helping each gazetted officer. The Hon'ble the Finance Member has been insisting upon forgetting the one fact that when we advocate reduction in the number of gazetted services only the salary saved thereby should be taken into consideration. One other point is with regard to the question of excise. Whenever we want something to be done our prayer is not granted, and it is said that if the prayer is granted it will lead to such and such; if the excise is abolished it will lead to the reduction in revenue and if that is granted certainly, the people at large would gladly agree to any taxation to make up the loss on excise. They say 'you have consented to its abolition, and therefore to the reduction of 5½ lakhs. If this is done, then you will have to meet it somehow.' If excise is removed and we are asked to be spared for taxation then, Sir, we are prepared to have any taxation in lieu of excise and not in addition to excise. Mr. Ramalinga Chettiyar one of the champions of dry policy wants this also. There is a suggestion to meet these deficits from loans but it will be admitted probably by the Hon'ble the Revenue Member that this way of meeting these annual deficits will lead to dangerous things. If every year every deficit is going to be met by loans we will not be safe."

"Coming to the various items, Sir, I can very well understand the honourable the representative of the Chamber of Commerce supporting any increase in the taxation. I do not know what his attitude would be if the rates are increased for cheques and receipts. Whatever may be the amount, whether a cheque is drawn for one pie or a thousand rupees, or even a crore, we are now paying one anna. I believe the Bill is drafted in consultation with the Hon'ble the Law Member and I would say that the best thing to be done is to introduce a gradation stamp duty."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—"Sir, I should like to point out that this subject is before the consideration of the Government of India and it is not open to us to discuss it."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SANIB Bahadur :—"I believe I announced that fact already, Sir, that the items the honourable member is discussing is one of those that are excepted."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I beg pardon of the Hon'ble the Revenue Member. That only goes to support my case much more that the honourable representative of the Chamber of Commerce can afford to support any taxation as the Government of India have safeguarded his

[17th February 1922] [Mr. C. V. Venkataramana Ayyangar]

interests. Now, this increase in the taxation will affect the poor people very much and I understand even the merchants are generally against it."

Diwan Bahadur Sir P. TYAGARAYA CHETTIYAR :—"I am a merchant and I am not against it."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I believe Mr. Namberumal Chettiyar is as much a merchant and he is against it. By merchants I mean the majority of them and if I have wounded any merchant's feelings by trying to include him in 'merchants', I beg his pardon. Stamp is a question which practically affects the whole country. I will close with one more point. If I had intended to convey a gift of my property five years ago that property was then worth say a thousand rupees and I would have to pay Rs. 10 for stamp. Now that the value of land is increased I am called upon to pay enhanced stamp duty upon the same property. I must therefore strongly oppose this Bill."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, the remarks that I made relating to the previous Bill on the court fees apply with the necessary changes to this Bill also. I heard, that with regard to some remarks that I made yesterday, there was some objection raised. I fear in one or two matters I have been misunderstood. With regard to my statement yesterday that the deficit in the abkari revenue was temporary and not to permanent, it is urged that I, as an advocate of total prohibition, ought not to admit that it will only be temporary. The two positions are different. I do advocate total prohibition and I want this House and the Government to accept it as their policy and give effect to it. That is one of the things about which I am very particular and for which I am prepared to make any sacrifice. But that does not mean that the abolition policy has been accepted and acted upon. The Government have not accepted the policy and they have not given effect to it. I do not see how the one position is inconsistent with the other. I think, they can very well go together."

"My own fear is that the voluntary efforts we have been making and which we want to make are not likely to go very far to attain the end of total prohibition. As a matter of fact, these efforts had some effect last year, and we are only watching their effect this year and the result has not been of a permanent character at all. The advice given by all those people who were in favour of both total prohibition and temperance has had a very temporary effect. As I said yesterday, the arrack shops are now being bidden for and there has been no fall in the rentals fetched in the auctions now being held."

Rai Bahadur T. M. NARASIMHACHARLU (interrupting) :—"Is it not, Sir, a too long an explanation that the honourable member is giving?"

The Hon'ble the PRESIDENT :—"The honourable member is speaking for the first time on the question."

Rai Bahadur T. M. NARASIMHACHARLU :—"I mean about the excise."

The Hon'ble the PRESIDENT :—"He is not giving an explanatory statement at all. He is addressing me on the motion, namely, the increase in the stamp revenue."

Rai Bahadur T. M. NARASIMHACHARLU :—"I thought we were dealing with stamps, but he is dealing all the while with excise."

[17th February 1922]

The Hon'ble the PRESIDENT:—"If the honourable member's point is that the reference to excise is out of order, there can be no question of its being 'too long' or 'too short'. Honourable members will see that both on the last Bill and on the present Bill we are discussing the general financial problems of the province and it would not be possible for me to rule that general discussion as out of order. Mr. Ramalingam Chettiyar's contention is that the temperance reform which he and his friends have been advocating is bound to fail and that to his great regret the State is bound to get a large increase of revenue from excise and that therefore an increase under stamps is unnecessary. Is that not so?"

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Yes. (Laughter.)

"But there is one little difference with reference to the way in which the matter was put by you, Sir. We are now working voluntarily without any help from the Government whatsoever and I was going to say that therefore here was no effect. But what we do want is the help of the Government which we invoke. That is the condition in which we are. So, Sir, as I said yesterday, this fall in the abkari revenue is only of a temporary character and it will be completely recovered next year (1923-24) or even earlier. Because the toddy sales have shown some decrease last year and half the revenue from toddy will go over to the next year there will be a deficit in the coming year and after that I don't think there will be any reduction in the abkari revenue unless the Government undertake, as I want them to do, to help the cause of temperance. That is my position, Sir.

"As I stated yesterday, there is the other question that the Government of India have not yet settled that question of provincial contribution which will have to be settled soon, and if that is done we shall have the greater portion of 350 lakhs released. The Government of India wants to take some further time for settling the whole question. They might drop at least a portion this year and probably some more next year also. After all our deficit is only about a hundred and fifty lakhs or so according to the Hon'ble the Finance Member. As I said yesterday it is possible to make further retrenchment in the figures and if they are retrenched in the way I said, the deficit will be about hundred lakhs. To that extent at least the Government of India should come to our help seeing that we are making such a large amount of retrenchment, and seeing also that they are giving relief to other provinces which are ahead of us. On this ground also I said the deficit is not permanent but temporary.

"Then the question arises as to how it is likely to be made good. With regard to my proposals made yesterday, objections were raised. For instance, my honourable friend Mr. Muniswami Nayudu said that expenditure ought to be met by revenue and that we should not borrow. Of course if the deficit is going to be a permanent one, we cannot afford to go on borrowing. That is a proposition which I do not deny, and I do not also deny the other proposition that for unproductive purposes we should not borrow. These two propositions are well established, and there is a third proposition also which is well established and maintained, namely that when there is only a temporary deficit and it is too much to be met from the revenue of one year, it ought to be spread over a number of years and the only way in which it can be done is by borrowing a short term loan to be paid off in a few years and by providing for repayment of the interest and sinking fund charges during the course of these years; otherwise, the whole scheme will fail. Suppose there

[17th February 1922] [Mr. T. A. Ramalinga Chettiyar]

is a deficit of Rs. 200 lakhs for one year, are you going to impose taxes to the extent of 200 lakhs in a year and pay it off in that year and reduce the taxes next year by 200 lakhs? Is it possible at all? Taxation is a thing which ought to be resorted to only when it is absolutely necessary and also when it is likely to go on for some time I cannot think of taxation for only one year to meet a temporary deficit. I beg to submit that it will be an unheard-of thing to impose taxation for this one year and then go back to the old order of things. That was my contention yesterday and I repeat it now. I beg to submit, Sir, there is nothing wrong in the position taken by me.

"In any case, even if you accept my proposals, there will be a deficit of 120 lakhs for the current year and next year. If we borrow this, we will have to provide from 20 to 25 lakhs for interest and sinking fund charges, of which eight lakhs is proposed to be met by raising the registration rates and the balance will have to be found. The Court Fees Bill and the amendment to the Stamp Act are probably the most unobjectionable of the sources from which the Government may expect to make up the deficit, provided in the Select Committee the Bill is properly dealt with. On that ground I supported the Court Fees Bill yesterday and on the same ground I do it to-day but on the distinct understanding that we shall have to make radical changes in the Select Committee so that the revenue may be just sufficient to meet this year only that portion of the amount necessary to pay for interest and sinking fund charges on the loan that we are going to borrow. It is on that understanding that I support this Bill."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, Sir, the Hon'ble the Finance Member in his speech regarding the previous Bill, namely the amendment to the Court Fees Act, and the Hon'ble the Revenue Member while introducing this Bill made us to understand clearly that these were Bills introduced with a reservation. If the Council is to find that the budget which is to be introduced is likely to result in a deficit balance, then these Bills are to be sanctioned. From that it is clear that these Bills are not now to be pushed through but they will be under the consideration of the Council and it is likely that these Bills will be taken for final consideration of the Council after the budget is half gone through. In a way they also realize the constitutional defect in introducing the Bill though they try to explain that the peculiar circumstances under which they are working to these Bills necessitate the introduction of these Bills at this stage. But to my mind there is some difficulty as to how the Select Committees that are appointed will be able to send their recommendations as to the various rates of enhancement that are now proposed. If really the Select Committees are to sit after the introduction of the budget, I am sure they will be in a better position to recommend as to the rate of enhancement. The Hon'ble the Law Member in the course of his reply stated that it was also the intention of the Government to make a distinction between the poor man and the rich man in paying these taxes. The scale of levy of income-tax in the old days was always a decreasing gradation and in order to give relief to the poor tax-payer it has assumed the shape of increasing gradation. Now, in the Court Fees Act we find the same old principle of the income-tax, namely, decreasing rates of taxes as the amounts increase and in the Stamp Act we find a uniform rate of taxation and no distinction is attempted now to be made between the lower values and the higher values. Naturally all the

[Mr. C. V. S. Narasimha Raju] [17th February 1922]

lower values do represent the transactions of poorer classes of people and the higher values do represent as a general rule the transactions of richer people. I only suggest that if really any reduction of tax is necessary in certain cases a gradation scale of increasing rates may be introduced in various cases under stamp duty, namely, bonds, conveyances and such other particular items, except in cases where it is not possible to do so. That is a matter which is to be looked into by the Select Committee that is likely to be appointed, having regard to the various receipts under various stamps. If proper statistics are prepared under these heads, I think even in this Bill effect can be given to such a graduated scale and then Government will be giving effect to their intentions.

"Sir, some reference was made to borrowing or raising a loan to meet the deficit. I think we need not speculate much on this raising of the loan. Because the right of the Provincial Government to raise loans is already circumscribed by rules and it is not left to their discretion. The various cases in which they can raise loans are defined already by the Government of India rules to be found at page 106 of the rules framed under section 30 of the Government of India Act. A careful perusal of the conditions there laid down does not warrant the conclusion that a loan could be raised to meet the deficit balance in a budget. Of course, advances made by the Government of India can be repaid by loans raised for the purpose. But it is a matter still doubtful whether the Government of India would be willing to advance money to meet the deficit balance of next year. It is not quite clear whether the deficit for the current year is proposed to be met as loan from the Government of India or as advances from the Government of India. I do not think we are entitled to borrow this year's deficit as a loan. The only thing open according to the rules is that the Government of India should advance the amount and recover it later on by adjustment and give the amount as a loan. If I interpret the rules correctly, that is the only course before us."

The Hon'ble Sir CHARLES TODHUNTER:—"Sir, I am obliged to the honourable member who has just sat down for explaining the statutory rules relating to loans and showing that it was not within our power to borrow in the open market for the purpose of meeting a deficit in our revenue. This saves my answering the proposition that it is possible for any Government to meet a series of deficits by such borrowings, providing only for the service of the loans without having regard to the fact that a continuance of such a process of finance would result in the sum set aside for the service of the loans taking up so large a portion of the revenue that the administration would have to come to a standstill.

"With reference to the statement that has been made that we are asking for this extra taxation in order to meet enhanced expenditure, I should like to say at once that the deficit is not due to enhancement of expenditure, but to a reduction of our normal revenue. The reduction has been caused by the activities of the revolutionary party. Whether this is going to be a continuing loss or not has yet to be seen. I certainly hope that, in so far as concerns the activities of the revolutionary party, it will not. There remains, however, the question, whether the strong feeling in this House in favour of temperance, a feeling, I may say, which is entitled to every respect, is going to result in such a reduction in our excise revenue as to make it necessary for us to find some other increasing source of income.

[17th February 1922] [Sir Charles Todhunter]

"More than one of the advocates of total abstinence have told us to-day that they and the public at large will be quite ready to submit to extra taxation to the tune of 5½ crores if and when the excise revenue is extinguished through the introduction of a policy of total prohibition. That 5½ crores will be in addition to the reduction with which we are faced as well as the cost of the measures necessary to enforce prohibition, in other words, the total amount to be met would be a very much larger sum, and in view of the confident anticipations of these honourable gentlemen that this enormous sum could not only be raised but raised in a way that would cause no objection on the part of the taxpayer, I have been listening most anxiously to the debate in the hope of securing from them some hints for my own use."

Rao Bahadur T. A. RAMALINGA CHETTIYAR (*interrupting*):—"The question, Sir, of how we are going to find the five and a half crores does not arise at present otherwise, I would certainly have made a statement. I have already given my explanation to the Hon'ble the Finance Member at the Finance Committee. It is not a matter of my not realizing it, or of my not having my own solution of the problem. The solution will be put forward when the time comes. But at present, the Government not having committed themselves to a policy of total prohibition, the question does not arise."

The Hon'ble Sir CHARLES TODHUNTER (*continuing*):—"I am sorry that the honourable member should be so extremely reluctant to part with his valuable secret, which would be of inestimable use to the Government in the present dilemma. The honourable gentleman says that the question does not arise whereas it seemed to me that it was the very question in issue before the House. The introduction of the Bill before the House to raise further revenue raises the question whether there are any other sources, and if there are, we ask where. The honourable gentleman says that he is going to keep that in his own bosom until he has got total prohibition."

Rao Bahadur T. A. RAMALINGA CHETTIYAR (*interrupting*):—"I did not say, Sir, that until total prohibition was accepted, I was not going to reveal my solution of the financial implications of it. I simply said that that question did not arise in this particular case. When the resolution with reference to total prohibition comes before us, probably to-morrow, and when it is discussed, I shall have the chance to explain my solution of the problem. At the present moment, the question does not arise. Otherwise, I would have taken an hour or so to explain my solution of the difficulty. That does not mean that I have any proposal for increased taxation. It may be that I hope the situation can be met without taxation. The Hon'ble the Finance Member is assuming that what he has proposed is the only solution."

The Hon'ble Sir CHARLES TODHUNTER (*continuing*):—"Again, Sir, I must express my regret that the honourable member will not part with his secret. I am therefore thrown back on the other suggestions that have been made in the debate. You, Sir, have ruled that the proposal made by Mr. Numbermal Chetti for an increase in the salt duty was hardly relevant, but I am thankful for it inasmuch as the very idea of increasing the tax on salt very nearly frightened Mr. Krishna Rao into becoming a supporter of the Government. The other proposal is that of Mr. Venkataramana Ayyangar that we should abolish a large number of Government officers and he complains that I was not right when I said this morning that all that he would save on this

[Sir Charles Todhunter] [17th February 1922]

head would be at the most 23 lakhs, because he says that whenever you abolished a superior officer you would also abolish all his subordinates with him. Well, I would ask in that case how you are going to carry on the administration."

Mr. C. V. VENKATARAMANA AYYANGAR (*interrupting*):—"I said that those subordinates working under the superior officers would have to go along with them."

The Hon'ble Sir CHARLES TODHUNTER (*continuing*):—"Let me take it at that, Sir. We are to abolish the Deputy Commissioners of Salt and all the officers working under them, the Deputy Inspectors-General of Police and all the officers working under them, the Conservators of Forests and all the officers working under them, the Assistant Inspectors of Schools and all the officers working under them, the Assistant Inspectors of Salt and all the officers working under them. Well, again I ask if you do that what is going to happen to the administration of the Presidency."

"This brings us back again to the only other proposal made, namely, the mortgaging of our revenue to pay loans to meet our deficit which I hope the Council will agree is not only illegal, but is impossible finance."

"Lastly, it has been said that it is an unheard of thing because of a deficit in one year to impose new taxation to meet it and then as the deficit disappears to take it off again. May I ask the honourable member who finds this so extraordinary whether he has ever heard of the Excess Profits Tax or of the other taxes that are imposed from year to year in England? He says further that there is no need in any case to levy a tax equal to the full amount of the deficit. Well, as to this I have already pointed out that in regard to these two taxes which have already been introduced in three other provinces the highest collections that are likely to be made will barely meet one-half of the deficit."

"In these circumstances, Sir, I submit to the Council that there is a clear *prima facie* case for allowing this Bill to go to the Select Committee and that it will be greatly to the convenience of the Council to do so and not to deal with it by hurried legislation in the last few days of March."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I should like to make a few observations more especially after the duel that has taken place between the Hon'ble the Finance Member and my friend, Mr. Ramalinga Chettiyar. At the outset I already sounded a note of warning that the discussion of Bills in anticipation of the budget would serve no purpose and everything I have heard since last evening has fully justified my apprehension. You have already ruled, Sir, that a discussion of the proposals of economy in each department of Government are relevant to the discussion on the Stamp Bill. I am not at all raising any question of order, but I do venture to submit that nobody has agreed that there is a deficit except the Hon'ble the Finance Member and possibly the members of the Finance Committee, I do not know it, Sir. It is for the first time that I hear from the Hon'ble the Finance Member that the Finance Committee have agreed that there is a deficit. The first question therefore is, whether there is a deficit. The Hon'ble the Finance Member then proceeds to suggest that the deficit could be met to some extent by effecting economies. Honourable members have been suggesting ways in which economy might be practised

[17th February 1922] [Mr. M. Ramachandra Rao Pantulu]

in the several departments of Government. Then, Sir, regarding the proposal for raising new taxes, every honourable member has ventilated his views; some have suggested income-tax, one a tax on salt, and these views have been contested by other honourable members.

"Again, Sir, in a discussion of two specific legislative measures, it has been put before the Council whether the deficit could be met by loans raised and the difficulty in the way, arising from the rules framed under the Government of India Act, has been pointed out. I give the Hon'ble the Finance Member credit for his good intentions though we know his proposals for taxation are in advance of the budget and I know why he has taken this step. At the same time I venture to think that this discussion of what economies could be practised, what loan could be raised and what new proposals of taxation could be put forward in case prohibition is accepted, a fact which was also anticipated, are not quite in point and it seems to me that our methods of discussion are proceeding very much farther afield than they would in any other deliberative assembly. All this, I venture to think, has arisen from the fact that the budget has not been before us in a proper form. If it was, I am sure the Hon'ble the Finance Member having ascertained the deficit, there may be a large consensus of opinion that there is a deficit and that the deficit should be met by taxation. If the honourable member chose to bring the Bills then, there could be no further discussion because the fact would have been incontestably accepted by the House. Of course, it has been said by the Hon'ble the Finance Member that there has been a deficit and if his facts and conclusions are true, and are borne out by facts and figures, I think there will be a case made out for new taxes. I do not know whether pressure has been brought to bear upon the Government of India to render us all possible financial help. That again, I think, will not be relevant to the discussion now going on. Therefore, it seems to me, Sir, that there is no further need for discussion on this proposal. If the Bills can be discussed at the stage after definite conclusions have been arrived at regarding our financial position, that is, after the presentation of the budget, after we have had a general discussion on the budget and after the discussion of the grants has proceeded sufficiently to give us a general feeling that there is a deficit, then I think the proposals could be leisurely examined. On that understanding and without committing ourselves to the conclusion that there is a deficit or that taxation has to be resorted to, I submit that the discussion may close and a reference to the Select Committee may be made."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"From the general attitude of honourable members who have already spoken on this matter, Sir, I find that I have no criticisms to offer in reply, for, every one of them who has spoken, excepting probably one, has realized the fact that it may become necessary to levy some kind of additional taxation and not until the budget has been put before them will it be possible to decide how such taxation should be levied and that in the meantime it is preferable that this particular taxation Bill in common with its predecessor should be referred to a select committee who should investigate into the matter and make their report before the House. That being, Sir, the attitude of the House, I think I have nothing to say inasmuch as the various financial problems and conundrums which were raised during the course of the debate have been so successfully answered by my hon'ble colleague the Finance Member."

[17th February 1922]

The Hon'ble Sir LIONEL DAVIDSON :—" Sir, I move that the question be now put."

The motion was put to the House and carried.

The Hon'ble the PRESIDENT :—" I will now put the main proposition to the House, viz., that the Bill to amend the Indian Stamp Act, 1899, be read in Council."

The motion was put and carried.

The Secretary then read the title of the Bill.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I beg to move that the Bill be referred to a Select Committee."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I second the motion."

The motion was put and carried.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I beg to move that the committee do consist of the following gentlemen :—

Mr. N. E. Marjoribanks, C.S.I., C.I.E., I.C.S.,
The Advocate-General,

M.R.Ry. Rai Bahadur T. M. Narasimhachari,

Rao Bahadur T. Balaji Rao Nayudu,

Diwan Bahadur D. Seshagiri Rao Pantulu,

Saiyid Muhammad Padsha Sahib Bahadur,

Mr. A. M. MacDougall,
and myself."

The Hon'ble Sir Charles Todhunter seconded the motion.

The motion was put and carried.

V

A BILL TO AMEND THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE ACT, 1894.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, I beg to introduce a Bill to amend the Madras Proprietary Estates' Village Service Act of 1894 and to move that it be read in Council. In doing so, Sir, I shall not certainly take up much of the time of the House, for I assume that most of the honourable members are fully aware of the previous existence of such a cess and its subsequent suspension. The present attempt is merely for its restoration. My justification for bringing up this measure before the House lies largely in the fact that the interest displayed by the Legislative Council on the subject of the pay of village officers in proprietary estates is evident by the consistency with which this subject was brought up before the House from time to time by honourable members. I shall, if I may, refresh their memory by inviting their attention to some of the interpellations which were asked in this very House. We begin with an interpellation which Mr. Maniswami

[17th February 1922] [The Hon'ble Mr. Muhammad Habib-ul-lah Sahib.]

Nayudu asked on the 14th of February 1921 enquiring whether Government had received any representations from the village officers in the zamindari estates in this Presidency requesting that their salaries may be increased as in the case of Government ryotwari villages and whether the Government would be pleased to state what action they proposed to take with regard to their grievances. The honourable member was then informed that the Board of Revenue was examining the question of the revision of pay of the village establishments in the zamindari estates and that its proposals were then awaited. He was followed up by another honourable member, Mr. Tangavelu Nayagar who repeated the question. The representative for Ganjam, Sri Man Sasibhushana Rath, repeated the question again and my friend, Diwan Bahadur K. Suryanarayana Murthi, did not also spare us from an interpellation on that matter. Not only that, Sir, but even for this session, I mean for the meeting of this month, we have got a resolution which presumably will come up for discussion to-morrow or later from my friend, Mr. Muniswami Nayudu, again who, not satisfied with the interpellation which he had asked, or more correctly, not satisfied presumably with the reply which we had given to him that the matter was under examination by the Board of Revenue and perhaps also not satisfied by the nature of the replies which we gave to the two constant questions which were being put on that matter by various honourable members, has tabled a resolution definitely demanding that the pay of the village officers in proprietary estates should be equal to the pay of the village officials in ryotwari tracts. These facts, therefore, Sir, forced us to an examination of the question in all its bearings and the Board of Revenue who, as I said in my replies to interpellations, had been already asked to do so, has carefully examined this question and sent its recommendations in regard to the increases of salaries which it recommends on behalf of the proprietary estates' village servants.

"Then, Sir, it may perhaps be interesting to know what the real position is in regard to this proprietary village-service cess. I will invite the attention of the House to a few relevant facts which go to show that this is a charge which legitimately falls on the proprietors themselves. In the first place, I would like to draw the attention of the House to the fact that at no time in the history of this province have Government ever undertaken, or did they ever bear this cost except in the shape of the confirmation of inams given. There is no statutory obligation ever cast on the Local Government to contribute anything towards the pay of the establishments employed in proprietary estates. Under the Permanent Settlement Regulation XXV of 1802 the zamindars are statutorily bound to maintain and support the regular establishment of karnams. These and other village officers were also entitled to certain *merais*, in other words, customary collections from ryots, and this fact was taken into account when the Act which was modified subsequently and under which the cess was being collected was introduced in this Legislative Council. In the Statement of Objects and Reasons relating to the Proprietary Estates' Service Act we find this significant paragraph appearing—

'Another measure of reform calculated on the one hand to secure to village officers independence of the proprietor and his tenants and on the other to render control over the former by revenue officers more efficient is to substitute the system of payment by fixed salaries for the present system under which their remuneration is made up partly of emoluments from lands and partly of fees or *merais* paid by the proprietors and their tenants.'

[The Hon'ble Mr. Muhammad Habib-ul-lah Sahib] [17th February 1922]

"Then again, Sir, the same Statement of Objects and Reasons goes on:

'So long as these officers derive their remuneration from inam lands or from fees and *merais* paid by the proprietors of land and their tenants, it is impossible to bring them under effective control. Accordingly provision is made in the Bill empowering the Governor in Council to extend the enactment to such other of the classes of village officers enumerated in the Bill as he may from time to time direct.'

"That clearly indicates that when this Proprietary Service Bill was introduced in the year 1894 there was not the least intention on the part of Government to shoulder any portion of the financial responsibility which as a result of the fixation of salaries would devolve on proprietors and their tenants. I may also incidentally mention that in the case of several estates the cost of the village establishments was deducted from the assets at the time of the permanent settlement.

"Contrast this provision with a similar provision which exists in the Ryotwari Service Cess Act wherein the law lays down a statutory obligation on Government to contribute not less than a moiety of the total expenditure of the village establishment, the other moiety only being recoverable from the ryots. This provision is conspicuous by its absence from the Proprietary Estates' Services Act. That only emphasises my argument that at no time did Government undertake to pay any portion of the cost from out of their pocket, but that the whole expenditure was met either in the shape of fees, *merais*, lands or by a fixed payment collected from the proprietor and his tenant. In the case of the proprietary estates the funds were provided by the proprietors and their tenants and a separate fund was created in each district for the purpose of being utilized for purposes of that district only. I have laboured this point to this extent merely to convince honourable members that this is more or less an obligation which proprietors must be prepared to face. Of course, under the Act and the proposed Bill as well, it is open to the proprietors or rather they have the right to recover half of it from their own tenants. In the year 1912, however, this cess was abolished under the orders of the Government of India."

The RAJA OF RAMNAD (*interrupting*):—"Issued in 1912?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*continuing*):—"Yes, given effect to from 1912. Well, the only reason that one could find from a perusal of the papers which led to the abolition of this cess was that at the time the Government of India was so financially opulent as to regard the special cess as absolutely unnecessary, unnecessary in the sense that they could afford to forego this revenue and contribute the amount that was required for the purpose of running these services from out of their own funds. That at any rate was the only reason which to my mind led to the abolition of this cess."

The RAJA OF RAMNAD (*interrupting*):—"Am I to understand that the Government of India paid the Provincial Government for paying them?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*continuing*):—"I am coming to that. Realizing as they did that the abolition of the cesses which were being collected in this province for the maintenance of the proprietary village establishment and those of the ryotwari areas will cause a financial burden on the funds of the local Government, the Government of India, as I already stated, Sir, out of their abundance of

17th February 1922) [The Hon'ble Mr. Muhammad Habib-ul-lah Sahib] funds promised to contribute the loss to the provincial revenues which would result from the abolition of these cesses. And we were asked to take credit for a contribution of five lakhs every year on account of the pay of the proprietary estates with which we are now concerned—a sum which was considered sufficient for the purpose of supplementing the collections made from the enfranchised inams so that the two items put together were utilized for the purpose of establishments in proprietary estates and were then sufficient for that purpose."

The RAJA OF RAMNAD (*interrupting*):—"If you would excuse my intervention, Sir, I would like to know for how many years since 1912 the Government of India have been making good this loss to the provincial Government and when they stopped it."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*continuing*):—"These items were treated by means of adjustments between the provincial and the imperial accounts and now that the whole policy of such adjustments has been changed, as the whole of land revenue has become provincial, and inasmuch as every expenditure incidental to revenue will have to be borne out of the funds of the provincial Government, it is, I think, a financial impossibility and we cannot certainly meet the extra cost involved in the reorganization of the salaries of the village establishments either on the very liberal lines indicated by my hon'ble friend, Mr. B. Muniswami Nayudu, or even on the very moderate lines suggested by the Board of Revenue. We find, Sir, turning to the financial position, the total cost of these establishments in the year 1921-22 is for karnams Rs. 5,14,644, headmen, monigars and other officers Rs. 5,86,692 and for talaiyaris Rs. 4,06,650. Government fully recognize that the salaries that are now being paid to the village establishments in the proprietary estates are decidedly low. The Board of Revenue is of the same opinion. One of our Collectors in the Andhra districts wrote and told us distinctly and definitely that so long as the pay and prospects of village officials employed in the proprietary estates were not settled there was bound to be some discontent. He pointed out that a few people had resigned in the month of November because their representations so far had produced no effect."

The RAJA OF RAMNAD (*interrupting*):—"Have any village officers resigned in the proprietary estates?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Yes."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Is it in the month of November that karnams and village officers in the proprietary estates have resigned in the Andhra desa? If I remember right, this was the statement made by the Hon'ble the Revenue Member."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*continuing*):—"I am not at all referring to the civil disobedience propaganda or the no-tax campaign which we have been discussing for the last three days. This was in November last, because their pay was low. As regards representations, Sir, I have already mentioned the feeling of the

[The Hon'ble Mr. Muhammad Habib-ul-lah Sahib] [17th February 1922]

House as a whole. There have been numerous meetings held throughout the province in which proprietary village service establishments have been constantly complaining and appealing for an increase of their pay. During the last 13 or 14 months it has been my privilege to tour somewhat extensively in this province. Wherever I have gone I have had the necessity of hearing deputations both from the proprietary as well as from the ryotwari village establishments praying for increase of pay. I am bound to say the feeling was strong and I fully sympathize with their condition. For when I tell the House what the magnificent salaries are that are now being paid to the village officials employed in proprietary estates, I am sure I will be probably drawing the sympathy of the House towards them. We have no less than 1,466 headmen on Rs. 4 each, 539 karnams on Rs. 4 each, 2,834 triune officers on Rs. 4 each and 10,441 talaiyaris on Rs. 3 each. Contrast the salaries that we give to the men in the ryotwari villages. There the lowest pay of the karnam is Rs. 15 and the lowest pay of the village menial is Rs. 8. We therefore think, Sir, that they are underpaid. They have certainly made out a case for something like a reasonable increase in their already very low salaries. We examined the question carefully and we calculated that if effect is given to the recommendations of the Board of Revenue that for the present the salaries of the karnams, triune officers and talaiyaris alone be raised and the question of the salaries of the headmen in proprietary estates be left over for consideration along with a similar question in regard to the headmen in ryotwari areas, the total cost for increasing the pay of these officers alone excluding the headmen comes to Rs. 7,67,000. But we felt that it would be a glaring piece of injustice if we ignored the claims of the village headmen and increased the salaries of the other village officials only. For, let it be remembered that a large number of these village headmen are now drawing no higher than a pittance of four rupees per mensem. We, therefore, under the advice of our officers and others, considered it desirable to give the village headmen also the benefit of an increase. It is clear, however, that we have not been in the case of the proprietary estates so large-hearted as we were in the case of the ryotwari areas. In the case of the latter, the House will remember that we are paying our karnams Rs. 15 and our vettis and talaiyaris Rs. 8 per mensem. But in the case of the proprietary estates we do not show this large-heartedness lest it be said that we showed our large heart at the expense of the proprietors. The only class of people whom we propose to help are the men who now draw ridiculously and admittedly low pay of Rs. 3, 4, 5 and 6. We want to pull up the vettis and talaiyaris to Rs. 6 per mensem. Our modified proposals for revising the pay of all the village officials in the proprietary estates would involve an additional expenditure of something like 16 lakhs. Now the question is who should pay this money. The simple answer that we are able to give to that question is that the proprietors ought to pay. They must pay it because they paid it formerly. They must pay it because on no occasion has the Government given anything like a pledge to contribute any fixed portion towards the salaries of village establishments in proprietary villages. All that we guaranteed was to earmark the revenue which we realized from the unenfranchised inams and devote it wholly towards the salaries of these officials. More than that we are not bound to contribute. After the reforms we are contributing from Provincial revenues the difference between the quit-rent realized from enfranchised inams and the total cost of the village establishments.

17th February 1922] [The Hon'ble Mr. Muhammad Habib-ul-lah Sahib]

“It will be highly improper if it were suggested that, besides the 8½ lakhs which during the last two years we have been forced to pay, the provincial revenues must hold themselves responsible for this additional expenditure of 16 lakhs as well. If there was plenty of money, we might probably exhibit as much large-heartedness as the Government of India did in the year 1912. But after having agreed to the introduction of the two taxation Bills in the course of this day and thereby accepted the financial position of the province as needing further taxation for its own requirements, I am not sure if the House will agree to this additional expenditure being met out of additional taxation raised for provincial purposes. This, in short, is the main history connected with this question.”

“We have also worked out roughly the figures to enable honourable members to know what the additional taxation will be. We have assumed that the intention of the House will not be to deprive the village headmen of any share in this general revision of scales of village establishments and that it will be quite willing to allow village headmen also to have an opportunity of getting a few rupees more than they have been hitherto getting in common with their other brother officials. Assuming, therefore, that the House will be in favour of the increase being given to all classes of officers employed in the proprietary villages, it would necessitate the levying of a cess at the rate of 10 pies in the rupee. May I again remind the House, Sir, that in the Act of 1894 which had to be repealed or suspended, as honourable members may wish to interpret it, the rate of cess was the same as 10 pies in the rupee. In the Bill that I now wish to introduce I have made no attempt to enhance the rate which was in vogue in earlier times. I merely propose to renew that liability to be met by proprietors under the altered financial circumstances. If they realize that their village officials should not be paid such a meagre salary but that their village officials also should be given at least a living wage—I confess that what we are now proposing cannot be regarded as a sufficiently living wage—and if they think that they should remove the feelings of discontent existing in the minds of their own village establishments, I only hope that they will agree to the imposition of this cess. Let it be distinctly understood that this does not stand on the same footing as the two taxation Bills which we have been considering both yesterday and to-day for the purpose of supplementing the provincial revenues. This is for paying a deserving class of people whose salaries are admittedly low.”

Sriman BISWANATH DAS Mahasaya:—“May I understand, Sir, that this cess which is going to be imposed is intended to be collected only from the zamindars or the proprietors?”

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“The Bill, which I hope the honourable member has read, merely reintroduces the provisions of the old Act, whereby the proprietor must pay in the first instance and recover a moiety of it from his tenants.”

Rao Bahadur C. V. S. NARASIMHA RAJU:—“At this stage, great inconvenience is felt because all the repealed Acts are not placed on the table. The Act in force does not give those sections and the Bill refers to some repealed Acts.”

The Hon'ble the PRESIDENT:—“I believe the honourable member is aware of the fact that we are not in possession of a satisfactory library for

[The Hon'ble the President] [17th February 1922]

purposes of reference. We hope to work up one by the time we meet for the next session. In the meantime I think we must allow the Hon'ble the Revenue Member to go on to the end of his speech."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Without, therefore, taxing the patience of the Council any more, I only appeal once more in the name of those village officials for whose welfare this House has already exhibited its solicitude to prove that it is determined to give these deserving officials their share of increase. I hope that the House will, by its action to-day, make it sufficiently clear that it intends to translate its previous recommendations into action."

The Hon'ble Sir CHARLES TODHUNTER:—"I second the motion."

The RAJA OF RAMNAD:—"Mr. President, we were told by the Hon'ble the Revenue Member that though, owing to the most unfortunate state of the finance of this Presidency and the deficit in the budget, two other Bills which we have now disposed of were introduced, yet this Bill was introduced on account of the interpellations of the honourable member from Chittoor, Mr. Muniswami Nayudu, Mr. Narasimhachari and some other honourable members and the resolution to be moved soon in this Council. Before I go into the question as to whether or not the case put forward by the Hon'ble the Revenue Member can be accepted, I must first of all refer briefly to what happened when this levy of village-cess was abolished."

"It is, no doubt, true, Sir, that in the Act of 1894 there is a provision for levying this cess on the enfranchisement of the inams. But the process of enfranchisement went on for a number of years and in the meantime, side by side with that, there was also an agitation from the landholders particularly proprietors of estates against this levy with the result that only in a very few estates they actually levied the cess and this was about the years 1909 and 1910. In some of the estates, the levy was for much shorter time. In my estate it was levied only for ten months and owing to a technical irregularity I later on got back the money which I paid. The agitation, as I said, was set on foot, with the result that in the year 1906 or 1907 the honourable member on behalf of the Government of India indicated that, as a result of the agitation, the following cesses would be abolished: The Ryotwari Village Service Cess in Madras, the Patwari Cess in Sambalur (Bengal), the Panjab, North-Western Provinces, Central Provinces, United Provinces, Ajmeer, Village Officers Cess in Coorg and Zamindary Dak Cess in Bengal. Agreeably to this indication, these cesses were abolished. In addition to this when a similar Bill was introduced in Bengal, it was vetoed by the Secretary of State on a representation made by the landholders of Bengal, as the levying of the cess was in breach of the terms of the permanent settlement. At the same time the Hon'ble Mr. Baker, the Member of the Government of India, stated that 'the ruling policy of the Government was that no local cesses should be imposed on the land supplemental to the land revenue proper except such as are levied by or on behalf of the local authorities for expenditure by them on genuinely local objects; in other words, local taxation on the land shall, as far as possible, be specifically limited to what is required for local administration by local bodies and shall not form an asset of imperial or provincial revenue'. That was what the Hon'ble Mr. Baker said in introducing the budget in the Imperial Council. This cess was therefore abolished and it is now sought to be reimposed for the reason

17th February 1922] [The Raja of Ramnad]

that the village officers are not paid sufficiently. I have been in this Council for the last seven years and this is the first time that I find the Government Member rising and saying that what is paid to village officers is pay and that they should have a living wage. Always I have heard them saying that it was an honorarium given for the purpose of stationery and so forth. I challenge any honourable member of the Government to contradict my statement."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"I am quite ready to take up that challenge, Sir. The use of the word 'honorarium' has been with reference only to the case of village headmen."

The RAJA OF RAMNAD (*continuing*):—"Sir, it is the first time it is mentioned here so far as my knowledge goes. I appeal to the experience of senior members of Council like the honourable member, Mr. Ramachandra Rao Pantulu, who, I have no doubt, will support me when I make this statement. It is a matter of common knowledge that karnams do more scriptory work than the headman."

"Coming now to the various points taken by the Hon'ble the Revenue Member in introducing this Bill, I would only say that we certainly consider it our legitimate duty to have an efficient, well-paid village service staff. All the difficulty comes in only when we do not have the village officers as our servants. I have listened very carefully to the speech of the Hon'ble the Revenue Member. Though he told us that the income derived from the enfranchisement of the inams was 8½ lakhs."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Seven lakhs, Sir."

The RAJA OF RAMNAD:—"It altogether strengthens my case. Sir, you may remember the Honourable Member saying that the Government of India promised to make good the loss incurred by the discontinuance of the levy of village cess in proprietary estates and in consequence they paid five lakhs of rupees. Seven and a half lakhs plus five lakhs make only 12½ lakhs. They were hitherto spending 15.81 lakhs. So much for the honourable mover's mathematical accuracy."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*interrupting*):—"I have mentioned, Sir, that the cost would be 16 and odd lakhs in the year 1921-1922. I am certainly not referring to the cost of the establishment when that arrangement with the Government of India was arrived at."

The RAJA OF RAMNAD (*continuing*):—"In the absence of any statement, Sir, I am entitled to assume that it continued till recently."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*interrupting*):—"It ceased in 1914."

The RAJA OF RAMNAD (*continuing*):—"As a matter of fact, the village cess also ceased to be in existence in that year. If that arrangement also ceased simultaneously, where was the benefit of that arrangement? The levy was discontinued from 1914, and the Government of India had stated that they would make good the loss resulting from the discontinuance of the levy of cess."

[17th February 1922]

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*interrupting*):—"That arrangement began in 1914 and the levy of cess ceased in 1914."

The Hon'ble the PRESIDENT:—"I understand the Raja wants to know when this arrangement, which began in 1914, came to an end."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"It ceased with the reforms when the revenue became absolutely provincial and not divided."

The RAJA of RAMNAD (*continuing*):—"The Madras Government have to pay the balance from their general resources. It comes to that because the amount they were realizing from the inams and the amount they were getting from the Government of India did not really meet the expenditure they were incurring. I only wanted to point out the inaccuracy in the calculation. Then again, reference was made to the enfranchisement of inams. With all respect to the Hon'ble the Revenue Member, I may be permitted to say that it was a most fatal mistake that ever was committed. It is a common knowledge that village officers are attached to lands more than to the few rupees that they get."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*interrupting*):—"I am not at all guilty of the charge."

The RAJA of RAMNAD (*continuing*):—"It was some predecessor of the Hon'ble the Revenue Member. For if at any time the mistake was realized, I think it is at the present moment when we find village officers resigning their appointments in large numbers, whatever may be the cause. Therefore I feel certain that village officers are not at all likely to cast off their offices or likely to have taken the steps they have taken in the Guntur district if only they had lands or the possibility of losing them. Even now the village officers want back their lands or their *mirasi* rights or their share '*Swadhantram*'. I know these village officers never care for their pay. But politicians and the non-co-operation preachers have set up these village officers to ask for more pay. When I examined the village officers as a member of the Second Salaries Committee under the presidency of my honourable friend, Diwan Bahadur R. Venkataratnam Nayudu, one after another stated that, as between hereditary character of the appointment and increment of pay, he would certainly prefer the former. Of course if we can give both, he would certainly thank us. Not only that, he will even be glad to have local allowance, duty allowance and any such other kind of allowances. But that is a different matter. Now the question is who should pay for these village officers? The Honourable Member has not told us what proportion of the work relates to the proprietors and what to the Government. It is common knowledge that these village officers do more work for the Government. As a matter of fact in many of the proprietary estates, the proprietors are obliged to engage special establishments and pay for their work and the proprietors have no power to punish the village officers. There are certain big proprietors like the Raja of Vizianagram or the Raja of Venkatagiri, who appoint deputy collectors and others as their diwans on a thousand rupees and who spend lakhs of rupees on their establishments but yet they have only power to fine the village officers to the extent of Rs. 3. That is all the power

17th February 1922] [The Raja of Ramnad]

conferred on them by the Board of Revenue. Oftentimes, it so happens that they could not avail themselves even of this power for the offences committed are so serious that they have to report to the divisional officers who generally happen to be deputy collectors of the junior grade, much junior to the deputy collectors who happen to be the diwans of those estates. The proprietors will be very thankful to the Government if they would let alone these village officers and ask them to settle their terms with the proprietors. We would be prepared to pay them even Rs. 30, provided we get proper outturn of work and provided our work is properly attended to. As president of the district board, I happened to go to a place where there was some trouble in a union in the matter of house-tax. The village officer had to leave the place to attend the court of the revenue divisional officer, but by the courtesy of the divisional officer, he was permitted to come back to the village and attend the special meeting of the union board. Had he not come to the meeting we would have experienced some difficulty. The village officers do 25 days' work in a month for the Government. His multifarious duties are so well known that I need not repeat them here.

"Reference was made to the case of reduction in *peisch-cush* in lieu of the cost of the village establishment. I may say, Sir, that it is not so in all the estates. In my estate in particular, there was no proof that reduction was made and the Government made me pay Rs. 11,000 a year though I told them on the analogy of the neighbouring estate of Sivaganga they must presume to have made some such deduction. They stated that the burden was on me to prove that the deduction was made. There is no good putting forward that argument in favour of inducing the Council to give leave to introduce this Bill. The Hon'ble the Revenue Member showed his great sympathy for the village officers and wanted that they should be treated as men and paid a living wage. Let me appeal to the Council that we should not rob Peter and pay Paul. I do not grudge for a moment that the village officers should get more pay. But as a matter of fact they do not want more pay. In their memorial which was sent to all the members of this Council by the Village Officers' Association of the Ramnad zamin, they say that they want '*Manipaswadhantram*'. I find they only ask for '*Manipaswadhantram*,' failing which increased salary. I fail to see why they should get more pay from us if they could not be attached to the proprietors of estates. If they are to be attached to the Government, I do not see why they should not get the minimum pay allowed to a clerk. I fully realize the force of their contention. I may state for the information of this House that there was a village officer whose family was getting Rs. 12,000 per annum in the old days but now get only Rs. 144 per annum under the salaried system. We can easily imagine under such a circumstance how a man could not have any attachment to the Government or the proprietor. All the same they hold appointments for prestige, influence and honour. I know one village officer who spent nearly Rs. 5,000 in getting the appointment though carrying a pittance of Rs. 4 per month as was characteristically put by the Hon'ble the Revenue Member. I am glad, Sir, that the Hon'ble the Revenue Member has chosen to introduce two Bills, one relating to the proprietary estates and another relating to ryotwari area. I have always been an advocate of the view that the interest of the one is as much the interest of the other. There may be special customs

[The Raja of Ramnad]

[17th February 1922]

and usages. I have always been advocating, whether the owners of proprietary estates or owners of ryotwari lands, that the interests are identical as citizens of the Empire. Therefore I have no doubt that the attempt made to injure both will receive the fate that it deserves."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, it has been stated that the village-cess was in force in proprietary estates to make up the deficiency in paying the village officers, and the Government of India when they were in affluent circumstances found it unnecessary to levy the village-cess and that was the reason why it was abolished, but I want to question the accuracy of that statement. It was not found unnecessary. If we go through the statement made by the Hon'ble the Finance Member and quoted by the Raja of Ramnad, we find that he stated that the levy of village-cess on land for provincial or imperial purposes was quite undesirable, and the levy of cess on land should be reserved to local authorities or local bodies. Now it has been attacked already from the standpoint of zamindars. I want to present the aspect of the question from the standpoint of local bodies. Before I do that, I want to contradict one statement made by the Hon'ble the Revenue Member. He was pleased to state that no doubt as long as the Government of India was giving us an assignment of revenue to supplement the village establishments, the Government was able to do away with village-cess and they want to have recourse to it again because the Government of India is not helping the Local Government in this direction. Sir, if we examine the financial statement on account of the inauguration of reforms, we do not find that the revenue of the Madras Government was at all affected. What I mean is, if we take into account the revenue of the Madras Government as it stood in 1919-20 and compare it with the revenue of the Madras Government as it stands in 1921-22 we see that the Madras Government is decidedly in an advantageous position.

"Of course from the standpoint of the tax-payer the increased sum of about 3 crores of rupees was placed by the Government of India in the hands of the prodigal son, namely, the Madras Government. Long before the money came they had their new schemes of expenditure. They went on spending without setting any bounds, without caring for what the future would bring them to. They now come forward and say 'we are in a state of depleted treasury; therefore accept new taxes.' As representatives of the people, I think we are justified in questioning every item of new expenditure of this Government which has brought the financial state of the presidency to this miserable condition. I do not think that the appeal made by the Revenue Member to this House on the ground that the Government of India has withdrawn the assignments will hold water for a moment, and it cannot make any impression on this Council as long as it believes that the expenditure proposed to be incurred by the Government is unnecessary and objectionable.

"Now, turning to the question of the reservation of cesses on land to augment the resources of the local bodies, I submit that, in pursuance of the policy already enunciated by the Government of India, the Government of Madras just before the inauguration of the reforms accepted this policy and introduced the Bills regarding local bodies. The principles of taxation embodied in those Bills fully indicate that this Government had fully

17th February 1922] [Mr. C. V. S. Narasimha Raju]

accepted the policy enunciated by the Government of India that the cesses should be reserved for local bodies. The Select Committee on the Local Boards Bill examined the proposals and I would draw the attention of this House to paragraph 50 of the Select Committee's report: 'Strong objection has been taken to the attempt made in the original Bill to enhance the rate of land-cess. The scheme of that Bill . . . permitted a district board (a) to levy a cess at its discretion up to a maximum of two annas in the rupee of annual rent value; (b) to increase the rate even beyond two annas in the rupee with the special sanction of the Government; and (c) to levy an additional special cess of three pies in the rupee for financing railways, tramways and other transport services.' The Committee thought that the tax burdens, even as they were, were very heavy, and that the cess should not be resorted to unless the other sources were exhausted. That is the reason why the Committee did not accept the full limit to which latitude was intended to be given to the local bodies to levy cesses on land. I do not want to weary the House by quoting the remaining portion of the report. The development of the resources from land-cess was explicitly claimed for the local bodies. Again I may draw the attention of the House to the recommendations made by the Select Committee on the Village Panchayats Bill regarding the levy of cess. I would like to draw the attention of the Council to paragraph 16 of the report: 'Land already bears a considerable burden of taxation for both central and local purposes; and we consider that no additional burden should be imposed on it until other available sources of revenue have been exploited. We have, therefore, omitted from this clause the sub-clause making specific mention of a panchayat cess.' This recommendation of the Select Committee was accepted by the Government and the proposals were passed under these circumstances. A perusal of these reports clearly shows that this source was specially reserved for the local bodies. That is the policy which this Government had accepted and now they want to exploit the same source also for augmenting the revenue of the provincial Government. Sir, if we examine the condition of the local bodies and the way in which the provincial Government is treating them at present, we feel that this source should not be exploited by the provincial Government and should be left entirely to the local bodies, so that they might augment their resources, if need be. With these few words, I strongly object to the introduction of this Bill."

Mr. B. MUNISWAMI NAYUDU :—"Sir, I am sorry I have strongly to oppose the introduction of this Bill. It is rather unfortunate that this amendment of the Madras Proprietary Estates' Village Service Act, 1894, was brought in before the other Bill for levying cess in ryotwari areas. It should certainly have cleared the situation if that had been taken first and the principle had been decided as to whether the ryot has to pay for the enhanced salary of the village officers or not. There should be no distinction made so far as the ryot is concerned, whether he lives in a ryotwari or in a zamindari village. In the one case the ryot pays direct to the State and in the other case he pays to the zamindar. It is purely a political accident that certain portions of the Presidency are under the zamindars and the other portions are directly under the State. So we must not consider that the proprietary ryots are on a different footing from the ryotwari ryots. The main principle involved is whether we are to make up for

[Mr. B. Muniswami Nayudu] [17th February 1922]

the deficiency in revenue or for the enhanced pay of the village officers by making the ryots pay, whether we have to go to the land for further taxation and thus make up the deficiency. With regard to this, the Raja of Ramnad said that in 1906 and 1907 when the Government of India made up their minds to abolish the ryotwari village services cess, they said distinctly and in unambiguous terms that thenceforth the village officers' pay should be a burden on the provincial revenues and that ryots' land should not be taxed any more thereafter. If any cess in addition to the land revenue was to be levied, it should be by local authorities and for genuinely local purposes. That is the principle which was adequately established when the Local Boards Bill was amended and a provision was made that a half-anna cess only might be levied by the district board and the taluk board in conjunction. So far as I am concerned, I can only know it from the report printed in the gazette. But there are other members of the Council who were here when those Bills were in progress; and they know what a storm of protest was raised when it was proposed that unlimited power should be given to the local boards to raise the cesses and that no maximum should be fixed for raising these cesses. It was after a very hard fight that half an anna was agreed to as the maximum for these cesses. Then, Sir, I am thankful to the Hon'ble the Revenue Member that he was careful to say that these increased burdens must be borne by the proprietors."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*interrupting*):—"I said it should be paid by the proprietor, but half of it should come out of the pockets of the ryot."

Mr. B. MUNISWAMI NAYUDU (*continuing*):—"I thought that the principle was laid down that the proprietor ought to pay. No doubt, the effect of the Bill . . ."

The RAJA OF RAMNAD (*interrupting*):—"The provision of the present Bill is that the proprietor should pay, and then recover it from the ryots by suit if they are unwilling."

Mr. B. MUNISWAMI NAYUDU:—"It is not my purpose to say that the proprietors should pay. When the Act II of 1894 was brought forward there was a storm of opposition from the landlords, and it was maintained that the relation between them and the village officers would become strained and that the Government should not introduce the principle of diarchy. That was the principle on which it was fought. The Government on the strength of the official majority passed the Bill in the teeth of the non-official opposition. After passing that Bill and thus taking the control of the village officers completely from the zamindars it is not at all fair for the Government to say that the proprietors should pay. The Government wanted the luxury of the control of the village officers in proprietary areas. If the Government find it difficult to pay the village officers, they should restore to the village officers their *maniyams*. If the Government lay down that the proprietors and the village officers should be allowed to arrange between themselves as to what should be done, then this Council will certainly be willing to accept that proposition. If the same principle is proposed to be extended to the ryotwari areas also, the House will accept that also. I feel that the Hon'ble the Revenue Member has practically supported the resolution I have tabled. The Raja of Ramnad was complaining that some

17th February 1922] [Mr. B. Muniswami Nayudu]

politicians or agitators might have created disaffection in the minds of village officials. Whether the politicians liked it or not, whether the agitators liked it or not. . . ."

The RAJA OF RAMNAD (*interrupting*):—"My point was in regard to the proprietary areas only."

Mr. B. MUNISWAMI NAYUDU (*continuing*):—"At any rate I understand that representations were sent by village officers with regard to the enhancement of their pay. I took it that the Raja of Ramnad wanted to say that in proprietary areas the clamour for enhancement was not so loud."

The RAJA OF RAMNAD:—"My point was that they never cared for increase of pay so much as for the restoration of their *maniyams*."

Mr. B. MUNISWAMI NAYUDU:—"That was true in the old state of affairs. Now that the principle of pay has been introduced the village officers in proprietary estates are equally anxious to get as much income as those in the adjoining ryotwari areas, especially because they have to serve two masters. If the proprietor reports against them to the divisional officer who calls upon them to explain, they have often times to engage a vakil to vindicate their character. The village officers in proprietary estates have got more onerous duties and tasks to perform than those in the ryotwari areas."

"If we supported the two previous Bills for enhancement of taxes, it was because we thought there was a deficit and it was our legitimate duty to support the Government. But when there is an attempt to add to the land revenue and impose fresh liabilities, that will cripple the resources of the local bodies. If the House will remember how difficult it is for us to raise a quarter of an anna cess either for new roads or for elementary schools, it will understand that the people are not in a mood to pay any more taxes. The only remedy is to go to the Government of India and tell them 'You undertook the responsibility from 1906 for the pay of these village officials; it is for you to come to our rescue.' I hope this Council will not budge an inch from the resolution they then arrived at. I hope that this Council will heartily endorse the view that village officials whether in proprietary estates or in the ryotwari areas must receive one and the same treatment. I hope the Council will express its strong determination to the Government of India and say, whatever may be their difficulties, if they will not fulfil their promises and pledges, they must relieve them from this responsibility altogether. I hope that the village officers will not be asked to wait on the ground that the finances are not good because it will make matters worse and would create discontent among village officers. I therefore request this Government and this House to consider the situation and send up a protest, if necessary, by a deputation to the Government of India to release our liability at least so far as the improvement of the pay of the village officers is concerned as it is impossible to raise any more tax from land. The Government of India must release at least that portion of the contribution. If we have given our assent to the introduction of the amendment to the Court-Fees Act or the Stamp Act, it must necessarily be understood as a condition that the Government of India takes up a reasonable attitude with regard to this. If we should find that the Government of India is not prepared to do so, we shall have no other course but to reject these two Bills also. With these few words I press that this motion be thrown out."

[17th February 1922]

Sriman BISWANATH DAS Mahasayo :—" Sir, I think this session is a most unfortunate one to have witnessed four taxation Bills touching especially the pockets of the poor. Sir, we have just given assent to the Stamp Act Amendment Bill and the Court-Fees Act Amendment Bill. These mostly touch the pockets of the poor and especially the ryot population who are the poorest of the poor in this country. These ryots generally mortgage their property to the sowcar or the village money-lender and are mostly concerned in the purchase of stamps. Hence they are the people who are mostly concerned in small civil suits. Therefore the two Bills we have just now given our assent to, certainly touch the pockets of the poor. Sir, some ten years back, the late lamented Mr. Gokhale told us that the fertility of the soil was decreasing, and that the condition of the peasant was most unfortunate and as such deserved the sympathy of the general public. Sir, ours seems to be a downward process and violates the principle of taxation. Instead of taxing the rich and the well-to-do, we are going to tax the poor. It is just in the year 1920 that the last Council passed the Elementary Education Act "

The Hon'ble the PRESIDENT :—" I think the honourable member would do well to confine his remarks to the issue before the House, viz., the Bill to amend the Madras Proprietary Estates' Village Service Act, 1894, moved by the Hon'ble the Revenue Member."

Sriman BISWANATH DAS Mahasayo (continuing) :—" I bow to your ruling, Sir. I was just now speaking of the Elementary Education Act."

The Hon'ble the PRESIDENT :—" That is what I am complaining. The Elementary Education Act appears to be irrelevant to the issue before the House."

Sriman BISWANATH DAS Mahasayo (continuing) :—" It is not at all irrelevant, Sir. It imposes a three-pies cess both on proprietary and on ryotwari estates and it has a bearing and I bring it to the notice of the Council."

" The Local Boards Act of 1920 also authorized the local bodies to levy a cess of 3 pies in the rupee for taluk board. Again, the same Act authorized also district boards to levy a cess of 3 pies in the rupee. That is to say, Sir, instead of 1 anna in the rupee the ryots will have to pay As. 1-3, and now, Sir, we are called upon to pay 1 anna more, i.e., a cess As. 2-9 in the rupee."

" Then, my friend, Mr. Muniswami Nayudu, has told us that there should not be any distinction between the tenants of ryotwari tracts and those of the proprietary estates. But I think, Sir, there is a good deal of difference between the tenants of proprietary estates and those of the Government taluks, because the ryots of the Government taluks have to pay Rs. 5 or Rs. 6 as the highest assessment on their lands per acre, whereas the ryots of the zamindari or proprietary estates have to pay Rs. 20 or Rs. 25 per acre. It is, therefore, desirable that the ryots of the zamindari estates need protection. Instead of a loan, they get a piece of stone. The Bill that has been introduced is, I believe, a retrograde step and I have no hesitation in requesting the House to reject it."

Mr. P. SUBBARAYAN :—" Sir, my honourable friend the Raja of Ramnad has already given some reasons as to why the House should oppose the introduction of this Bill. I do not mean to detain the House very long on this matter. There is only one point I wish to mention and that

17th February 1922]

[Mr. P. Subbarayan,]

is this. As Mr. Munuswami Nayudu pointed out, before the Act II of 1894, the proprietors themselves had control over their village officers. The Government ever since the Act of 1894 made the work of collecting the revenues of the zamindari tracts very difficult. Now the proprietors themselves are paying the village officers some extra amount. Now the Government comes in and says that they are going to levy a cess upon these proprietary estates. I am afraid even half of the cess which the proprietor is entitled to collect from the tenants cannot be collected, because the proprietors will lose control over their village officers who are after all the people who have to collect. These village officers think that their services are entirely at the disposal of the Government. I hope the honourable members of this House would realize that if they pass this Bill they will only make the position of the proprietors more difficult.

" Again, Sir, I would like to point out to the honourable members of this House that if the Government want to have the pay of the village officers raised, the best thing for them (Government) to do would be to repeal the Act of 1894 and to leave the proprietors to pay their village officers adequately. Then the proprietors will pay their village officers adequately for the work they do. Instead of leaving that in the hands of the proprietors if this sort of diarchy is to be introduced in the case of the village officers and proprietors, it will create the same trouble as we are finding in the Legislative Council. Of course, it has been said that diarchy has worked in this province well to a certain extent. I, for one, do think that it has not worked well even here and it will be the same thing in the case of village officers and proprietors, if the Government are going to pay them and the proprietors are going to extract work from them. It is not the same thing when the Government pay the village officers as it would be if the proprietors paid them, because the village officers bow more to the person who pays them than to the person who takes work from them, because they really owe no duty to the person who does not pay them. This is the real difficulty."

" The Hon'ble the Revenue Member waxed eloquent on the inadequate pay of the village officers. I might point out to him that this Rs. 4 is not a great thing and that in my own estate I am paying an additional amount to the village officers but the advantage is that the village officers then do their work of collection satisfactorily."

The RAJA of RAMNAD (interrupting) :—" I am afraid, Sir, it will be an offence if the village officers receive anything from the proprietors."

Mr. P. SUBBARAYAN (continuing) :—" Sir, what will be the effect if the sum of Rs. 8 which the Hon'ble the Finance Member wants to pay to the village officers in proprietary estates is given to them? There will again be an agitation on the part of the village officers. They will say: the Government village officers are getting Rs. 15, I am doing the same sort of work as they are doing, whereas I am paid only half of what they are paid. There will have to be then a levy of a higher rate of cess and there will really be no solution. So, I would appeal to the honourable members of this House to reject the measure on the mere ground that the Government is merely trying to shut their eyes to the real situation."

Mr. T. ARUMAINATHA PILLAI :—" Sir, I rise to oppose the introduction of this Bill. The Hon'ble the Revenue Member said that it was necessary to increase the salary of these village officers in the proprietary estates

[Mr. T. Arumainatha Pillai.]

[17th February 1922]

for which the Government of India refused to give any more contribution. This is the effect of the introduction of the reforms. I think it is necessary that the provincial revenue should not be taxed on this score and that each proprietary estate should pay for its village officers. This is exactly the position which I would like the Hon'ble the Revenue Member to take. I would go further and ask him to give entire freedom to these proprietors to employ their own officers and pay them as they like. I do not see any reason why the Government should interfere in the appointment or in the dismissal or in the pay of the officers of the proprietary estates. Some of these proprietary estates maintain large establishments apart from these village officers. The Government do not take any responsibility to pay these other officers. So far as the village officers alone are concerned, the Government seem to be very anxious to pay them. The reason is that these village officers are doing more the work of the Government officers than that of the proprietors of these estates themselves. Moreover, I must insist upon this question, viz., since the introduction of the reforms we have been paying to the Government of India a sum of Rs. 3½ crores as our contribution to them. Time after time in this Council and also in the previous Council we have passed resolutions stating that it is impossible for this Presidency to pay any such large amount, and to-day, Sir, in spite of the opposition from members like myself to enhance the court-fees and stamp duties, these Bills have been referred to the Select Committee. That is the last point to which the revenues of this Presidency could be stretched. If you are going to be taxing always and introducing new taxation Bills session after session, then what is the use of all the recommendations we have been making to the Government of India to reduce the financial settlement of 3½ crores? I would submit, Sir, that the Government of India must be positively told by this Local Government that it is impossible hereafter to tax the people and that if this Government is compelled to tax the people further it will only make this Presidency a discontented one and that whether there are at present non-co-operators or not, it will only tend to make all the people non-co-operators. Sir, I think, that this Local Government is in duty bound to tell the Imperial Government that it is impossible to tax the people any more, that they must give us the original contribution or give up a large portion of the financial contribution which we are making them. Unless this Government is going to take any such step, Sir, I do not believe there is any use in introducing Bills of this sort.

“So far as this financial settlement is concerned, we have been seeing that Bengal as a result of agitation has got remission. The members of the Legislative Assembly from Madras have not been able to get it; their resolution was overruled. In spite of our being taxed like this, why should we be asked to pay this contribution of over 3½ crores? I do not say it is the fault of the members of the present Government, but it is the fault of the parsimonious system which this Madras Government has been following in the past. The Government have been taxing the people to their highest limit, and after getting such revenue from the land they have been sending a large portion thereof to the Imperial Government. They have not been expending all they have got upon increasing the productive sources of this Presidency, and for the sin of that parsimoniousness, Sir, this Presidency is now paying,

[17th February 1922] [Mr. T. Arumainatha Pillai]

and we must be able to tell the Government of India again that it is not possible to do anything further in this Presidency under the present circumstances.

“Coming to the present question, that of proprietary estates' village service cess, the Government are going to ask these proprietors to pay ten pies in the rupee by the re-enforcement of section 18 or 19 of Act II of 1894. I would submit that it is not right. I do not know why my friends, the Raja of Ramnad and Mr. Subbarayan, did not turn round on the Government and say ‘By all means, leave us alone. We will manage our affairs.’ This question ought to have come from them. I submit, Sir, that at this stage if the Government is going to levy this cess, it would be the most unwise thing that any Government could do. I do not want to say anything further upon this point because a similar Bill is coming in which will affect the ryotwari landholders also, and I have got something to say on that matter. Therefore, Sir, I oppose the introduction of this Bill.”

MR. S. T. SHANMUKHAM PILLAI:—“Sir, I think there is little or no justification in introducing this Bill. It had once been introduced and the cess was unjustly imposed, but the Government of India seeing through the impropriety or rather the inequity of the tax, very generously abolished it. The history of proprietary estates' village service is quite different from the ryotwari village service. From the very day of the constitution of the zamindaris, as permanently-settled estates, these karnams and monigars according to the terms of the regulations were, as it were, their own servants. They were employed by the zamindars and they rendered all possible service to the zamindars in work connected with the settlement demand and collection of revenue. As for their remuneration, land constituted their emolument. There were two classes of inams which they were enjoying. In most cases they were actually enjoying lands, and in other cases the lands formed part of the zamindaris and were non-localizable, and the zamindars were giving them ready-money inams. So long as this system continued, the village establishments were rendering proper and useful service to the zamindars. But the Government subsequently interfered and enfranchised these service inams subject to the payment of quit-rent, and a Village Service Fund was constituted for the payment of village officers. Then the Proprietary Estates' Village Service Act was passed and after that the village officers have been in the pay of the Government. So long as the Government were their paymasters, they never cared for the service under the zamindars at all. They were not amenable to the control of the zamindars, and various difficulties and inconveniences have been experienced in the management of estates. I was for a very long time the Diwan of a very important estate. I may quote one typical instance within my experience. A certain headman in charge of collection work was suspected to have embezzled collection money and I called upon him to submit his explanation. He never cared to give his explanation. I sent notice after notice, but he did not turn up. The only course left for me was to take the collection work off his hands and I did so. He then complained to the Divisional Officer that he had been unnecessarily and unauthorizedly suspended by me. When the Divisional Officer questioned me on the point, I explained to him the reason of my having taken off his hands the estate collection work without interfering with his post as headman or his pay and added that unless

2410 A BILL TO AMEND THE MADRAS PROPRIETARY ESTATES' VILLAGE
SERVICE ACT, 1894

[Mr. S. T. Shanmukham Pillai] [17th February 1922]

he would undertake the responsibility for the headman's punctual collection and remittance of the estate dues on which depends the punctual payment of *peishcush* due to the Government, I could not restore the collection to him. Thereupon the Divisional Officer replied to say that he would not interfere and that I might make my own arrangements for collection. There were many such instances. We have appointed our own collection agents in all such cases. Now, if the old system of land emoluments was restored, these village officers would not care for any increase of pay or, for the matter of that, any money payment at all. But I do not think that there is any possibility of doing so. When once the Government began to pay them from their own treasury, the village officers also began not to care to attend to the zamindar's work. Now the zamindars have no hold on the village officers. The zamindar cannot even grant him leave; he cannot even suspend him; he cannot punish him in any way. Certain zamindars are empowered to fine the village officers to the extent of Rs. 3, but the zamindar cannot do it without taking the delinquent village officer's explanation and recording his reasons for the imposition of the fine. If the village officer does not turn up with his explanation, the Divisional Officer or the Tahsildar must issue summons to the village officer to appear before the zamindar, or else he cannot exercise his authority. I think it would be better for the administration of the estate and would better promote the interests of the people and the village establishments if they are restored to their original position and placed under the unfettered control of the zamindars. Otherwise the zamindars may be asked to have their own establishments and have nothing to do with the present men. The Government say that the village officers are very poor and that they have to increase their pay. If they have so much sympathy with their hard lot, they can very well pay from the provincial revenues without any resort to this Bill at all. So long as they were enjoying the inam lands and rendering service to the zamindars, the Government had very little or no trouble whatever. The zamindars were responsible to the Government for the supply of any information or statistics that they wanted. For these reasons, I oppose the motion."

Mr. O. TANIKACHALA CHETTIYAR:—"Mr. President, Sir, I rise to oppose the introduction of the Bill not on a consideration of its merits as to whether the village officers deserve any increase or not in their pay or whether they should be under the control of the proprietor or under the control of the Government. I put it on other grounds, Sir. I put it on the implication contained in the presentation of a third Bill in the course of the day for raising more taxes. Madras has been treated as if it were a beast of burden which can bear any amount of burden. The Government of India take away from us nearly 3½ crores, and but for that payment we would not be on the verge of bankruptcy about which the Finance Member speaks so much. If instead of asking us to bear more burdens than we can bear, he could secure modification of the award delivered by that Daniel who was sent out to our country to decide as between the claims and the liabilities of the various provinces in India, it would be far more satisfactory. Instead of appealing to members of this House representing the various rate-payers and tax-payers of this country, we shall have done a good service to our people if we could get the contribution to the Imperial Government reduced. Sir, we have gone out

A BILL TO AMEND THE MADRAS PROPRIETARY ESTATES' VILLAGE
SERVICE ACT, 1894

17th February 1922] [Mr. O. Tanikachala Chettiyar]

of our way in allowing the court-fees and stamp duties in our province to be raised, while other provinces have not submitted themselves to that operation. I believe even beasts of burden will have their patience exhausted when you go beyond certain limits. Sir, the deficit is said to be 144 lakhs, and it is clear that this sum is only 40 per cent of the amount (348 lakhs) which is being taken away from us by the Imperial Government. This sum of 348 lakhs which we are paying as contribution represents 35 per cent of the total contribution which ten of the provinces put together pay to the Central Government. Why should we not agitate that we should only be made liable proportionately and not inequitably and unjustly subjected to the contribution? If so, we shall have done good work. We have been given reforms. Yes. But with the first year of the working of the reforms we are said to be on the verge of bankruptcy, so that it is a very doubtful blessing that we have had. We have had reforms and we have additional taxation staring us in the face. Under these circumstances, it is better to go and examine whether the system that we are following is the right system. Sir, I have had the advantage of sitting in the Finance Committee day after day considering the various proposals for retrenchment and attempts to make some reductions. After all without being able to effect radical changes for which the sanction of the Secretary of State or the Government of India is required, we could only effect retrenchment to the extent of about 42 lakhs of rupees, with the result that while we are speaking of having reformed councils, transferred subjects and ministers, I ask what are the ministers to do when they have no necessary funds? They must have adequate grants for improving sanitation, for extending medical relief or to develop industries. We have many schemes for developments in various directions, but we have no funds.

5-30 p.m. "So, therefore, instead of asking this House to give or lend its aid for further taxation of the people who are already cowed down by taxation it is better we ask the Government of India: Why have you not listened to our reasonable request for an equitable arrangement? We ask for our rights and no favour. I believe in the doctrine 'knock and it shall be opened; ask and it shall be given.' I do ask the House to reject the Bill, not on its merits, but as a protest against the way in which we are being treated. Is it because we happen to be far away from Delhi that our voice is not heard? Our cry is like a cry in the wilderness. We must therefore become more vociferous, if necessary, and make them realize the reasonableness and equitableness of our demands. We must not cease till our wrongs are redressed. We are, as it were, being robbed of the one-fifth of our revenues and so much thereof shall be restored to us at least as will keep us above bankruptcy."

The House adjourned at 5-32 p.m. to meet again at 11 a.m. on Saturday the 18th February 1922.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Saturday the 18th February 1922, 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.]

Recruitment of Police Inspectors.

1308 Q.—Rai Sahib E. C. M. MASCARENHAS: Will the Hon'ble the Home Member be pleased to state—

(a) the number of inspectors recruited directly to the Police Department during 1920-21 and 1921-22;

(b) the number of sub-inspectors promoted permanently to the inspector's grade during the same period;

(c) when a sub-inspector was last promoted to be permanent inspector in the district of South Kanara; and

(d) why no sub-inspector has been promoted permanently since to the grade of inspector in the above district?

A.—(a)	1920-21	..	..	..	..	..	13
	1921-22	..	..	..	..	..	1
(b)	1920-21	..	..	..	..	..	21
	1921-22	..	..	..	..	..	13
(c)	In August 1919.						
(d)	There has been no subsequent vacancy.						

Indian Christian police inspectors in South Kanara.

1309 Q.—Rai Sahib E. C. M. MASCARENHAS: Will the Hon'ble the Home Member be pleased to state—

(a) what the number of police inspectors in the district of South Kanara is; and

(b) whether there is an Indian Christian police inspector in it?

A.—(a) 8 (eight).

(b) The answer is in the negative.

Municipal Election at Bexwada.

1309-A Q.—Diwan Bahadur M. RAMACHANDRA RAO PANTULU: Will the Hon'ble the Minister for Local Self-Government be pleased to state

[Mr. M. Ramachandra Rao Pantulu] [18th February 1922]

whether his attention has been drawn to the great dissatisfaction that exists at Bezwada at the delay that has taken place in holding the municipal elections under the District Municipalities Act, 1920, and to state whether he proposes to direct that the elections should take place before the end of March as resolved upon by the Council?

A.—I understand that some of the people of Bezwada are dissatisfied with the delay that has taken place in holding the municipal elections under the District Municipalities Act, 1920. The elections were postponed in the first instance in order to enable the existing Council to see the recent Kistna Pushkaram through, as a break in the constitution of the Council, while the arrangements were in hand, would have seriously handicapped the administration during the critical period of this important festival.

A further postponement was granted to enable the existing administration to collect the arrears of taxes, which amounted to nearly half a lakh of rupees on the 31st December 1921. The Council had only a small sum of Rs. 9,000 in hand on that date and unless the heavy arrears be collected, the Council would be unable to meet expenditure on its establishment and other recurring charges. The property-tax registers have to be revised before the 31st March 1922 in accordance with rule 8 of schedule IV of the Madras District Municipalities Act, 1920. This has been undertaken by the chairman with the help of four councillors. The holding of elections just at this juncture will interfere with the collection of taxes and the revision of tax registers as in the first place the chairman and his executive will be busy in connexion with the election and cannot devote sufficient attention to these matters and secondly the councillors will be more inclined to canvass votes for their election than assist the chairman in the revision of tax registers. In these circumstances the Government have fixed the 15th May 1922 as the ultimate date before which the elections should be held. The municipal council passed a resolution on the 14th instant recommending to Government that elections be held before the 18th March 1922. The ultimate date is the 15th of May 1922. It is open to the chairman to hold the elections earlier. If the major portion of the arrears of taxes be paid up before the end of March, the chairman will be directed to hold the elections early in April.

Sub-Magistrates of South Arcot dealing with first offenders.

1310 Q.—Mr. R. SRINIVASA AYYANGAR: Will the Hon'ble the Home Member be pleased to state—

(a) the number of sub-magistrates in South Arcot exercising jurisdiction to deal with first offenders under section 562 of the Code of Criminal Procedure; and

(b) the total number of cases and persons dealt with by the sub-magistrates in the said district under the said section in 1919, 1920 and 1921?

A.—The information is not immediately available but will be called for

18th February 1922]

Forests in the Trichinopoly district.

1311 Q.—Mr. T. C. TANGAVELU PILLAI: Will the Hon'ble the Home Member be pleased to state how many acres of forests in each taluk of the Trichinopoly district have been disafforested?

A.—The areas disafforested in the Trichinopoly district during the last nine years are as follows:—

Year.	Taluk.	Area in acres.
		Nil.
1913-16	Trichinopoly	2,542.67
1917	Karur	192.57
1918	Kulittalai	43.41
1919		Nil.
1920	Trichinopoly	1,267.68
1921	Kulittalai	125.88

Complaints from the hackney carriage and cart drivers at Trichinopoly.

1312 Q.—Mr. T. C. TANGAVELU PILLAI: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the hackney carriage and cart drivers presented complaints to the Collector of Trichinopoly that the motor busses running to Perambalur, Turaiyur and Lalgudi, instead of stopping at the Tiruvanaikaval stand, run into the town and thus interfere with their business and cause great loss and damage; and

(b) if so, what steps were taken?

A.—The Government have no information.

The Owk reserve in the Kurnool district.

1313 Q.—Rao Bahadur C. VENKATA RANGA REDDI: Will the Hon'ble the Home Member be pleased to state—

(1) the class under which the Owk reserve in the Kurnool district is classified;

(2) the area of the said reserve;

(3) the kind of trees that grow in that reserve;

(4) the annual income from those trees;

(5) whether there are any fuel trees in that reserve;

(6) if so, the income derived from those fuel trees during the last five years;

(7) the annual income from grazing fees in that reserve;

(8) the income derived from fines and compounding fees in the years 1919-20 and 1920-21;

(9) whether there has been any fuel depot at Owk; and

(10) if so, the income from the fuel depot during 1919-20 and 1920-21?

A.—(1) & (2) The area of the Owk reserve is 31,853 acres. Of this, 16,000 acres have been placed in class II and the rest in class IV.

(3) to (10) The Government have not the information desired.

[18th February 1922]

The Siddapur settlement.

1314 Q.—Rao Bahadur C. VENKATA RANGA REDDI: Will the Hon'ble the Law Member be pleased to state—

- (1) when the Siddapur settlement was first started;
- (2) how many families have been settled in the settlement;
- (3) the annual expenditure from the time it was started till now;
- (4) whether the expenditure has increased in 1919-20 and 1920-21, and, if so, why it has so increased; and
- (5) whether the accounts have been audited at any time from the time the settlement was started?

A.—(1) The Siddapuram settlement started as a voluntary settlement in 1913.

(2) The strength of the settlement on 1st April 1921 was 62 men, 65 women and 71 children.

(3) The exact annual expenditure on the settlement since it was started is not easily ascertainable. The following statement is however compiled from the civil budget estimates:—

Year.	Expenditure.
	Rs.
1914-15	378
1915-16	722
1916-17	869
1917-18	686
1918-19	8,249
1919-20	10,402
1920-21	6,493

Figures for 1913-14 are not separately given in the civil budget estimates.

(4) The increase in expenditure since 1918-19 is due to the fact that work on the Siddapuram tank project which was available for the Donga Woddars ceased in 1918 and it was found necessary to settle the gang on the land as agriculturists and expand the weaving industry at the settlement. An Inspector of Police was also deputed to be in charge of the settlement.

(5) The District Magistrate, Kurnool, has recently reported that the accounts of the settlement have not been audited from 1917 and has asked for a special auditor for the purpose. The matter is engaging attention.

II

A BILL TO AMEND THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE ACT, 1894—cont.

The further consideration of the Bill to amend the Madras Proprietary Estates' Village Service Act, 1894, was resumed.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, the Hon'ble the Finance Member, in justifying the procedure of introducing taxation bills before the budget has been presented has given some reasons for the course which he has chosen to adopt. I shall reserve my remarks to the proper time when he will come forward in this Council to present the budget. He has made one

18th February 1922] . [Mr. M. Ramachandra Rao Pantulu]

remark, Sir, and that is about the present constitutional arrangement which is generally known as the diarchic system. Whatever may be the defects of the system in regard to which there can be no two opinions, I must bring to his notice that this question of a diarchic executive and its relation to taxation bills was fully considered by the Joint Select Committee. One point which was very much discussed was whether these taxation bills should be introduced by each half of the executive on their own responsibility and whether each part of the Government should raise their own revenues. I may say that after a very careful consideration, the Joint Select Committee abandoned this idea of a divided purse in regard to taxation measures. They took care especially to state that measures of taxation should be considered by both parts of the Government in concert with each other and that they should be so put forward for approval before this House. I do not think the honourable member will ask me for a citation. But I am perfectly certain, if he looks into the report, he will find that the responsibility for taxation measures is cast on the unified executive such as it exists happily at present in this presidency. Therefore my honourable friend cannot at all say that if a taxation measure is defeated, he and his colleagues of the Executive Council are perfectly safe and therefore they need not recede. Whatever may be the state of things, it is quite clear that this particular measure has been put forward with an amount of irresponsibility for which both the Hon'ble the Revenue Member and the Finance Member cannot but be blamed in this House. I have only to refer to the past history of these cesses. I may, at the outset, say, Sir, that these cesses are a relic of 18th century finance. I expected that the Hon'ble the Finance Member would give us some outcome of modern finance, but in an emergency he has fallen back on methods which were condemned by the Government of India so long ago as 1905. I may perhaps refer honourable members to the financial statement of 1905 when the whole question of the continuance of these cesses came up for the consideration of the Government of India. It had been felt for a long time that these cesses were indefensible and therefore in the year 1905 the Government of India came to the conclusion that they should be abolished, and in announcing their decision the Hon'ble the then Finance Member, Sir Edward Baker, said as follows:—

'After considering various alternatives, to which I need not further allude, we have come to the conclusion that on the present occasion it is the agricultural tax-payer who has the first claim to relief. We made a small beginning in this direction last year, by abolishing the famine cesses in Northern India and the Central Provinces. We now propose' (this was of course in the year 1906) 'to take a long step further by abolishing the cesses which are levied under various names such as the patwari cess, the village service cess and the like, in Madras, the Central Provinces, the United Provinces, the Punjab and the North-West Frontier Province and to a trifling amount also in Ajmere and Coorg. The village establishments and land records which these cesses go to maintain are, in the present circumstances, an important direct Government interest, and this has been recognized by the fact that in Madras only one-half of their cost has been debarred from the village service cess, the remainder being borne by Government.' (That was under the Act which was in force, namely, the Act of 1893.) 'Similarly in the United Provinces an annual contribution of ten lakhs has been made from provincial revenues towards the patwari fund, and a similar practice has prevailed in the Central Provinces. In Bombay we have gone still further, for in that province no village service cess at all is levied, and the village establishments are wholly remunerated by service lands which means that their entire cost devolves upon the State. The cesses are administered by Government, and not by any local authority; and now propose to abolish them altogether subject to the minor exceptions mentioned below, and to arrange that the provincial governments shall take over the entire liability for maintaining the establishments, receiving compensation from Imperial revenues for the additional charges thus thrown upon them.'

[Mr. M. Ramachandra Rao Pantulu] . [18th February 1922]

"Sir, from this quotation two facts are quite clear, namely, that the Government of India have accepted responsibility for the maintenance of the village establishments from provincial revenues and they proceeded to compensate them under the then scheme for the losses which they would otherwise have sustained by the abolition of this cess. And this adjustment was incorporated in the subsequent financial statements till the reform scheme came into force. Therefore, honourable members will see that village establishments are a charge on the provincial revenues and this fact has been recognized and admitted and acted upon from the year 1905. Then came the agitation for the abolition of the similar cess in proprietary estates, which was also agreed to in 1906, and that cess was abolished in 1912 at the instance of the then Member of the Imperial Government, who represented the zamindars. Looking at the whole history of this cess, two facts are clear: the responsibility for village establishments is a provincial charge and it should not be met by any local cess. There is another reason why it should not be so met. If honourable members will look at the brochure entitled 'The Land Revenue Policy' which was issued by Lord Curzon's Government, they will notice that this cess was not set apart for the purposes of local administration, but they recognized quite clearly that no taxation by way of the cess should be imposed except for purposes directly benefiting the lands, as for the purpose of roads, sanitation and such other things. That is another circumstance which the Hon'ble the Revenue Member seems to have entirely forgotten. Of course he was in the Executive Council, or in the Legislative Council, when these bills in regard to the District Municipalities and the Local Boards were passed and the discussions on these bills are within the recollection of those honourable members who were then in the Council. It was quite clear at that time that this question of increasing the local cess was very carefully considered and it was even conceded that local cesses are practically the property of local bodies. What would be the effect if these two bills were passed? In the first instance, the local boards may, under the Local Boards Act, impose a cess of 1 anna 3 pies for special purposes. Then we have the Education Act under which a cess can be imposed and there is the Village Panchayat Act which contains a similar provision for a cess; and now the honourable member wants to re-introduce, as I said, this cess which was deliberately abandoned in 1905 for reasons stated by the then Finance Member. Sir, it has been stated that the Government of India then had a lot of money at its disposal and that, therefore, they abolished these cesses. But I venture to differ from my friend the Hon'ble the Finance Member. I was expecting from him a brilliant exposition of the modern system of finance. He has, as I already said, really gone back to eighteenth century methods of recovering the equivalent of small perquisites given by villagers to village establishments.

"There is one other matter. What is the justification that any portion of provincial establishments should be paid for by a special cess? As well might a bill be brought levying a cess for the payment of revenue inspectors. Then I suppose he would levy a cess for increasing the pay of the Indian Civil Service. It seems to me that this administration of district funds is an absolutely antiquated method and I am really surprised to see both my honourable friends opposite wishing to re-introduce it. I know they have been driven to desperate straits, but they cannot abandon in toto the

18th February 1922] [Mr. M. Ramachandra Rao Pantulu]

principles of taxation and administration which both they and the Government of India have upheld all these 25 years. I am in entire sympathy with the Government in regard to their desperate position and I am perfectly certain that every member of this House will only be too ready to join them in any effective steps to bring pressure to bear upon the Government of India. My friend Mr. Tanikachala Chettiyar stated that he was not attacking this Bill on its merits, but that he would oppose it merely as a protest against the unequal treatment meted out to us by the Government of India. I do not quite agree with him there, for, the Government of India might turn round and say: 'When there is a way out of the difficulty, you do not take advantage of it.' So from every aspect of the question, I am bound to oppose this measure. I hope that both the honourable members will take effective steps, after this is defeated—as I very much hope it will be—by approaching the Government of India and knocking at their doors as incessantly and loudly as possible and making them feel the financial strain to which we have been subjected."

Rao Bahadur K. GOPALAKRISHNAYYA :—"I rise to oppose this motion not on the ground of lack of interest for the village officers. I strongly support the reasons advanced by the Hon'ble the Revenue Member for the increase of pay to the village officers and we, as members of this Council, do not object to the reasonable demands of the village officers. But we do not want to ignore the interests of the landed proprietors or their tenants. Various reasons have been given and technical objections also have been raised objecting to the introduction of this Bill as a taxation measure. Apart from such reasons, I should like to raise some more objections with regard to the inappropriateness for the introduction of this Bill. I should first like to ask the Government whether they approach this Council with clean hands. I should like to ask again whether they have rendered proper accounts for the moneys that have been entrusted to them. Since last year objections have been raised as to the methods of certain heads of expenditure and as to possibilities of retrenchment under certain heads. Unless, Sir, there is some satisfactory explanation which would convince the public, the rate-payers, certainly this House cannot subscribe to this Bill. Of course it may be well and good, Sir, to say that because it benefits the village officers, the House should vote for the motion. I may at once state, Sir, that even the village officers are not so mean as to receive these additional emoluments if they are to be collected from their unwilling neighbours. If the Government want, many of the village officers are even ready to send up memorials not to tax the people with this additional burden for paying them. There may be some difficulty for the Government to meet this additional expenditure. If they want to avoid Scylla, they cannot get beyond Charybdis. If the Government are really so very liberal and charitable in their disposition, they can find other means. There is a proverb in Telugu నా చేతిలోనిది నాదే. It means: 'Look at my charity and magnanimity of mind when dealing with other's money.' Several suggestions have been given by some honourable friends in this Council that salt tax may be increased and some other tax may be levied. Sir, if really the Government are very earnest in meeting demands by additional taxation, may I not ask the Government to impose an additional duty on all the highly salaried officers? The Hon'ble the Finance Member was complaining

[Mr. K. Gopalakrishnayya] [18th February 1922]

that the honourable member Mr. Ramalingam Chettiyar was not prepared to part with his secret with regard to this question. Here I come forward with my secret by asking the Government to levy a duty, say, of 10 per cent or 5 per cent on the salaries of highly-paid officers whose salaries have recently been raised."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I work out for the honourable gentleman the scheme: 10 per cent of 150 lakhs is only 15 lakhs and our deficit is 144 lakhs."

Rao Bahadur K. GOPALAKRISHNAYYA (*continuing*):—"It is too early to go into figures, but I would throw out this suggestion to be worked out. The only method appears to be to approach the Government of India with the full support of this Government. Surely then the Government of India will liberate our contribution. Perhaps the Government of India might adopt other methods of making this up, by reducing expenditure on military side of their budget and by such other means. We have to point out our own standpoint that we are unable to bear any other taxation. If we lend our support to this Bill, certainly we will be adding the last straw to break the camel's back."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"In the first place we must congratulate the village officers on their having secured in the Hon'ble the Revenue Member a strong advocate of their claims and I hope he may continue to be their advocate always, as he has now proved himself to be. I do not really know, however, whether they will really thank him for having introduced this Bill. The method by which it is proposed to effect an increase of their salaries is one which this Council cannot accept under the present circumstances. The fact that this Council is not in a position to assent to this measure can in no circumstance be regarded as any evidence of the refusal of this Council to give increased salaries to these village officers. Confining ourselves to the present Bill, it is clear that the present attempt to re-introduce the Village Service Act, which was abolished after careful consideration in 1914, is fraught with very dangerous consequences. It will introduce a bad precedent in effecting an increase of salaries."

"It was pointed out yesterday that the contribution which was being made by the Government of India to make up for the loss incurred on this account ceased to exist after the inauguration of the Reforms. Will the Hon'ble the Revenue Member be in a position to tell us whether this was not one of the circumstances taken into consideration when the financial arrangement was made at the time of the grant of the Reforms? It must be taken for granted that these adjustments which were started in 1914 and which have ceased to be shown as such adjustments when the Reforms were introduced, must have been taken into account when the arrangements were made between the Government of India and this Government regarding the finances of this province. Therefore, Sir, there is no force at all in the argument put forward on behalf of the Hon'ble the Revenue Member that we were getting some adjustments some time ago, but that we are not getting those adjustments now. That argument may be altogether ignored. I also agree with some of the previous speakers that it is our bounden duty to convey to the Government of India that we are not in so a happy position as to allow any further increase of land-tax in this country. On a

18th February 1922] [Mr. A. S. Krishna Rao Pantulu]

occasion we unanimously passed a resolution suggesting that we should approach the Government of India and request them to waive their claims in the matter of the Imperial contribution. We do not know what success attended our efforts in that direction. Whether we have received any assurance from the Government of India or not, it is our duty to make it quite clear that it is impossible to allow any further increase of tax and that we have been placed in this unfortunate predicament owing to the unfair financial adjustment between the Government of India and the Local Governments. Having stated that, I wish to proceed further and express my disagreement with Mr. Tanikachala Chettiyar who said that though he would oppose it on that ground, he would not oppose the Bill on its merits. I say, Sir, that it is very objectionable on the merits also. The imposition of a land-cess must be made under exceptional circumstances. It has also been admitted that land is already overtaxed, we must also declare to the Government of India that if there must be any cess on land at all, it must be for local purposes like those which the local bodies have undertaken. Already we have imposed an additional cess by the Act of 1920 in local areas by the addition of six pies to the previous local rates. The education cess introduced under the same Act makes another addition to the cess. Can it be supposed that at the time when these Acts were passed and when, notwithstanding the attempt made to increase the cess by one anna, it was thought that it should be reduced to six pies, any one would have thought of the possibility of increasing the cess by any means under the circumstances? Now, the attempt that has been made in the case of the village officers to increase their salaries by increasing the burden upon land is a very unjust and unfair move. Apart from that, if once this principle is accepted, I do not know where we are going to stop. We had an increase of revenue by the financial arrangements made, and most of the increased revenue covering between two and three crores of rupees was taken up by the increase of salaries of officers and allowances and other heads."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I ask whether the honourable member desires to say that the increase of salaries of officers—I do not know if he means only superior officers—has taken away the greater part of those two or three crores?"

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*):—"I am not speaking of that."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"The honourable member, I hope, includes subordinate officers also."

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*):—"Yes. What I wish to point out is if about two crores out of the increased revenue could be spent on the increase of salaries of officers without any thought of any cess being imposed, why in the case of these village officers a cess is considered necessary."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I ask if the honourable member does not include in the amount of increase the sum of Rs. 42 lakhs spent on village officers?"

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*):—"I know it, Sir. I know that a portion of it was spent on account of the increase of salaries of

[Mr. A. S. Krishna Rao Pantulu] [18th February 1922]

certain village officers which is not at all acceptable or satisfactory. But while on this Bill, it will be remembered by the Hon'ble the Finance Member that no increase was made in the case of the village officers in proprietary estates. So far as the village officers in proprietary estates are concerned, they have not got even that small increase which was given to those in ryotwari areas. Even the Salaries Committee—unfortunately I am not in a position to accept their findings—did not think it worth while to make a definite recommendation for the increase of salaries in these proprietary estates. That is, I think, an initial mistake committed in dealing with the question of village officers in proprietary estates, who were also doing Government work. That matter has been clearly brought out by the zamindar representatives of this Council and it was made clear that the zamindars themselves have not as much control over the village establishments as they ought to have. When the Government is known to be still exercising large powers over these village officers also, is it to be said that for the purpose of their salaries their claims could not be considered along with the claims of those in ryotwari areas as an expenditure to be reasonably incurred out of the Provincial revenues? Whatever may be said on this question, there is absolutely no justification for this measure which is objectionable in itself, because, for the purpose of increasing the salaries of village officers, it seeks to increase the burden upon the ryot or tenant, it seeks to increase the burden on the proprietor and it seems to increase the burden on land which is already overtaxed by reintroducing the cess which was abandoned long ago—after mature consideration."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, the prominent fact which has been brought out in the discussion of this Bill points to the conclusion that while honourable members of this House were swayed by an unbounded interest on behalf of the village officers employed in the proprietary estates in the matter of the increase of their salaries, they are now opposed to any measure which Government will put forward whereby the ways and means for securing that object would be achieved. I believe honourable members realize that in the present state of the financial depression of the province they do not in the least expect to add another sum of 16 lakhs to the already existing deficit of 144 lakhs. They are therefore aware of the fact that if no additional source could be tapped for the purpose of being earmarked to meet the clamour, a legitimate clamour, of the village officials employed in the proprietary estates, they must assume that these officials will have to go without any increase whatsoever. No constructive criticisms of any sort have been advanced so far as to how, if the House and the Government are jointly interested in the advancement of the interests of these village officials, it is otherwise possible to provide funds. Of course two criticisms of that nature emanated first last evening from my honourable friend Mr. Tanikachala Chettiyar and this morning from my honourable friend Mr. Ramachandra Rao. They urge that hope is not yet dead. They appear to have great faith in the old saying, 'Knock and it shall be opened; ask and it shall be given.' They say: 'Knock at the door of the Government of India and we feel sanguine that it will open broad enough to admit of all our ills being cured.' That is a consummation, Sir, however devoutly to be wished for which lies on the lap of the gods, and I as a humble mortal shall not venture to foretell. Now, Sir, that being the situation, the issue now is plain enough. Shall we or shall we not accept the demand of the village officials?"

18th February 1922] [Mr. Muhammad Habib-ul-lah Sahib.]

Much has been said in regard to the increases that have been allowed to the other officials in this province and the question is asked whether it is our intention in future to bring up separate taxation Bills for raising the salaries of each class of officials; even the revenue inspector was categorically mentioned by my honourable friend Mr. Ramachandra Rao. But, may I point out, Sir, that taxation is largely intended for carrying on administration? In the taxation which is now being levied in this province is included the cost of the establishment. Therefore, taxation serves the purpose not merely of meeting a few extra demands of a general nature but it is as well intended for the purpose of paying the establishment. But, in this case, we wanted to keep it as a separate item of taxation so that the whole of it, as far as possible, may be utilized for the purpose we have in view, namely, the enhancement of the salaries of the village officials. It is not certainly our intention to levy this taxation as an asset to the Provincial revenues. May I also point out that this question of the levy of cess on land to meet the deficits of this province was very carefully considered by the Committee on the Land Revenue Bill to be introduced in this province and they came to the definite conclusion that additional cess, whether of a permanent or of a temporary nature as the case may be, was a justifiable charge on land, provided the excess revenue expected was intended to meet the demands of the province?"

The RAJA OF RAMNAD (*interrupting*):—"May I ask the Hon'ble the Revenue Member whether that committee came to the conclusion to include the proprietary estates also which are paying a fixed peishkash according to the terms of the permanent settlement, with a view to meet the deficit in the finances of the Madras Government?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*continuing*):—"I am glad, Sir, that that question has been definitely asked, for it now gives me the opportunity of discussing the justification for levying a cess on permanently-settled estates as well, while the levy of a similar cess on ryotwari lands only has been recommended. While in the case of ryotwari lands we are aware the taxes are raised periodically at every resettlement if increases are found necessary, but in the case of the permanent settlement the holders of proprietary estates are for all time exempt from any periodical revision. While therefore the tenant in a ryotwari tract is asked to shoulder the burden of additional taxation for the purpose of carrying on the administration of the country, I see no reason why the proprietors of lands whose taxation has been fixed should not likewise be asked to share the burden. However, that was not the issue which was immediately for the consideration of the committee; they were merely dealing with the question of land revenue in ryotwari tracts."

"Well, Sir, a few observations relating to the attitude of the Government of India in the year 1906 as shown by that document from which my honourable friend Mr. Ramachandra Rao has already read extracts have been considerably relied upon. The extracts which my honourable friend has read so far related only to the ryotwari villages."

The RAJA OF RAMNAD (*interrupting*):—"May I just say, Sir, that the then Hon'ble the Finance Member of the Government of India made a statement that the enfranchisement of the inams of the Presidency was not

[The Raja of Ramnad] [18th February 1922]

completed and there was therefore some practical difficulty in dropping the levy on the proprietary estates? The Government's intention may be seen from their subsequent conduct when in the next few years this was also dropped."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, as my name was referred to, I wish to bring to the notice of the Hon'ble the Revenue Member the following words about the zamindari cess."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"May I ask whether the honourable member is reading from a published document?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*):—"It is the Indian Financial Statement for the year 1905-06 published and made available in the Secretariat library. We have very few unpublished documents, Sir."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"I do not pretend to carry them all in my head, Sir."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*):—"The statement reads thus:

"The exceptions referred to above are (1) the cess levied in Madras on "proprietary," i.e., permanently settled estates, under Madras Act II of 1894, and (2) the village officers' cess in Sind. The latter is not really a separate cess at all, but is merely a portion of the land revenue assessment, which is earmarked for the payment of the village officials. The former is a real cess supplemental to the land revenue, and we should have been prepared to abolish it, but for certain practical difficulties that have arisen by reason of the establishment employed in the "proprietary" of Madras being in a transitional state."

"These difficulties disappeared in 1912 and the cess was abolished."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"As I had almost got by heart the Financial Statement which was presented before the Imperial Council and from which extracts were read, I was quite sure that at the word at which my honourable friend stopped his quotation, he had only completed paragraph 41 which wholly relates to the ryotwari. It is in the subsequent paragraph that a faint reference is made to the proprietary estates, but no definite conclusion arrived at. I merely wish to point out that the extract which my honourable friend read does not carry him very far in his contention."

"With due deference to the expression of opinion of the then Finance Member of the Government of India—I know it is not competent for me to criticize the policy of the Government of India—I will merely say that the sentiment expressed therein might very well be regarded as the expression of a pious hope but surely not as practical politics. The Government of India were at that time, I repeat, dealing with large surpluses and with the financial responsibility of the whole of India centred in them, with absolute powers of financial control over all provinces and with absolute freedom to dictate to each province what it shall do and what it shall not do in the matter of financial adjustments, they were justifiably in a position to tell this province 'We want to give exemption to particular classes of people from particular taxation, but remember, we do not thereby intend to involve you in any financial embarrassment but we come to your rescue and here is a cheque for the loss so caused, cash it and be satisfied.' Therefore,

18th February 1922] [Mr. Muhammad Habib-ul-lah Sahib.]

this province had no reason whatsoever to urge on the Government of India the ethics of their policy but loyally accepted it, for, this Government were certainly glad that their own people got exemption from part of their taxation and the money to make it up came from the Government of India who after all collected their revenue from the whole of India. Do these conditions continue to-day?

"Then, Sir, something has been said by the honourable member from Nellore that in the financial arrangement which should have taken place before the Reforms, this item of revenue ought to have been taken into account and an equal contribution ought to have been permitted to the Government of Madras. All that I am able to tell my friend by way of reply is that there is no trace whatsoever in any of the figures which we have carefully looked through that this item was taken into account."

Rao Bahadur A. S. KRISHNA RAO PANTULU (*interrupting*):—"May I know, Sir, whether there is any trace that it was not taken into account?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*continuing*):—"I am afraid, Sir, I cannot prove a negative. Even assuming for the sake of argument that this item was taken into account, may I not at once point out that it does not any longer bind us as we are now free to raise such revenues as we consider necessary for our administration? We expect no contribution from the Government of India for the carrying on of our administration. On the other hand, we have to give them large contributions. Now we feel that there is a need and a necessity for the levy of a particular cess and we certainly ought to be left free to levy it ourselves and the fact that the Government of India have accorded their sanction to the introduction of these two Bills takes away the bottom from out of this objection. The only item which I am able to lay my hands upon as having entered into the arrangement regarding the financial settlement with the Government of India is that relating to famine. They made us a contribution of 6½ lakhs to be taken advantage of in the adjustment of the figures. But what do we find? We find that as against 6½ lakhs for which we have taken credit as obligatory expenditure, we are called upon to spend no less than 17 to 20 lakhs a year. During the current year, the expenditure is going to be double that sum. In these conditions, Sir, could I or could this House be justified in saying that inasmuch as credit was given for 6½ lakhs, the excess must come from the Government of India. If the House can secure me that promise from the Government of India, I shall send this cheque also to them and have it cashed. That, however, is not to be the case inasmuch as we are to run our own show and whatever funds we consider necessary we must raise them ourselves. All these extracts, therefore, do not at all matter much, the conditions having absolutely altered since."

"Then, Sir, something was attempted to be made out as though we were trying to deprive the local bodies of the opportunity of raising similar cesses within their own jurisdiction and utilizing them for local purposes. Sir, may I say that that certainly is not the case? I do not think there is within this House a more sincere advocate of local self-government institutions than my humble self. For, I think, I have spent nearly 30 years of my life in taking interest as far as possible in local self-government institutions. Nothing will gladden my heart more than any extra increase that

[Mr. Muhammad Habib-ul-lah Sahib] [18th February 1922]

they might secure to their own revenues. But, Sir, may I add that the local bodies have in no way suffered at the hands of the Local Government so far? At the time when this intention was expressed, I mean in 1906, that these cesses might be reserved for utilization by the local bodies, the total amount of contribution which was being made by the Provincial Governments to the local bodies was no more than 19 and odd lakhs, whereas what do we find now? We find that we are now making a contribution to them of no less than 90 and odd lakhs and presumably it will be necessary to make a little more in the coming year. Where has this extra money come from? Surely not from local cesses. It has come from the provincial revenue. If the local bodies raise their own cesses and relieve the Provincial Government of the burden which they are now facing on behalf of the local bodies, all the extra money would be available to the Government out of which we could pay the village establishments too with a large heart. Would any honourable member here now advise the Government to withdraw the grant from the local bodies and utilize them for purposes similar to those which this Bill has in view? I feel sure that no one will do so. The money therefore has to come somehow. It cannot come from our own revenues, nor from the local bodies. It has therefore to be somehow raised. Instead of putting the burden universally on every tax-payer, it was considered prudent to re-impose on the same individual the burden which until the other day he was bearing and about which there was no complaint whatsoever so long as that burden was in existence. Now if we are told that instead of the 21st century financial policy we are adopting some antiquated and ante-diluvian policies, I must respectfully point out, Sir, that the financial policy of the province has to be moulded according to the necessities of the occasion. Whether we are a nation of shop-keepers or a nation of lawyers or a nation of politicians, each one of us has to face the stern fact that he must carry on the administration according to the needs of the occasion. Here is a need before us and I hope the Council will keep that fact in their minds and help to enable us to examine this question in all aspects in a select committee which, in my next breath, I will be asking you to refer the Bill to.

"There are a few minor matters to which I shall refer cursorily. As for the strong opposition of the Raja of Ramnad, I quite appreciate his position, for, under this proposed legislation, he will have probably to share a fairly decent portion of this burden."

The RAJA OF RAMNAD (*interrupting*):—"I am not concerned, Sir, so much about my own share as on behalf of the holders of the proprietary estates in general, some of whom I represent in this Council."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*continuing*):—"I should have been gladder had he shown a similar self-sacrificing spirit when he claimed back a demand of 22 thousand rupees which had been made on him."

The RAJA OF RAMNAD (*interrupting*):—"But that was an illegal collection according to the courts. I may also mention, Sir, that not being in a position to prove the fact of reduction at the time of permanent settlement I am paying more in addition to the *peshkash* something like Rs. 11,000 per annum."

18th February 1922]

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*continuing*):—"I do not want to question the legality or otherwise of the position. I merely referred to the self-sacrificing spirit. However that may be, Sir, the honourable the Raja wanted to emphasize the fact that in spite of my great advocacy on behalf of the village officials in the proprietary estates, he was not able to discern anything like a feeling of discontent amongst them. On the other hand, he wanted to draw the attention of the House to a certain document which he was holding in his hands at the time and which, if I heard him right, was a representation made from the village officials in the Ramnad zamindari that they did not want more pay. Comment is superfluous. If my own knowledge of the grievances could be taken as an index of the extent of feeling that is prevailing, I may certainly point out, Sir, that wherever I have gone I have received these representations. May I also invite the attention of the honourable the Raja to the big volume of memorials which I hold now in my hands and which I am perfectly willing to show to him if he so likes. And if the office of the Board of Revenue is searched, we will also find a large number of similar representations received from village officers in proprietary estates and which induced the Board to take this question into their serious consideration. And it is on their recommendation that we eventually decided to accept the definite and well-considered proposals put up before us by the Board and this Bill is the immediate result of it."

"There was one question, Sir, by my honourable friend Mr. Muniawami Nayudu as to why we were making any distinction whatsoever

12 noon. between a ryot in proprietary estates and a ryot in the ryotwari areas. I may assure the honourable member that we make no such distinction at all. For, the object of this Bill is not merely to saddle the proprietors with the total cost, but that it gives power to the proprietors to recover the exact half of that cess from the tenant, and in the case of the ryotwari areas the Government pay half and the ryot pays half. Therefore the Government and the proprietor are to be on the same level, whereas the tenants in both the tracts, whether ryotwari or proprietary, have got similar obligations."

"Well, Sir, I do not think I need worry the Council with more criticisms at this stage, for, in spite of what I have been warned by some honourable members who have spoken, in spite of what I have been told that probably this Bill will be thrown out at this stage, I am still hoping that by my appeal to the Council they will see at any rate the wisdom of examining this question further in the light of any criticism which they may wish to bring to bear when the details of the Bill are scrutinized by a legally constituted committee called the select committee. I personally feel that this is one of the essential measures, particularly in view of the history behind it, particularly in view of the obligation which has always existed on the proprietor and his tenant to pay for the village establishments, particularly in view of the special circumstances which led to the temporary abrogation of that burden and particularly, may I add, in view of the great clamour for increased remuneration, a clamour which according to our present financial position it is not possible to appease. I would still expect that the House would at least do this Bill the courtesy of referring it to a select committee and leave it to that committee to make such recommendations as they may deem expedient in the circumstances."

[18th February 1922]

The RAJA OF RAMNAD:—"May I crave your permission, Sir, just to refer to one statement which the Hon'ble the Revenue Member made now, that no constructive proposal has been put forward except by one or two members of the House? You will permit me, Sir, just to say. . ."

The Hon'ble the PRESIDENT:—"I hardly think it can be done, if it is not a personal explanation, and I think the House will agree with me that we have already had enough of discussion on the Bill."

A poll was then taken on the motion that the Bill to amend the Madras Proprietary Estates' Village Service Act, 1894, be read in Council, with the following result:—

Ayes.

- | | |
|--|--|
| 1. The Hon'ble Sir Lionel Davidson. | 7. Mr. M. E. Couchman. |
| 2. " Sir Charles Todhunter. | 8. " N. Macmichael. |
| 3. " Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur. | 9. " F. J. Richards. |
| 4. " Mr. K. Srinivasa Ayyangar. | 10. " C. W. E. Cotton. |
| 5. " Rao Bahadur A. P. Patro. | 11. " R. Littlehailes. |
| 6. Mr. T. E. Moir. | 12. Rev. W. Weston. |
| | 13. Rao Bahadur T. Namburumal Chettiyar. |

Noes.

- | | |
|--|---|
| 1. Mr. K. Adinarayana Reddi. | 28. Diwan Bahadur M. Ramachandra Rao Pantulu. |
| 2. Rao Bahadur V. Appaswami Vandayar. | 29. Diwan Bahadur M. Krishnan Nayar. |
| 3. Diwan Bahadur C. Arunachala Mudaliyar. | 30. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 4. Mr. B. P. Devarajulu Nayudu. | 31. Mr. P. Siva Rao. |
| 5. Rao Bahadur P. C. Ethirajulu Nayudu. | 32. Mr. C. V. Venkataramana Ayyangar. |
| 6. Rao Bahadur K. Gopalakrishnayya. | 33. Sriman Biewanath Das Mahesayo. |
| 7. Sir P. Tyagaraya Chettiyar. | 34. Mr. S. Muttumanikkachari. |
| 8. Mr. S. T. Shanmukham Pillai. | 35. Rai Bahadur T. M. Narasimhachari. |
| 9. Rao Bahadur T. Balaji Rao Nayudu. | 36. Rao Bahadur C. V. S. Narasimha Raja. |
| 10. Rao Bahadur T. A. Ramalinga Chettiyar. | 37. Mr. K. V. Ramachari. |
| 11. Mr. C. Ramalinga Reddi. | 38. Mr. A. Ranganatha Mudaliyar. |
| 12. Mr. O. Tanikaobala Chettiyar. | 39. Mr. M. R. Seturatnam Ayyar. |
| 13. Mr. J. Kuppuswami. | 40. Mr. T. Sivasankaram Pillai. |
| 14. Mr. C. Natesa Mudaliyar. | 41. Mr. R. Srinivasa Ayyangar. |
| 15. Mr. V. Pakkiriswami Pillai. | 42. Mr. M. Suryanarayana. |
| 16. Rao Bahadur A. Ramayya Punja. | 43. Mr. T. Arumainatha Pillai. |
| 17. Mr. K. Sitarama Reddiyar. | 44. Mr. A. T. Palmer. |
| 18. Mr. T. Somasundaram Mudaliyar. | 45. The Raja of Ramnad. |
| 19. Mr. N. A. V. Somasundaram Pillai. | 46. Mr. K. Prabhakaran Tampan. |
| 20. Mr. A. Subbarayan. | 47. Mr. Abbas Ali Khan Bahadur. |
| 21. Mr. P. Subbarayan. | 48. Mr. Ahmad Miran Sahib Bahadur. |
| 22. Mr. V. C. Vellingiri Goindar. | 49. Khan Sahib Muhammad Abdur Rahman Sahib Bahadur. |
| 23. Mr. K. O. Venkatachala Reddiyar. | 50. Munshi Muhammad Abdur Rahman Sahib Bahadur. |
| 24. Mr. C. Venkata Ranga Reddi. | 51. Khan Bahadur Muhammad Usman Sahib Bahadur. |
| 25. Mr. P. Venkatasubha Rao. | 52. Mr. R. T. Kesavula Pillai. |
| 26. Mr. W. P. A. Saundara Pandiya Nadar. | 53. Mr. G. Vandanam. |
| 27. Diwan Bahadur B. Venkataratnam Nayudu. | |

Neutral.

- | | |
|------------------------------------|------------------------------------|
| 1. Mr. E. Periyasayagam. | 4. Rao Bahadur Dr. C. B. Rama Rao. |
| 2. Mr. R. K. Shanmukham Chettiyar. | 5. Qadir Navaz Khan Sahib Bahadur. |
| 3. Mr. S. Somasundaram Pillai. | |

The motion was lost, 13 having voted for it, 53 against and 5 remaining neutral.

18th February 1922]

III

A BILL FOR THE LEVY OF A CESS IN RYOTWARI VILLAGES TOWARDS THE REMUNERATION OF VILLAGE OFFICERS AND FOR OTHER PURPOSES CONNECTED WITH THE DISCHARGE OF THEIR DUTIES

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, it is now my duty to introduce a Bill for the levy of a cess in ryotwari villages towards the remuneration of village officers and for other purposes connected with the discharge of their duties and to move that it be read in Council.

"In this case also, Sir, I think I have to take shelter under a definite action of the Legislative Council as evidenced by a resolution which they carried in this House on the 6th of August 1921. The resolution was tabled for that meeting in the name of the honourable member Rai Bahadur T. M. Narasimhachari to the following effect:—

'That this Council recommends to the Government that the pay of the village munsifs and monigars be increased to not less than Rs. 12 a month.'

"An amendment was subsequently proposed to it that the figure '12' be substituted by the figure '15', and the Council then with a large heart, which I know they always possess for low-paid officials, passed the amended resolution in the following words:—

'That this Council recommends to the Government that the pay of the village munsifs and monigars be increased to not less than Rs. 15 a month.'

"That, I may briefly say, is my justification for bringing up this measure before the House.

"However, in passing I may add a few words. The history of the payments of village officers in this presidency is somewhat long and intricate. Prior to Act IV of 1864 the emoluments of these officers consisted of some or all of the following items:—

- (1) Fees deducted from the gross produce before division of the crop.
- (2) Fees sanctioned by custom superadded from the ryots' share.
- (3) Service inam lands.

"We find that in most of the earliest settlements fees deducted before division were allowed when calculating the assessment to be paid, but in the revision of the earlier settlements no such deduction was made. The result was that the share of the produce taken by the ryot and the State included in each case the emoluments in the shape of grain fees due to the village officers. From the ryot, however, was collected in lieu a village service cess under the Act that I have already quoted of one anna in the rupee. When the subject was examined very exhaustively in 1882, it was discovered that the State was paying certain contributions to the village service fund, but that those contributions were not based on any definite principles. After some discussions of the fact and the principles which determined the share of the State, it was finally accepted by the Government of India in the year 1893 that the State should bear one-half the cost of the village establishment, and that the other half should be met by the ryot.

"This was, Sir, the basis on which the Act of 1893 was framed. But in the year 1906—I have unfortunately to refer to that incident again—the Government of India 'having large balances in hand to deal with' decided

[18th February 1922]

[Mr. Muhammad Habib-ul-lah Sahib.]

to give up altogether the collection of the ryots' share, although admittedly due, and to make to the Government of Madras an assignment of revenue equal to the amount so foregone. I would emphasize the fact at this juncture that the ryot has thus since 1906 been benefited by a release from a burden properly borne by him till then."

Mr. C. RAMALINGA REDDI (*interrupting*):—" Might I ask what the total amount is that has thus been saved by this arrangement of 1906? "

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur (*continuing*):—" The amount of contribution then promised by the Government of India and since then continued amounted to 49 lakhs a year. The State has, on the other hand, since that day been bearing the whole cost of the village establishments. I might, I think, just give a very brief idea of the financial aspects of the question as well. The cost of the establishment has, as the honourable members of the House are aware, been raised in the year 1920 as a result of the recommendations of the Salaries Committee to the extent of 11.30 lakhs for the karnams and 26.63 lakhs for the menial servants. This, it is needless to add, has thrown a great additional burden on the State resources. The total cost of village establishments in the year 1921-22 has been put down at 100.69 lakhs. No provision was made at the time when increases were allowed in 1920 to certain classes of village officials for similar increase to village headmen and it was then hoped and the Salaries Committee also reported that there would be no necessity to increase the pay of the village headmen. But, Sir, the great clamour which was raised by the village headmen since the decision of the Government was announced in May 1920, accepting the recommendations of the Salaries Committee in the matter of the increase of pay in the case of the karnams and the menial officials only, is within the knowledge of this House. The numerous meetings that they held throughout the province, the organizations which they formed for the purpose of ventilating their grievances and the number of interpellations and resolutions which were moved in this very House are, I take it, a token of the depth of feeling in their minds that they have not been properly treated in common with the other village officials. And not only did my Honourable Colleague Sir Charles Todhunter, when he was in charge of Revenue, receive a large deputation consisting of representatives from the whole province, but even after I had taken charge of this portfolio, I had to receive a number of such deputations. And on each occasion the only reply that I was able to give to their representations was that the matter would be considered. For, in view of the financial liability involved, it was not possible for me to have gone any further, although I felt that there was justification for some reasonable increase in their case as well. The cost of the increase now proposed in the case of the village headmen comes to about 16 lakhs, and I think I need not at all emphasize again that the present state of the finance of the country cannot bear this burden. Secondly, Sir, it is proposed to the Council that the Government be empowered to ask that a sum which was relinquished in the year 1906 under circumstances which no longer continue should now again be collected from the ryot, so that the headmen may be paid on the same scale as the karnams as has already been decided by the Legislative Council. One word more, Sir, and I am done.

18th February 1922] [Mr. Muhammad Habib-ul-lah Sahib.]

The Council will notice that in making this proposal it is not asked that the ryot should pay anything that he should not properly pay. It is not even proposed that the old principle of the half-and-half share should be reverted to. For if that had been proposed, the share of the ryot would not have been represented by sixteen lakhs that I now propose to collect under this Bill, but it would have amounted to something like fifty-five lakhs. But since the person who was benefited by the financial surplus of the year 1906 and thereafter was the ryot and since he was then relieved of certain legitimate dues, it is proper that in a year of financial stress he should be called upon to bear again a portion of the burden of which he was then relieved; so that the particular class of officers with whose welfare he is or should specially be concerned may have what is reckoned to be a proper remuneration."

The Hon'ble Mr. K. Srinivasa Ayyangar seconded the motion.

Mr. R. SRINIVASA AYYANGAR:—" Mr. President, if I rise to oppose the introduction of this Bill at this stage, it is not in a spirit of opposition or in a spirit of opposing the popular Government, for, that was the term used by my honourable friend Mr. Natesa Mudaliyar characterizing our opposition to the Court-fees and Stamp-duty Bill, but it is conceived in a spirit of strengthening the hands of the proper Government. It is in that spirit that I propose to voice my opposition to-day. Let me be permitted in the first instance to thank the Hon'ble the Revenue Member for introducing this Bill, for I take it that this is a Bill which affords a common platform to all sections of this House, whatever may be their political feelings and political convictions, to meet together upon a common platform and to present a bold, united and resolute front to the Government with reference to the Bill that they are now bringing forward. To the extent to which it will contribute to the unison of the various sections of the House, I think it is my duty to tender my thanks to the Hon'ble the Revenue Member whether he intended to produce that effect or not.

"Now, coming to the principle underlying the Bill and some of the details, I should like to say a few words. It was freely recognized by the Hon'ble the Revenue Member that there has been a clamour legitimate enough on the part of these village headmen for the betterment of their condition. That is, however, a tardy recognition on the part of the Government of the claims of these village headmen for the betterment of their conditions so far as their claim for an increased salary was concerned. I use the term 'tardy', for till recently I did not notice any disposition on the part of the Government to recognize their claims. For, as a matter of fact, if the Government had really borne in mind the services which these officers had been rendering from time to time, who, I may say, form the very basis of the administration, unmindful of other work and devoting greater part of their time in collecting the last pie of revenue, if the Government had their solicitude for them in years gone by, I would have expected them to take their claims in the first instance before they embarked upon a scheme for finding out money for the men in the higher services. These considerations did not appear to have weighed much with the then Madras Government, nor did this Government feel oppressed with this question. Up till now, if I may say so, the Madras Government appeared to have looked upon these village officers not as a flying wheel in the general machinery of the administration, but to have considered and summarily disposed them of as flies on the wheel. Now it is a matter for gratification that the Government have

[Mr. R. Srinivasa Ayyangar] [18th February 1922]

begun to realize the importance of the part the village officers have been playing. Ordinarily speaking, the village headmen have the first claim upon the revenue that they collect and the rest alone can go to meet the demands of the general administration. Whereas the reverse appears to be the case with them. But the Government finds itself faced with this clamour at a late stage of the day when these difficulties appear to be of a formidable character. I do not think there is any justification to ask the villager to once again bear the burden of extra taxation and to pay a portion of the charge of the village establishment in spite of the fact that these landholders have been paying the land cess, the road cess, the local board cess and will be eventually called upon to pay a prospective education cess. As if these things have not contributed to the burden of the tax-payer, an attempt is sought to be made to burden these landholders once again so that the whole portion of maintaining the village establishment might be borne by the land-owners.

12-30 p.m. "I do not think it necessary to advance further arguments in support of my position as the grounds that had already been covered with reference to the Bill which has just been rejected almost unanimously by this House apply with greater force to this Bill. The principles underlying these Bills are common and the grievance seems to be common. Therefore, we should have no hesitation to apply the common remedy, viz., the rejection of the Bill wholesale.

"There is another matter to which I wish to draw the attention of the House and it is this: in my district of South Arcot some months ago I came across a notification proposing the reduction of vattams and regrouping some of the villages in certain cases in such a way as to group some of them under one vattam. By this process, I expect or anticipate a reduction of at least 100 vattams in my district. I make this statement deliberately, for in the local official gazette of my district I came across the notification over the signature of the Collector of the district publishing this proposal and inviting objections thereto. If this is carried into effect, it will lead to a reduction of not less than 100 vattams and thereby a considerable reduction of establishment, which costs about Rs. 500 in each vattam. Therefore, by reducing 100 vattams in my district, the Government will be able to make a saving of not less than Rs. 50,000. If the same process is adopted throughout the whole presidency, I think they can save at least ten lakhs of rupees. I expected the Hon'ble the Revenue Member to give us some idea of this in his opening remarks but he did not make the slightest reference to this fact.

"Again, in this connexion, I do not want to go beyond soliciting the attention of honourable members of this Council to paragraph 199 of the Salaries Committee's Report which gives us a history of the whole question from its inception in 1861 down to its abolition in April 1906. The Government of India resolution states that 'that no local cesses should be imposed upon land supplemental to the land revenue proper, except such cesses as are levied by or on behalf of local authority'. This does not come either under the first category or under the second category. And as my honourable friend, Mr. Ramachandra Rao, said in opposing the previous Bill, it will be a bad precedent to pass bills after bills calling them cess bills to meet a possible deficit under this or that head. The real difficulty comes only when we are confronted with the deficit. As I remarked in opposing the Court Fees Bill, the remedy lies in applying constant, and

18th February 1922] [Mr. R. Srinivasa Ayyangar]

persistent pressure on the Government of India and convincing them of the bankruptcy of the Madras Government which is charged with the administration of this presidency and requesting them to set free large amounts. That was why I began by stating that my object in rising was to strengthen the hands of this Council and those of the Government. We all know, as a matter of fact, that it is impossible for the land to bear any more burden. Already there is a great deal of taxation. It will be suicidal if we allow this Bill to be passed. Instead of peaceful and contented citizens we will have an army of discontented people and the position of the Government will become increasingly difficult. I therefore think it is much better for the Government to take this phase of the question into consideration and not bring into existence any further taxation."

Mr. C. RAMALINGA REDDI:—"Sir, I rise to oppose this Bill and I do so on two grounds: one is that it is wrong in principle and the other is that it is inexpedient. The land in India has for ages past borne practically the entire burden of the State. Out of the total revenue, nearly eight crores of rupees including water-cess is derived from the ryots and if to this is added a major portion of the revenue from excise which may also be traced to the same source, it would be seen that the rural classes have been paying more than their due share of the burdens of the State finance. I do not think that there is any other country in the world in which this phenomenon exists. The distribution of financial burden in India seems to be very unequal and therefore the proposal that this inequality should be further intensified by a reimposition of this cess seems to be nothing short of iniquitous. Apart from this I do not think that even as a financial proposition it is sound. We have as a kind of potential asset the 3½ crores of rupees—I am only giving rough figures—which we are paying as a tribute to the Government of India. This point has been discussed by many of my honourable friends and therefore I do not wish to deal with it further. Again, it has been said that our difficulties are more or less of a temporary nature. If our difficulties are of a temporary nature, the best way of tiding over them is by means of a loan which we can repay in the coming years as our prosperity resumes its old level. Instead of that, for the sake of meeting an admittedly temporary difficulty and while we have three times the amount that is required to meet that difficulty as a potential asset, we propose to increase permanently the revenues of the State. As has been pointed out by Gokhale and other authorities on Finance, such an increase will only lead to another outburst of extravagance on the part of Government and tend to create more difficulties of the same nature. Sir, I am for broadening the basis of taxation in this country and it is because of that that I voted yesterday for the two taxation bills. But to increase the burden on the ryots who are already bearing more than their due share, by further taxation, does not seem to be fair. My honourable friend, the Revenue Member, told us that this cess was an old impost. That seems to be the one argument in favour of these land cesses. I hope I will be pardoned if I say that that does not seem to be conclusive. The line taken is that an old impost is a legitimate impost and if it had been given up once there is no reason why it should not be resumed. On the same ground we may also have the reimposition of the *Jasya*, also an old impost, given up ages ago. The whole difficulty seems to me that in the revision of salaries undertaken by the Imperial and the Provincial Governments at the time of the Reforms Act, they went on the

[Mr. C. Ramalinga Reddi] [18th February 1922]

wrong principle. They started at the top and the result is there can be no satisfaction in the country unless the process is carried down to the lowest levels. If they had started from below, they could have stopped at any point where their financial condition cried halt without causing an impression of unfairness and iniquity. Having raised the salaries of the higher officials, they are now confronted with the problem of increasing the salaries of those who are serving in the lower rungs of the ladder. I therefore do not feel inclined to apologize for the resolution passed by this House in favour of raising the salaries of monigars and other village officers. I must also enter a protest against the argument that whenever this House passes a resolution, it should be confronted with a Bill for special taxation. If the object of the Government is to prevent us from passing any resolutions, it could not adopt a better course. But I do not think constitutionally that there is anything in this argument; because though this House passed a resolution in favour of increase of certain salaries, it did not pass any resolution about the ways and means by which it was to be effected and the Government must take the responsibility for finding the ways and means. We are not bound to agree to any and every measure they propose. If we throw out this measure, it does not mean that it will impair the force of our previous resolution. It is only an invitation to Government to go and discover other ways of satisfying that very legitimate demand. I must take care to guard the interests of the village headmen. I believe they have been very badly treated, especially when we consider that the karnams who are supposed to be their subordinates are now getting higher salaries. I do not wish to go into the whole history of the position of the monigar or the karnam. It is true that the karnam is the more literate of the two; but the monigar is the more dignified, and if you pay for literacy, you must also compensate for untrained dignity. In a bureaucratic atmosphere salaried status counts for a great deal; and the villagers are beginning to think that the karnam is the superior of the two, and this increase of salary of the karnam without the increase in the emoluments of the monigar is creating a great deal of trouble. Now that the thing has been done in the case of karnams, there could be no going back on the resolution that something should be done in the case of the monigars; but it cannot be done by taxing the ryots. It seems to me that to do so at this hour is to court very great troubles. Politics has been brought down in recent years from the heights of Simla and Ootacamund and from cities down to the villages and the villager is not now the dormant person that he was in old years. Therefore, if we now carry out a Bill like this, it only means that we are trying to create trouble for the future. I therefore strongly appeal to the Government, as the measure is neither right in principle nor expedient, to withdraw this Bill if they can. If, however, it is not possible for them to concede what I consider to be the absolute claims of the case, there is no alternative for me except to appeal to members of both sides of the House to unite solidly and reject this measure by an overwhelming majority. Once again I would say that the monigar must be paid his due and the Government must find other sources."

Rao Bahadur P. C. ETHIRAJULU NAYUDU :—" Sir, before we make up our mind to vote one way or the other, we must know from the Hon'ble the Revenue Member what has become of the unanimous resolution passed in this Council to approach the Government of India to alleviate the burden of this most unjust and inequitable

18th February 1922]

[Mr. P. C. Ethirajulu Nayudu]

contribution of 370 lakhs and odd imposed upon us. I should also like to know what became of the deputation that was suggested to wait upon the Government of India. The honourable member has not stated anything about these. Without informing this House as to what became of the proposals above-mentioned, how can he force us to accept this Bill for fresh taxation? I am at a loss to understand how we can make up our minds regarding this Bill unless we know that the Government had done all that was expected of them. It is impossible for us to give our support to this Bill and we can only vote against it just as solidly as we did a few minutes ago so long as the Government of India turn a deaf ear to our requests. I would therefore beg of this House to vote against this Bill solidly."

MR. C. NATESA MUDALIYAR :—" Sir, I oppose this Bill. If any reason held good for deciding against the previous Bill, it does so many times more for the present one. It has been very sympathetically expressed that it should have necessitated so many Bills within one year of the Reformed Council. Sir, I am told the present generation is suffering for the sins of the past administration. The House has consented for indirect taxation—the court-fees and the stamp fees. But when it touches the ryot who is already overtaxed, I will request the House to hesitate and decide. The ryot has been subjected to a series of taxation. In fact our land revenue policy has been freezing in its nature. It is said that the poorer classes of ryots pay Rs. 30 and less towards kist and they cannot cultivate the lands to advantage even in the richest agricultural districts. It is only to relieve them that permanent land revenue settlement was proposed by this Council. If there is any deficit let us agitate for a substantial reduction in our contribution to the Government of India. Why should Madras pay for the comforts and conveniences of other provinces? Why should Madras be made the Cinderella of the Empire? Is it because Madras is loyal that it is punished with such crushing taxation? If the pay of the village officers ought to be increased, I would request the Hon'ble the Revenue Member who brought this Bill to ask for a grant of a loan and meet the expenses and we will be doing so till the Government of India heeds to our request."

MR. T. SOMASUNDARA MUDALIYAR :—" Mr. President, I feel I am bound to oppose the introduction of this Bill. This measure cannot be supported on any recognized principle of administration. It is true that the Government of the country and the maintenance of the revenue department as well as that of any other department of the Government must be met out of the revenues of the land. Every individual in the hierarchy of officialdom is a part of the machinery of the Government, and his pay is as much a charge on the general revenues as that of any other, and it is strange to be told that to meet the pay of a particular class of officers a new cess must be imposed. The village officers are maintained, I think, for keeping the village accounts and collecting the revenue, just as much as the Tahsildar and the Divisional Officer and the Collector are maintained for doing other work connected with the same and if for the village officers a cess is imposed to-day there is no reason why another cess should not be imposed to-morrow for the pay of the Tahsildar and the Collector. It may be said that the Government has to meet a large deficit and that to meet that deficit a fresh tax is necessary. The best way of meeting this deficit would be to press upon the Government of India to reduce the contribution of 370 lakhs and not to have recourse to tax the already over-burdened landholder."

[Mr. T. Somasundara Mudaliyar] [18th February 1922]

"I am not going to enter now into any discussion as to the necessity for maintaining the costly establishment that is entertained in the administration, but only ask why the poor landholder alone should be made to bear additional burden. It is an uncontrovertible fact that the landholder is the most heavily taxed being, and is it because he is considered to be so well off that he can bear any additional burden, that he is further taxed? If owing to economic conditions, other people want more money for keeping body and soul together, does not the same thing apply to the landholder also? Is it considered that he has no body or no soul or is it considered that it does not matter whether he keeps them together or not? These are some of the few things that strikes a lay mind as mine and I am perfectly sure that the statesmen entrusted with the administration of the country are not unaware of them. If yet such measures are introduced it speaks to a certain amount of callousness on the part of the Government which in the long run cannot be conducive of good. With these few words, Sir, I oppose the introduction of this Bill."

Mr. T. ARUMAINATHA PILLAI:—"Sir, I rise to oppose this motion before the House. This Bill is intended to create funds so that the village headman in the various villages might be paid the same pay as the karnam. I believe, Sir, this has got a significance of its own. Even in the recent agitation referred to by the Hon'ble the Revenue Member, it was stated openly by those very village headmen when they claimed for pay that they should be relieved of all unnecessary duties which are cast upon them of attending to the comforts and conveniences of the officers that visit the villages. I believe, Sir, the village headman must have some sort of position. A leading mirasidar in a village would be willing to be a village headman provided all those irksome duties which are now attached to the office are removed. Somehow or other it has been the policy of the Government and the consistent policy, I say, deliberately to create a set of servants in the villages instead of creating village headmen, a set of servants who would be found ready to administer to the comforts, convenience and facilities of the superior officers. A reference to the Village Manual would show the duties of the village officers. One rule says—

"The village officers are under the immediate orders of the Tahsildar. It is their duty to carry out properly and faithfully all lawful orders that may be issued to them by tahsildars, deputy tahsildars and revenue inspectors and other superior officers. They should also attend to all officers of other departments of Government when they visit their villages."

"Such a broad-based rule has naturally led very respectable persons who are holding and who are proud to hold the position of village headmen to give up the same. I submit, Sir, that if the Government really want that these people should be village headmen in the real sense, they should instead of creating a set of servants revert to the old system by relieving them of all this kind of work and by appointing the most respectable men as village headmen. The Hon'ble the Revenue Member might say, 'well we have got that policy. We have got these people and they have to be paid. What is to be done for paying them? You must be able to give some sort of constructive policy.' My honourable friend, Mr. R. Srinivasa Ayyangar, gave one method by which the expenditure can be reduced. What he stated about the district of South Arcot is equally true with the other districts. So far as the district of Chingleput is concerned, I may say boldly that several villages can be grouped together and a number of appointments

18th February 1922] [Mr. T. Arumianatha Pillai]

could conveniently be reduced. May I ask, Sir, that so far as the provincial revenues are concerned what has become of the resolution passed in this Legislative Council a few months back cutting down the increased rate of travelling allowances? What has become of the resolution passed in this Council wherein we recommended that the settlement operations should be suspended?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"There was no recommendation by this House that settlement operations should be suspended but all that was then passed was that resettlement schemes should not be introduced before the Land Revenue Bill became law."

Mr. T. ARUMAINATHA PILLAI:—"I accept the correction. Even then, Sir, the vast amount that is spent in the resettlement operations might be released. Now, Sir, even supposing the resolution was not passed, why not we reduce the resettlement operations in order to give effect to the unanimous vote of this Council requiring permanent settlement for this Presidency? May I ask again what has become of the lump provisions? Why not the amount spent on contingencies be reduced? What has become of the importation of experts into this Presidency? Why not the Government give heed to all these things? All that the Government has stated is this: 'We would maintain all these establishments, and yet it must be possible for us to find money. I submit, Sir, that is not the way in which the Government ought to proceed. In the Statement of Objects and Reasons the Hon'ble the Revenue Member says that it is intended to meet the extra cost of paying the village headmen at Rs. 15 each by imposing the ryotwari village service cess. The Revenue Member says that this amount was practically intended to pay the village officers. But the Hon'ble the Finance Member says that, in addition to meet the cost of the pay of the village officers, this cess is intended as an addition to the provincial revenues. The Hon'ble the Finance Member definitely says in his statement that the village cess may contribute towards the revenues a sum of 30 lakhs in addition to its covering the cost of the proposed increase of pay to the village officers. I only submit, Sir, that the two honourable members, one representing the Revenue and the other representing the Finance should be rather consistent in their statement before the Council. Again, Sir, I submit that somehow or other in spite of the assurances of the Hon'ble the Finance Member last year when this hall was ringing with cries of retrenchment that the pruning knife would be pushed through from the top of the administration, there is a feeling—I do not know whether justifiable or not—that the pruning knife has not at all been used in the proper manner in which it ought to be used. May I ask the Government to explain why that has not been done?"

"Again, Sir, there are certain subjects which bear repetition, and the financial settlement of the Presidency is one. As other honourable members have touched upon it, I do not want to say anything upon it except to impress upon the Local Government the necessity to go to the Government of India and tell them that the people, as represented in this Council, are not in a mood to receive further proposals of taxation, and it is impossible for them to get on with the Government if any further measure of taxation is to be proposed."

[18th February 1922]

Mr. B. P. DEVARAJULU NAYUDU:—"Mr. President, Sir, I feel constrained to oppose the introduction of this Bill, though my present attitude may be considered to be inconsistent with the attitude I took when I supported the resolution for the increased pay of the village magistrates on the 6th August 1921. I oppose this Bill now not because that I have lost my sympathy for those unfortunate ill-paid human bundles of multifarious duties and responsibilities, but because of the method by which that resolution is now sought to be given effect to—a method which is highly inappropriate, inopportune and inexpedient. The ryot is already overburdened with taxation; and after one year of our existence here with pledges still fresh on our lips unredeemed we have not been in a position to satisfy even to a small extent the expectations of the ordinary ryot in the matter of the reduction of taxation of this already over-burdened class. When the resolution regarding the increase of pay to the village magistrate was considered, the policy of retrenchment was advocated on all sides, and every one expected that this additional increase would be met by what we could have saved as a result of what we could achieve by promoting an effective policy of retrenchment. (On the other hand, Sir, we are now most disagreeably confronted with a Bill for additional taxation. Sir, I believe, if only the Government have gone into the matter with such sympathetic spirit as the question richly deserved and suggested expedient methods by which they could have cut short the expenditure that was unnecessary, there would have been no difficulty to-day to meet the legitimate demands of the over-burdened village officials. It is an irony of fate that in the case of these people and these people alone, retrenchment seems to have begun so drastically that it is said that more than a third of these unfortunate village officers are likely to be thrown out of employment probably for the sin of having set up this agitation. If many of the headmen and other village servants are going to be removed, by re-grouping the villages, I do not know why at all there should be any increase of expenditure on this account. If really there is an additional expenditure on this head I should like to have that expenditure met from sources other than revenue that is intended to be raised by this Bill.

"Sir, several methods were suggested by honourable members to meet this: the first was by retrenchment, the second was by loans, and the third was by impressing upon the Government of India our inability to meet the expenditure without their aid. So far as retrenchment is concerned it is not a very easy matter; we cannot reap the fruits of retrenchment in a single day, or in one session or for the matter of that in one year. No doubt, the Government has done its best in trying to reduce the expenditure by about forty and odd lakhs, but it is after all a flea bite. If they had only used the pruning knife in the way in which they used it in the case of the village officers, in the case of other officers and departments also, there would have been absolutely no difficulty or deficit. But, Sir, as it is, this kind of top-heavy administration has to continue in spite of our difficulties, and it will take some time to effect further retrenchment. The next method suggested was by securing loans; but several of the honourable members were opposed to resorting to this because it is likely to give rise to further complications. The last and only method therefore is to apply to the Imperial Government to relieve us, and to seek redress at their hands. My honourable friend, Mr. Tanikachala Chettyar, said: 'Ask and thou shalt be given'. If after knocking at the door and requesting them to give us, they are not willing to give us anything,

18th February 1922] [Mr. B. P. Devarajulu Nayudu]

I would venture to advocate the system of breaking open the door and demanding that which is our due at all hazards. It is highly objectionable to increase the burdens of the already over-burdened ryot. Therefore I strongly oppose the motion for the introduction of the Bill."

The Hon'ble Sir LIONEL DAVIDSON:—"The suggestion with which Mr. Devarajulu Nayudu has concluded his remarks reminds me of the fable told by Menenius in the play of "Coriolanus" of how the belly and the other members of the human body fell out. If we fell out with the Government of India to the extent of breaking open their doors and forcibly taking what we want, it is just possible that the Government of India would withdraw those resources upon which in the last resort we all have to depend and then our case would be worse than it is now. Still there is a valuable suggestion to be found in the various alternatives put forward by Mr. Devarajulu Nayudu. We have heard a great deal about the possibilities of retrenchment; we have been advised to use the pruning knife in the most drastic fashion. Mr. Arumainatha Pillai, for instance, seems to think it perfectly ridiculous that we cannot find it possible to meet the deficit by cutting down travelling allowances, restricting contingency expenditure, and abolishing the settlement parties. I can assure the House that in this direction no effort has been spared, for my esteemed colleague, Sir Charles Todhunter, has had the matter in his hands, and the whole reserve of his vast energy and driving power has been applied to the question of effecting economies. No one knows this better than I do, and I myself have had plenty of trouble with him in view of my responsibility for some of the administrative departments. So much for the first alternative of Mr. Devarajulu Nayudu. The second alternative was to raise money by a loan. We have had the business view of this expedient expounded to us by Sir James Simpson. I have not the least doubt that his is the sound and the correct view. It is a financial heresy to seek to meet recurring deficits by the raising of loans. That expedient would not necessarily be heretical, if there was a reasonable prospect of the deficit being purely temporary. But, that, I am afraid is not the position so far as facts are now before the Government of Madras. The third of Mr. Devarajulu's alternatives is however the one on which I desire to lay stress. You may say it implies a form of begging, mendicancy; such an attitude is not altogether nice, but there is something to say for it. The idea is that we should go and beg of the Government of India. That recalls to me what Mr. K. Gopalakrishnayya said just now. He asked what had become of the resolution passed in this House on the 15th October last, of the proposal of a deputation to the Government of India, a deputation of mendicants. I can tell him, Sir, at once that the resolution passed by this Council on the 15th October was telegraphed *in extenso* on the same day to the Government of India. The only reason why it was not followed up immediately by a deputation was that in the course of the debate it was suggested that that stage should be postponed until a reply had been received from the Government of India. The telegraphic communication was followed on the 12th November by a long and reasoned letter in support of the proposal to reduce the contribution of the Madras Government to central finances. I cannot, as honourable members know, lay the whole correspondence on the table. If this had been possible, it would have given the greatest pleasure to Sir Charles Todhunter to do so. But it is not possible to publish certain classes of correspondence without the consent of the

[Sir Lionel Davidson]

[18th February 1922]

addressees. Since the 12th November there have been constant communications of one kind or other in regard to the various aspects of the issue. I forget the exact date when the latest communication was received, but it was quite recently, and the effect of it was that the Government of India could not hold out any hopes of any present reduction of the provincial contribution—in the coming year. That being so, is it not open to the Council and to the Government of Madras to revive and follow up the original suggestion that a deputation should wait on the Government of India to enforce the position taken up in the resolution of 15th October?

“Whether a deputation goes or not, I would personally still press for the reading of this Bill in Council just as I voted for the reading of the Bill that was just thrown out. It has been argued that such proposals might be taken up in March. I would answer that there is not much time at the end of the financial year; and that we must get through with our budget. Hence, the advantage of arranging at this meeting for consideration by a Select Committee, a stage which need not prevent the Council from throwing out the Bill in March. Also, there is still time for a deputation to the Government of India, and if it is the desire of the House to follow up the proposal of October last, I have no doubt that my Hon’ble Colleague, Sir Charles Todhunter, will be willing further to examine that suggestion and to facilitate its adoption, if it should seem a suitable measure in the eyes of the Government.”

Mr. V. PAKKIRISWAMI PILLAI:—“Sir, I think it is inopportune to impose any land cess now. The agricultural and land-

owning people form the largest part of our population. Most of them being poor and petty landholders they are experiencing great difficulties and running into debts for the last three years successively. With great difficulty they have been managing to keep both ends meet during all these times and have incurred a series of losses. In one year they were not favoured with timely rain and its distribution was uneven. Another year they had a repetition of it coupled with heavy floods which washed away the crop in its earlier stage, and what remained then was damaged and submerged by another flood. The third year, i.e., this year drought and insufficient rain have reduced the crop to less than 50 per cent. In addition to all these, there is the Khilafhat and Non-co-operation movement. The root cause of all these is our economic condition. What a lot of harm the Khilafhat movement has done in Malabar! While our situation is so grave, to levy or reimpose one anna in the rupee or 6½ per cent seems to be dangerous. Many of us know with the advent of the Reforms one set of people thought that they were quite unsatisfactory and agitated for more privileges. The agitators then said and still continue to say the present reform means more and heavy taxes in future and Swaraj means no tax. They seemed to have proved no false prophets as far as the levying of new taxes is concerned, since they have been introduced within a year. When the minds of the masses are thus poisoned by enemies of our present Government, to levy a land cess at this juncture, I would again say, seems to be rather dangerous. With ‘no tax’ campaign in our midst our action would amount to playing into our enemies hands.

“The cess now to be levied is said to meet the raising of village headman’s pay, etc. When the pay of his menial servants, i.e., vettis, talayaris, etc., is more than that of his, it certainly looks ridiculous that his pay alone

18th February 1922] [Mr. V. Pakkiriswami Pillai]

should be what it was before. It is very strange that it did not strike the mind of the Government when it raised the pay of the other village officers. The appointments of village headmen and karnams were and are even now considered as honorary and their salaries were nearly equal, up to last year. The evil advice on which the Government raised the pay of the karnam alone was the root cause of the present trouble. The amount of increase paid to karnam ought to have been equally divided amongst all the village officers. After all, will the present increased pay be sufficient to meet all the expenses of a karnam and his family? The karnam is a human being just like anybody else in the world, and so he would be requiring the comforts of a family life just like anybody else. Well, it may be asked how these people who draw low pay manage to live with family and children tolerably in a decent style. My reply is that it is an open secret that the subordinates in their discharge of duties and otherwise receive *mamool* from the public over and above their pay. I know from my own experience many karnams were able to give to more than one of their sons complete university education even at the time of their old pay, i.e., Rs. 7 to Rs. 10 per mensem, besides giving handsome dowries to their daughters at the time of their marriages.

“While the educational qualification of these karnams and headmen of villages is not what it was some years ago, a karnam may be asked to do both the works and the Government will then be able to find funds. I believe there are three or four vettis and talayaris in each village and they seem to have their own permanent work to do. Most of these vettis and talayaris are always engaged in doing the household duties of the karnams and headmen, such as drawing water for use in their houses, washing their cloths, and sometimes rocking the cradle and lulling their children to sleep. The karnams have got very little work to do. They have got work only during certain months of the year, i.e., during the time of ploughing and transplanting. They have to send their reports of single and double crops, etc., to their taluk offices. Of course they very often unnecessarily go to headquarters of their superiors. But the work at present is not so difficult as it once was. I would, therefore, suggest that one man can do both the works of karnam and the headman of the village.

“With these remarks, I object to the introduction of the Bill.”

Mr. A. RANGANATHA MUDALIYAR:—“Sir, as one who moved the amendment to the resolution of my honourable friend Mr. Narasimhaচারী fixing the pay of these village headmen to a sum not less than Rs. 15 instead of Rs. 12, I may be permitted to offer a few remarks on the present occasion. As to what I said at that time I have nothing to unsay now. In fact, I hold that the Government should have taken steps to give effect to that resolution much earlier than they have done so far. I am not one of those who object to taxation at all times and under all circumstances. But I do say that when the Government comes before the House with proposals for fresh taxation they must satisfy the House that they have dealt well with the revenues already entrusted to their care. Till this House is satisfied that the Government have utilized the revenues entrusted to their care properly and satisfactorily, I do not think the House will be justified in lending its support to fresh taxation. Honestly, Sir, I feel that the Government have not done all that they could to bring about economy in the various departments

[Mr. A. Ranganatha Mudaliyar] [18th February 1922]

under their control and I have no doubt that when the time comes all these ideas would be freely ventilated in this Council. Government seem to think that fresh taxation is the only method left to them to meet such expenditure as the one under contemplation. I do not think so. Further, Sir, if additional taxation is necessary, I strongly object to that being levied on land. The Secretary of State very recently said in the House of Commons that India is a very poor country, but very heavily taxed. That remark applies, I should say, with even greater force, to the Madras Presidency.

"The other day I was going about in my district interviewing ryots and village officers. I asked village headmen who are vitally concerned in the proposition before the House as to what they had to say in the matter. They were emphatic that the emoluments they were now getting were extremely inadequate and should be increased without any delay. They were equally clear and emphatic that the money necessary for that should not be found from land. Further, Sir, I take exception to the proposition that whatever money is needed for payment to the village officers should be found from the villagers themselves. The village headman's work does not altogether comprise only such duties as are incidental to the collection of land revenue from his village. He is given work connected with several other departments and I think it is not fair that for all the work he is doing—work connected not only with the village but that of various other departments—the village people should be called upon to pay altogether.

"Only one thing more I have to say, Sir, and that is that the Government should not bring forward proposals of taxation which have not met with the approval of the other half of the Government. In connexion with the last proposal we saw the spectacle of two of the Ministers being absent and a third voting *for*, and two of the secretaries standing *neutral*. I dare say it may be the same thing with regard to this also. I think the report of the Joint Committee is quite clear on this matter and says that 'whenever the necessity for new taxation arises' as has now arisen 'the question involved must be thrashed out by both the parties in consultation together and especially in this matter both the parts of the Government should, if possible, be in agreement when the proposals of the Government are laid before the Legislature. I think, Sir, if this is not acted upon, the whole scheme which is now under experiment would be a failure. I do, therefore, appeal, Sir, that hereafter at least the Government, whenever they come up with proposals for fresh taxation, they should not only satisfy the Ministers as regards their necessity, but see that the party whom the Ministers are leading also support them in their endeavours."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"I take it, Sir, that the honourable member's statement virtually amounts to a challenge, whether or not the Cabinet as a whole approved the introduction of these Bills. If that be so, I would at once say, Sir, that the Cabinet as a whole considered and approved the introduction of these Bills."

Mr. A. RANGANATHA MUDALIYAR (*continuing*):—"I only wish to say, Sir, that I judge the thing by the results that are perceptible in this House; and the results, so far as I am concerned, do not show that one half of the Cabinet has given anything like a whole-hearted support."

18th February 1922]

The Hon'ble the PRESIDENT:—"I fear I have been remiss in permitting the honourable member to indulge in these general reflections. 1-30 p.m. At present the question before the House is whether the Bill for the levy of a cess in ryotwari villages towards the remuneration of village officers and for other purposes connected with the discharge of their duties, shall or shall not be read. The question is not whether the cabinet of the Madras Government is working satisfactorily. Much less is it whether the honourable member, Mr. Ranganatha Mudaliyar, is satisfied with that working. It would have been quite proper if the Honourable the Leader of the house had risen to order at an earlier stage when the honourable member was speaking, instead of answering his challenge at the end. The challenge should not have been made, nor need it have been accepted."

Mr. O. TANIKACHALA CHETTIYAR:—"Mr. President, Sir, in the light of the strong opposition with which the request for permission to introduce the other Bill, I mean the Bill regarding the Proprietary Estates Village Service Cess, was received by this House, I should have thought that Government would have taken a lesson. If they did not realize the strength of the opposition, at least from the number of votes supporting that measure that were recorded, i.e., the ominous thirteen (laughter), they should have desisted from pressing forward with this Bill. However, they have chosen to proceed with it. We have heard a good deal in the course of these two days about 'knocking at the door.' By presenting this Bill before this House, they are knocking at the wrong door. As regards the suggestion that a deputation of this House should wait on the Government of India, it was described by the Hon'ble the Home Member that it would be a deputation of mendicants. Sir, I am not ashamed to be a mendicant, for, after all, the mendicant has to make his appeal to the ex-Lord Chief Justice of England and to point out to him how inequitably we have been treated, by the award made, not by a Lord Justice, but by Lord of the Government of India, Lord Meston, and to point out how this treatment has made it so difficult for us to carry on the administration under the Reforms Act. So that, Sir, I am not ashamed of being a mendicant for this purpose. It appears to me, Sir, that the Madras Government's financial affairs have been conducted in the fashion of a busy householder who is anxious to work and to make money, but who has a spend-thrift and wasteful son who goes on spending more than the householder earns. We collect 17 crores and out of this the Government of India take away 3½ crores. Therefore, I think, in spite of the charge of being a mendicant, it is better to present a petition to the ex-Lord Chief Justice. My honourable friend Mr. Ramachandra Rao was rather displeased with me that I did not adopt other arguments. I leave all objections based on constitution, on history, and on equitable consideration to him, and I would adopt all the arguments that he may advance on that score. My honourable friend Mr. Ramalinga Reddy wound up his speech by saying: 'We shall oppose the Bill but at the same time support any increase of the village officers' salaries from the provincial funds.' I am afraid he protested too much, for both he and myself are, happily, independent of the influence of the monigars in the matter of votings at elections."

Mr. N. A. V. SOMASUNDARAM PILLAI:—"Mr. President, I also join in opposing the introduction of this Bill. I am not altogether unaware of the difficulty which the Madras Government feel at present in carrying on the

[Mr. N. A. V. Somasundaram Pillai] [18th February 1922]

administration of the country. No doubt there is a large deficit staring them in the face and they must find some means of meeting it. But the way out cannot possibly be to impose an additional burden on the poor ryot who has been already over-taxed. He has to pay the land revenue; he has to pay the road cess; he has to pay the railway cess; and he has to pay the education cess. Now if the village service cess also is imposed upon him, it would be really difficult for him to bear it any longer. I am also not prepared to accept the principle laid down in the Statement of Objects and Reasons that because the pay of the headmen should be increased, therefore the ryotwari village cess should be re-imposed. The land pays already a very large revenue to carry on the administration, in fact more than a third of the receipts comes from land. It pays not only the village officers and their establishments but also the carrying on of the Government, that is, it is paying the higher officers also. There is absolutely no reason why, because we have to pay extra remuneration to the village officers, the additional amount ought to come from additional taxation on land. I am not able to agree with the honourable member Mr. Pakkiriswami Pillai when he says that it is not necessary to increase the pay of the village officers. As a matter of fact, the pay that is now given to the karnam and the munsif is not sufficient to enable them to pull on, and in course of time the pay of the other village officers also may have to be raised. As a matter of fact, they are the most poorly paid officers in the district, and it is very necessary, and absolutely essential that these village officers should be paid properly. But that is no reason at all why the amount which is required for paying them more, should come out of the tax on land alone. There may be other ways or there may not be other ways, but that is not the thing with which we are at present concerned. In fact, if the officers of the Government, the heads of the Government departments choose to think once, twice or thrice in regard to the matter, they can probably find the source from which the extra money is to come. But that is absolutely no reason why they should come back to land and land alone for raising this taxation.

"The Hon'ble the Minister for Industrial Development in his written evidence before the Fiscal Commission has distinctly stated that taxing land any more is altogether out of the question. That is true but I am afraid I cannot agree with him in the reasons that he has given in support of that view. He rather says that because the present members of the Council are most of them either landholders or elected by the landholders, they may not be in a position to give their assent to such a policy. I would only point out that that is not the spirit with which the members of this Council are actuated. It is because they sincerely feel that the ryots and the poor landholders are already suffering under a very heavy burden, and it is because they meet them in their every-day life and realize their difficulties, that the members of the Council would not support such a policy of adding to the burden on land. It is that and that alone that makes us oppose the introduction of this Bill. It is immaterial for us whether we get the favour of our electorates or not. We are doing only that which we feel is the proper thing to do, irrespective of the fact whether we may be returned or not in the next elections. We only beg to place before the honourable members of the Government the real difficulties and the actual sufferings of the ryots who are already groaning under the very heavy burdens placed upon them. I would also remind the House that such a cess as is now proposed was once imposed but

18th February 1922] [Mr. N. A. V. Somasundaram Pillai]

subsequently the Government of India thought fit to cancel it. There is absolutely no reason why such a cess should be thought of being re-introduced at such a time as this. For these and other reasons, Mr. President, I strongly oppose the introduction of this measure which would add to the sufferings of a large number of persons who own lands in this Presidency."

Rao Bahadur V. APPASWAMI VANDAYAR:—"Mr. President, I rise to oppose this Bill. The Government of India being of opinion that the old village cess was not a legitimate one, abolished it some time back. No doubt the village officers deserve some increase in their pay, but I submit that the means of getting the necessary money should not be by additional taxation on the people, because it is the Government that is taking work from them and not we. I also want to say a word about the provincial contribution of over 350 lakhs to the Imperial Government which many of the previous speakers have dealt with. I think that we should reject this Bill as a protest against the unequal treatment meted out to us in the matter of the provincial contribution. I would appeal to the honourable members of this House to give their votes solidly rejecting this Bill, and I may also request the members of the Government to join us in this matter, leaving out all etiquette or practice, in the interests of the Presidency and as a protest because the Government themselves appealed to the Government of India for reconsideration and that appeal was rejected. With these few words, I oppose the motion."

Rao Bahadur T. BALAJI RAO NAYUDU:—"I move, Sir, that the question be now put."

The Hon'ble the PRESIDENT:—"The motion before the House is that the question be now put."

The motion was put and carried unanimously.

The Hon'ble the PRESIDENT:—"I will now put the main question, namely, that the 'Bill for the levy of a cess in ryotwari villages towards the remuneration of village officers and for other purposes connected with the discharge of their duties' be read in Council."

The House divided as follows:—

Ayes.

- | | |
|-------------------------------------|---------------------------------------|
| 1. The Hon'ble Sir Lionel Davidson. | 6. Mr. N. Macmichael. |
| 2. " " Charles Todhunter. | 7. " M. E. Couchman |
| 3. " " Khan Bahadur Muham- | 8. " T. E. Moir. |
| mad Habib-ul-Jah | 9. " R. Littlebailes. |
| Sahib Bahadur. | 10. " C. W. E. Cotton. |
| 4. " " Rao Bahadur A. P. Patro. | 11. Rev. W. Meston. |
| 5. Mr. F. J. Richards. | 12. Rao Bahadur T. Namburumal Chetti. |

Noes.

- | | |
|---|---|
| 1. Mr. K. Adinarayana Reddi. | 10. Rao Bahadur T. Balaji Rao Nayudu. |
| 2. " C. Arunachala Mudaliyar. | 11. Mr. S. T. Shanmukham Pillai. |
| 3. Rao Bahadur V. Appaswami Vandayar. | 12. Diwan Bahadur Sir P. Tyagaraya Chettiyar. |
| 4. " K. Gopalakrishnayya. | 13. Mr. J. Kuppuswami. |
| 5. Rao Sahib P. C. Ethirajulu Nayudu. | 14. " W. P. A. Sankura Pandiya Nadar. |
| 6. Mr. B. P. Devarajulu Nayudu. | 15. Rao Bahadur A. Ramayya Punja. |
| 7. " O. Tanikachala Chettiyar. | 16. Mr. P. T. Rajan. |
| 8. " C. Ramalinga Reddi. | 17. " V. Pakkiriswami Pillai. |
| 9. Rao Bahadur T. A. Ramalinga Chettiyar. | 18. " C. Natesa Mudaliyar. |

[Mr. Muhammad Habib-ul-lah Sahib] [18th February 1922]

Nees—cont.

- | | |
|---|--|
| 19. Diwan Bahadur K. Suryanarayana
Murti Nayudu. | 37. Rao Bahadur C. V. S. Narasimha Raju |
| 20. Mr. P. Subbarayan. | 38. Rai Bahadur T. M. Narasimha Chari. |
| 21. " A. Subbarayudu. | 39. Mr. K. V. Ramachari. |
| 22. " N. A. V. Somasundaram Pillai. | 40. Rao Sahib U. Rama Rao. |
| 23. " T. Somasundara Mudaliyar. | 41. Mr. A. Ranganatham Mudaliyar. |
| 24. " K. Sitarama Reddi. | 42. " M. R. Seturathnam Ayyar. |
| 25. " P. Venkatasubha Rao. | 43. " T. Sivasankaram Pillai. |
| 26. Rao Bahadur C. Venkataranga Reddi. | 44. " R. Srinivasa Ayyangar. |
| 27. Mr. K. C. Venkatachala Reddiyar. | 45. " M. Suryanarayana. |
| 28. " V. C. Vellingiri Goundar. | 46. " T. Arumainatham Pillai. |
| 29. Liwan Bahadur R. Venkatarathnam
Nayudu. | 47. " A. T. Palmer. |
| 30. " " M. Ramabandara Rao. | 48. " M. Ratnaswami. |
| 31. " " M. Krishnan Nayyar. | 49. " A. Tangavelu Nayagar. |
| 32. Rao Bahadur A. S. Krishna Rao. | 50. The Raja of Ramnad |
| 33. Mr. P. Siva Rao. | 51. Mr. K. Prabhakaran Tampian. |
| 34. Mr. C. V. Venkataramana Ayyangar | 52. Muhammad Badsha Sahib. |
| 35. Sriman Biswanath Das. | 53. Khan Sahib Muhammad Abdur Rahim
Khan Sahib. |
| 36. Mr. S. Muttumanicka Achari. | 54. Munshi Muhammad Abdur Rahman
Sahib. |

Neutral.

- | | |
|----------------------------------|--------------------------------|
| 1. Mr. A. Ramaswami Mudaliyar. | 4. Mr. S. Somasundaram Pillai. |
| 2. " R. K. Shanmukham Chettiyar. | 5. " R. T. Kesavulu Pillai. |
| 3. " E. Periyannayakam. | |

The motion was lost, 12 having voted for and 54 against and 5 remaining neutral.

The Council then adjourned for lunch at 1-50 p.m. and re-assembled at 2-30 p.m.

IV

A BILL TO AMEND THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE ACT, 1894, AND THE HEREDITARY VILLAGE OFFICES ACT, 1895.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—

2-30 p.m. "Sir, I beg to introduce a Bill to amend the Madras Proprietary Estates' Village Service Act, 1894, and the Hereditary Village Offices Act, 1895, and to move that it be read in Council. I think I can considerably shorten any remarks that I may wish to make if I merely remind the House that I regard this as series No. 2 of the piece of legislation which we consider necessary for the purpose of combating the civil disobedience propaganda which was under discussion for three days during this meeting. Honourable members of the House, particularly those who hail from the Andhra Desa, will be personally aware of the fact that the infection of civil disobedience either originated from or was fanned by the active support and co-operation of some of the village officials. A large number of meetings, which honourable members would have noticed, from newspapers at any rate, were being held in all parts of that country exciting the village officials to resign. Whenever a few misguided individuals followed that pernicious advice, meetings were forthwith summoned for the purpose of offering congratulations to them and inducing the rest also to resign. And we have credible information to the effect that a number of these officials have so largely and so effectively identified themselves with the movement in question that they are themselves the leaders of it in some of the villages and it is no wonder that this has produced dangerous consequences, inasmuch as every one of us knows that the influence and power of a village official in his village is indeed supreme. He could therefore lead his village either for good or for evil.

18th February 1922] [Mr. Muhammad Habib-ul-lah Sahib]

"This movement which resulted in a large number of resignations from the village officials considerably aided and helped the 'no-tax' campaign. For it would be obvious to every one that, when the village organization which was itself responsible to collect the revenue broke down, that task would necessarily be paralysed. Not only did some of these men refuse to do their duty, but they even went to the length of intimidating and threatening every honest and law-abiding person who volunteered to take up their places and help the Government and deterred him from discharging their duty. That, Sir, is in brief the justification for this special piece of legislation which I now ask the permission of the House to introduce.

"Perhaps, I may at once invite the attention of the House to one important aspect of the case, namely, the right to hereditary. I know various views are held as regards the right to hereditary, but the Madras Government, at any rate, have recognized it and that right is in operation. I merely would draw the attention of the House to a few observations which were made when the question of hereditary was seriously considered by this Government in order to enable honourable members to judge that the measure to deprive the right of hereditary from those individuals who clearly have identified themselves with this disruptive movement which aims at the overthrow of Government being themselves the servants of Government cannot be regarded as too strong. The question of hereditary right in village offices is one of wide importance and much complexity and very varying opinions have been expressed on it. In the discussions which finally led to the enactment of the Madras Hereditary Village Offices Act, 1895, which is referred to in this Bill, no less an authority than Sir James Thompson expressed his strong opinion that the Government was best served by those village officers in districts, such as Tanjore and Malabar, in which no hereditary right was recognized, that its recognition had proved disastrous in districts such as South Arcot and Chingleput, and that in his experience the only persons who favoured the right were those who claimed it, and that the recognition of such a right must result in endless complications and difficulties.

"The Board of Revenue in 1892 expressed its desire to abolish the hereditary right altogether. Even the Government of India to whom the question was referred were doubtful of the expediency of the policy of hereditary, observing that the whole tendency of British administration is to assert the principle that appointments are made for the public good and not for the good of an individual family, and in finally yielding to the wishes of the Madras Government they referred to the experience in other provinces where the hereditary village karnams often proved a positive danger to the Government of which they were guardians and expressed the hope that, when possible, the application of the hereditary principle should be modified. The Government of India have thus proved themselves almost prophetic when they warned that the experience in other provinces which retained this hereditary right was that it gave rise to circumstances under which the very hereditary officials proved a source of positive danger to the administration.

"And we are dealing with a concrete case in which that warning applies with great force. However, Sir, the Madras Government have upheld the rights. The argument that was advanced then by this Government for the continuance of the hereditary right was its being

[Mr. Muhammad Habib-ul-lah Sahib.] 18th February 1922]

a valuable asset firstly to the officer himself and secondly to the Government. When we now find that the village officers have been using their position and prestige against the Government which they serve, it is but right and just that they should be made to lose the hereditary right which was accorded to them as being an asset to the Government. In the districts of Kistna, Guntur and Godavari within the last three or four months so many as 65, 204 and 40 village officers respectively have resigned for, what would be obvious to every one—false reasons—at any rate judging from reasons which they urge in their resignations. And attempts made to fill their places by local officers had not been successful; for, as I have already said, threats, intimidations and other kinds of fear are invariably held out for preventing others to take their places.

“According to the law now in force under section 7 of the Hereditary Village Offices Act III of 1895, a Collector may dismiss or remove the holder of a village office for misconduct or neglect of duty or incapacity or for non-residence in the village or for any other sufficient cause. And thereafter he may direct under section 10 that until death of such last holder the duties of the office shall be performed by some person who is not an undivided member of the family of the last holder. An almost identical provision is found in sections 12 and 16 of Act II of 1894. Now, Sir, reading the phraseology of these sections aright it would be patent that in neither of these Acts any provision is made for preventing the hereditary right of the family. The present provisions of the Act as we have generally known by experience can be easily evaded by the simple expedient of an alleged division of the family. In the face of the large number of resignations in these three districts and the difficulty of replacing the dismissed officers it is deemed necessary to make it clear to the village officers that they hold the privilege of the hereditary right on certain conditions and certain conditions only and when these conditions are violated they cannot expect to retain the privilege. This Bill is accordingly introduced to give the district collector power subject of course to an appeal to the Board of Revenue to pass an order of dismissal which shall *ipso facto* terminate the hereditary right of the family of the dismissed officer unless for special reasons the collector directs otherwise for which a specific provision has been made in clause 4 of the Bill.

“About the equity of this provision as regards the officer himself there cannot, I fancy, be much dispute. This is practically the existing provision and something more. It may be urged, though I do not expect it will be, that it is hard on the family that other members should suffer for his offence. It is for this reason that discretion has been left to the collector so that in case the next of his kin or any other member of his family is able to satisfy him that he does not share in the previous holder's attitude and that he is competent and that he will discharge his duties loyally, the Collector is competent to appoint him. But where it is not the case, it is of course desirable that the right of the family should be terminated absolutely and that the holders of the office should realize at once that this will be the consequence of their taking part in the movement which seeks to prevent the collection of revenue which it is their duty to assist in and which has conferred on them the hereditary right. Let me repeat, Sir, that it should not be imagined again that in proposing this legislation the Government are acting in any vindictive manner but that they are only desirous of punishing a class

18th February 1922] [Mr. Muhammad Habib-ul-lah Sahib.]

of men who have failed in their duty. The Act will not primarily affect those who have already been dismissed. The Government are depending on these village headmen for the collection of their revenue and it is found that many of them have failed in their duty. Further there is a danger of others following this pernicious example. The Government desire to prevent this by making it quite clear that there will be consequences attached to such action and that those who take this step will lose their hereditary. The Government therefore hope that men who have in the past been loyal and who have a real attachment to the posts they held for generations will in this way be deterred from forfeiting their rights by avoiding this fatal step.”

The Hon'ble Sir LIONEL DAVIDSON:—“I second the motion.”

Mr. P. SIVA RAO:—“Mr. President, Sir, I wish to pass some remarks even at this state about this Bill under consideration. The Hon'ble the Revenue Member, Sir, in his speech in introducing this Bill observed that this was a measure which is entirely directed against the movement of non-co-operation or mass civil disobedience or no-tax campaign. I have taken care to scrutinize the provisions of this Bill. But I do not find any provision confining its effects to cases of non-co-operation or no-tax campaign. In the preamble, it is stated; ‘whereas it is expedient further to amend the Madras Proprietary Estates' Village-Service Act, 1894, and the Hereditary Village Officer Act, 1895, it is hereby enacted as follows.’ Sir, there is absolutely nothing to indicate that this legislation is only a device to keep out a certain people. It is not even mentioned how long it will be in force whether it would be temporary or permanent. Section 2 of the Act states that if a village officer refuses or neglects to perform his duty or tenders his resignation except for a cause which in the discretion of the district collector is satisfactory he is liable to be dismissed. It is all well, Sir, to provide that if the village officer refused to perform his duties or neglects to perform his duties he should be dismissed; but under what circumstances? It is stated in the Statement of Objects and Reasons that only in cases where the village officer is led away by the non-co-operators he would be liable to be dismissed. What I mean is that the portion of this section which empowers the district collector to dismiss the village officer in the circumstances does not confine its operation only to those who are under the influence of the non-co-operators. In any case the district collector is the sole judge and it is left to him to say whether the reason given for the resignation is satisfactory or otherwise. It is not necessary for the Collector to find that the dereliction of duty or resignation is due to the pernicious influence. All that the District Collector has to find is there is not satisfactory reason for the resignation. If under any circumstances the district collector comes to the conclusion that the resignation has been made at a wrong moment whether the Collector thinks that it was due to any political agitation or not it is open to him to dismiss the village officer, and deprive his family of the hereditary right.

“What I find fault with and very seriously too is this; why should the sin committed by one member of a family be visited on his relations? Under the present Act, if an office holder is dismissed, none of his relations, such as his brother or son, can get into his office even if they are fully qualified. Now, Sir, it is not denied that this is a measure to strike terror into the hearts of non-co-operators among the village

3 p.m.

[Mr. P. Siva Rao]

[18th February 1922]

officers; it is not denied that this is intended to act as a punishment to the unfortunate persons who come under the influence of the non-co-operation movement. Even then it is always proper and just to confine the punishment to the man who under the evil influence of the movement tenders his resignation and thereby embarrasses the Government. Supposing his near relative, his nephew or his son who may possibly not have joined the movement at all wishes to step into his shoes, should he be deprived of it in the manner proposed in the Bill? Sir, this measure does not propose to deal with the general policy of the hereditary right in the village officers in this country. That is a separate question altogether. If the Honourable Member in charge had been considering whether these village offices generally should be hereditary or should endure during the lifetime of the office holder for the time being and if he was introducing the principle that these offices should be bestowed on the best man for the time being, not necessarily on a member of the family and if he was doing away with the hereditary principle altogether from the village offices, that is a different thing altogether. I do not think the Hon'ble the Revenue Member proposes to effect this general change at this moment, unless he brings about certain other reforms about the revision of the pay, salaries and emoluments of the village officers. As I stated that is a different matter altogether. What he now proposed to do is to visit one class of village officers who are known as non-co-operating village officers and who have tendered their resignation under the pernicious influence of non-co-operation, with punishment and nothing else. Even then, I may justly ask, why should such a large discretion be vested in the district collector in the case of all resignations? And those conditions which the Hon'ble the Revenue Member stated in introducing the Bill find no place in the body of the Bill itself. When the Bill comes to be interpreted, it may be applied to normal conditions even and not necessarily to the non-co-operation movement. It is liable to the interpretation that if any resignation due to whatever case is not approved of by the district collector, the man who tendered his resignation might be dismissed and his whole family will be deprived of its hereditary rights. Now, the only effect of such a legislation would be to irritate the hereditary village officers who are already a discontented lot on account of their disgracefully low pay. They are discontented because they are notoriously underpaid; and for various other reasons. But let us not add fuel to the fire by introducing legislation of this kind. Sir, the latest account shows that these resignations were tendered in the first instance and withdrawn later on and now I learn from an account of it in the Publicity Bureau that one by one has been withdrawn and they have been joining office. I know of instances, Sir, when in a weak moment under outside influence these village officers joined the non-co-operation movement and tendered their resignation and they have afterwards realised their position and requested the district authorities to take them into the service again. Under no circumstances, should his innocent family who had no hand whatever in this movement be deprived of his right of succession. For these reasons, I think this measure is a very undesirable one."

Mr. A. RANGANATHA MUDALIYAR :—" I don't want to enter into a detailed criticism of the Bill at the present stage. The Hon'ble the Revenue Member said that this formed No. 2 in the series of measures directed

18th February 1922] [Mr. A. Ranganatha Mudaliyar.]

against the no-tax campaign. Sir, we have noticed that as regards measure No. 1 adopted by this House there were certain safeguards against its misapplication in the Presidency. First of all, it was a temporary measure limited for the space of a year; secondly, it was not applicable automatically to the whole Presidency but was to be introduced in specified areas after due publication in the Fort St. George and in the District Gazettes. In this Bill, there are no such safeguards at all, and further the Hon'ble the Revenue Member referred at length to the unsatisfactory character of the hereditary tenure of these officers. Now, the hereditary tenure, Sir, has its advantages as well as its disadvantages, and it seems to me unnecessary just now to discuss them at length. But this much can be said, viz., that without trying to increase the emoluments it is unwise to take away the hereditary character of these appointments. I think it was said in the old Council by an experienced revenue official that unless the Government were prepared to raise their salaries to Rs. 50 or 60 a month, it was idle to think of doing away with the hereditary character of these appointments. It is hereditary tenure which is really drawing people to these offices and I think it would be disastrous to think of doing away with the hereditary character without at the same time trying to make it attractive by increasing the emoluments. The bill, therefore appears to be unsatisfactory in these respects and I think we should hesitate before giving assent to this measure."

RAO BAHADUR T. BALAJI RAO NAYUDU :—" I beg to support this Bill. This is purely a measure similar to the one that this Council passed, in the way of amending the Revenue Recovery Act, as a temporary measure. It is evidently intended to prevent village officers joining the non-co-operation movement and refusing to do work in the matter of revenue collection. Experience shows that a number of village officers have started to send up their resignations, thinking that they would make the collectors fear the effects of non-co-operation. But somehow or other, the collectors began to treat the resignations otherwise, by not accepting them, and to dismiss the people who tendered their resignations. As soon as the Collectors started to dismiss village officers who tendered resignations, instead of accepting them, they tendered apologies to the collectors and entered the service. That being the effect of the measure taken by the Collectors to dismiss people who resigned, this Bill will have a better effect. There is no harm practically done, in the case of men who wantonly and wilfully support non-co-operation and defy the Government. I do not think they deserve any consideration. There may be cases here and there of an innocent son suffering for the fault of the father. But there are safeguards against it. There is the right of appeal against the collector's order to the Board of Revenue and the Board of Revenue is in a position to reverse the order of the collectors and to restore the hereditary right of the family. The authorities above and the district officers will do simple justice to people. That being so, I strongly think that this measure is as necessary as the Revenue Recovery Amendment Act and it should be carried by a majority of the House."

Mr. N. A. V. SOMASUNDARAM PILLAI :—" Mr. President, I heartily give my support to this measure. It is a very necessary measure and no possible objections can be taken to it. Those persons who willingly want to throw difficulty in the way of Government and who want to retire just at the time

[Mr. N. A. V. Somasundaram Pillai] [18th February 1922]

when the greater part of the revenue is to be collected and when their service is most wanted could not expect any sympathy at the hands of any one. So far as necessary safeguards have been given and provision is made for calling upon them to explain before dismissing them and at the same time there is a right of appeal against such order, there can be no objection whatever under such circumstances to a measure like this. It is necessary to have a salutary effect upon the karnams and other village officers and they will think twice before they think of resigning. So I give my support to this Bill."

Rai Bahadur P. C. ETHIRAJULU NAYUDU:—"Mr. President, this being only an emergent measure which is to overcome the difficulty which is thrown in the way of Government in the collection of taxes, I think we must give our hearty support to this Bill. Sir, the majority of these village officers, as we are all aware, are more or less autocrats in their villages. He is a judge, he is a magistrate, a police officer, a collector and is everything. When a man of his position should throw out his job, not on any other ground but for political reasons saying 'on account of the Punjab wrongs and according to the Congress mandate, as a self-respecting man, I throw out my job,' what else can the Government do except to deprive him of his hereditary rights? Directly the man is thrown out of the job, he is so much honoured in the village, he is garlanded and is taken in procession, he is almost deified and he becomes a hero for the time being. When a village officer of this rank should defy and refuse to pay his tax, other villagers dare not pay their kist whether loyalists or co-operationists. In Guntur district, one fine morning, about 80 village officers and karnams threw out their jobs; is it not to paralyse the Government just at the time when kist collection session has commenced? It is to prevent such cheap notoriety that this Bill has been brought forward and as it is an emergent measure we must lend our strong support to it to save the present crisis. I dare say the Government will only take note of such officers as on political grounds threw out their jobs and not for ordinary reasons. I therefore with these remarks give my strong support to this Bill."

Rao Bahadur A. S. KRISHNA RAO PANTULA:—"Sir, the warning conveyed in the speech of the previous speaker that the Government would do well to see that the Bill affects only those who resign their offices on political grounds leads us to pay careful attention to the various provisions of the Bill with a view to see whether it is calculated to achieve that object. If the Bill is not to differentiate a case where one resigns for political reasons from a case where the resignation is due to other causes, there is no use of our giving assent to it or to rely upon the kindness or goodness of the officer concerned in differentiating the proper from the improper cases. It is at this stage when we are trying to enact a measure that we must see whether it is of such a character as will not harm those persons whom it is not intended to affect as suggested by the Honourable the Revenue Member. It was stated, Sir, that this was one of a series of Bills intended to cope with the special occasion which had arisen in the Andhra Desa. If that were the object, the first thing that one would have naturally expected in the introduction of a Bill of this description would have been a specific statement in the Bill itself that it is a temporary Bill to be in operation for a specific period as was done in the case of the Revenue

18th February 1922] [Mr. A. S. Krishna Rao Pantula]

Recovery Amendment Act. We find nothing of that sort. We find that it is a permanent piece of legislation introduced to alter the provisions of Act II of 1894 and Act III of 1895. Is it desirable that to cope with a special occasion of a temporary character which has arisen in the country you should pass a permanent Bill of this kind creating permanent difficulties not only in the way of the village officers concerned but also in the way of their descendants?

"There are two main principles dealt with in this Bill apart from other details. The first is about the village officers themselves under clause 2 of the Bill. Clause 2 states: 'the District Collector may dismiss or remove the holder of any of the offices forming classes 1, 2 and 3 of section 3 of Act III of 1895 if such officer refuses or neglects to perform his duty or tenders his resignation except for a cause which the District Collector in his discretion accepts as satisfactory.' The next clause provides for an opportunity being given to the holder of the office to show cause against such dismissal or removal and also for an appeal to the Board of Revenue within a period of one month. So far as the principle underlying this provision in clause 2 is concerned, I do not make any serious complaint. I do not object to the dismissal of an officer who deliberately neglects or refuses to perform his duties or tenders his resignation in order to create difficulties at the time when his services are required. What I would ask the Hon'ble the Revenue Member to consider in this connexion is whether it is necessary to have a Bill to achieve this object. Is it necessary to have a Bill for the purpose of enabling the District Collector to dismiss a village officer who neglects or refuses to perform his duty or tenders resignation for improper reasons? Are not the provisions of Acts II of 1894 and III of 1895 sufficient to enable the officer concerned to exercise discretion and dismiss him for such a course of action? I wish to draw the attention of the Council to the provisions already contained in the two Acts. Section 8 of Act III of 1895 reads: 'A proprietor may, of his own motion or on complaint and after inquiry, suspend, dismiss or remove the holder of any of the offices in his estate forming class (3) in section 3, except the village accountant, the head of the village and the village watchman or police officer, for misconduct or for neglect of duty or incapacity or for non-residence in the village or for any other sufficient cause and shall make a record of his reasons for so doing in writing and furnish a copy of the same to the village officer concerned.' Though the section was read by the Hon'ble the Revenue Member, I wish only to draw the attention of the House to that aspect of the matter. There are similar provisions in the other Act of 1894. It is now open to the officer concerned to dismiss the village officer for misconduct or neglect of duty or other sufficient cause. Can it be seriously contended that the provision in the present Bill creates any departure from that principle or carries matters to any further extent? Is it seriously contended that there is a grave prejudice to the cause of administration by allowing the full period of three months for an appeal to the Board of Revenue and that it is found necessary to shorten the period from three to one month? I do not, for my part, Sir, find any special necessity for having a new Bill to dismiss a village officer who is guilty of neglect of duty or who refuses to work. Therefore, Sir, so far as that principle of the Bill is concerned, I am not satisfied about the necessity for a new Bill to carry out that object.

[Mr. A. S. Krishna Rao Pantulu] [18th February 1922]

"Coming to the other question as to the effect of the measure upon the descendants, there lies the real difficulty. It is the principle underlying that provision that I find it difficult to give my assent to. It suggests that on such dismissal or removal the hereditary right to the office shall unless the Collector otherwise directs, cease and so on. Sir, even under the present Act as has been already admitted by the Hon'ble the Revenue Member, we find that there is a provision in section 12 of Act II of 1894 that 'where an hereditary village office has become vacant by the dismissal or suspension of the last holder, the authority by whom he was dismissed or suspended, may direct that until the death or return to duty of such last holder, the duties of the office shall be performed by some person duly qualified under sub-section (1) of section 10 who is not an undivided member of the family of the dismissed or suspended officer, to be appointed by the proprietor and so on. I would ask, Sir, whether this Council thinks that in case where an officer tenders his resignation for reasons not satisfactory in the opinion of the Collector, it is not a sufficient punishment that he is himself dismissed and that members of his undivided family are precluded from entering into the place so long as he is alive. Is it not a sufficient punishment that he and his immediate descendants are deprived of the opportunity of exercising those functions during his life time? I would ask whether it does not amount to cruelty or vindictiveness if we do not stop there but go further and completely deprive them of the hereditary right? Is it not possible for any one to point out that this Bill is passed in a vindictive spirit notwithstanding the assertion of the Hon'ble the Revenue Member to the contrary, when this Bill has the effect of depriving for ever the hereditary right of the office-holders? I would, for this main reason, specially urge upon this Council not to give its assent to the Bill.

"Sir, it is also a matter for consideration whether we can carefully analyze the various causes which may prompt the village officers to resign their offices. Let the Council also realize that there has been much discontent in the country among village officers, owing to their not having been able to get that increase of salaries for which they have been clamouring for several years. Owing to our restricted finances we have not been able to satisfy them and owing to the already heavy taxation of the country, we have not been able to give our assent to the imposition of an additional cess for the purpose. If a village officer resigns, it is very difficult not withstanding the sagacity and the ability of the officer concerned to discriminate and state to what reasons the resignation is due. Whether the primary reason is discontent created on account of the treatment accorded to them or the poor and inadequate salaries, or whether it is due to a spirit of non-co-operation or an intention to paralyze the Government, it is difficult for the most intelligent of officials who are now entrusted with the duty of investigating into such matter to come to a correct conclusion. If it is due to the former set of circumstances, is it fair that the officer should be visited with the penalty that the Bill proscribes? I would, therefore submit, Sir, that the Bill does not provide the necessary safeguards or the necessary checks to make it really useful for carrying out its object and in addition to it, it savours of the character of a Bill drawn up in a revengeful spirit. For these reasons, Sir, I feel constrained to oppose it."

Mr. G. VANDANAM :—"Sir, the Bill has been characterized by some as a vindictive measure. To my mind it seems to be a measure of immense

18th February 1922] [Mr. G. Vandanam]

educative value because it teaches the village officers their duties to their families to the village, and to the State. These people have been enjoying these rights for generations and they should be grateful to the Government which have given them these rights. In many cases there are people who are more willing to occupy their places, who are better qualified than the existing incumbents, people who can perform their duties more acceptably to the Government and to the people concerned. Never theless, they are not allowed to fill these places because some others have the hereditary rights over these places. When the Government have paid so much attention to preserve the hereditary rights of these officers, it is but right that they should stand by the Government in times of need, and if they do not do so, I think they ought to be taught a lesson.

"Moreover, Sir, it is a natural law also that the sins of the fathers are always visited on the heads of their children. So also children derive the advantage of the father's virtuous deeds. In this case, the incumbents have been enjoying the advantages which their parents have won for them. Similarly, if these people misbehave, their children ought to suffer, not on account of any vindictiveness on the part of the Government but on account of the ungrateful character of their parents.

"Besides, nobody compels the village officers to resign. Nobody compels them to throw away their rights which have been zealously guarded for generations. The whole thing is in their own hands. If they take any such course of conduct as to resign their places without provocation, then they must be prepared to abide by the consequences thereof. There are the rules and conditions and if after mature deliberation and knowing the consequences of their actions, these people misbehave, let them do so and suffer the consequence. If they do not want the consequences contemplated in this Bill it is open to them to remain in their places and not paralyze the Government. The Government never compels them to resign. If they want to throw off their places light-heartedly when the Government stand in dire need of their services, let them be prepared to take the consequences on their families cheerfully."

Rai Bahadur T. M. NARASIMHACHARLU :—"Mr. President, Sir, in my opinion there is at present no urgency for this kind of legislation. It has been brought to the notice of this Government that the activities of non-co-operation have been suspended especially the no-tax campaign, civil disobedience and other such activities. And we have also heard that several village officers who have in a weak moment tendered their resignations have repented their folly. I think, Sir, it is not desirable to irritate the village officers who are already discontented on account of their smallness of pay and the treatment that is accorded to them by officials of Revenue and other departments. Therefore, I think, Sir, that there is at present no urgency for this kind of legislation. In the second place, the object of the Government is to punish the village officers for being disloyal, i.e., for not doing their duty on account of their being associated with a disloyal campaign. That being the avowed object of the Government in bringing this measure, I fail to see, Sir, why they should not state it so distinctly in the Bill itself, either in the preamble or in any clause of the Bill to that effect. For instance in clause 2 after the words 'if such officer refuses or neglects to perform his duty or tenders his resignation' some such words as 'owing to

Mr. T. M. Narasimhaachari [18th February 1922]

his being disloyal or his being associated with the non-co-operation movement', may be inserted. Why not these words be introduced plainly, straight-forwardly and honestly so as to bring out the true object of the Bill?

"I therefore submit, Sir, that this kind of general wording is a very dangerous one. It should not be left to the individual district collectors to dismiss the village officers for what they conceive to be misconduct on the part of the village officers. The district collectors ought not to be the judges to determine the kind of misconduct for which the village officers should be dismissed which would entail the forfeiture of the hereditary right. It must be distinctly and clearly stated in the Bill itself if the object of the Government is to forfeit the hereditary right in cases of disloyalty. I think, Sir, it is unnecessary for me to dilate more upon this point and the objectionable feature of this Bill lies in the fact that the wordings of clauses 2, 3 and 4 are too general and cannot, therefore, be accepted. If, on the other hand, the clauses in the Bill are limited to such disloyal misconduct, I think, Sir, there might not be any objection at all to that kind of thing, because we should punish disloyalty and I may go to the length of saying that all disloyal acts should be visited with forfeiture of the hereditary right. But instead of specifying so, the sections are very generally worded. Let us take clause 4 into consideration. Clause 4 says:

'On such dismissal or removal the hereditary right to the office shall unless the Collector otherwise directs cease . . .'

"So that as a necessary consequence of dismissal for any misconduct, the hereditary right automatically ceases unless the Collector otherwise directs. Therefore, reading these several clauses together, it seems to me that the forfeiture of the hereditary right may be tacked on to any kind of dismissal unless the district collector directs otherwise. There are district collectors and district collectors. Their ideas of misconduct may vary. What appears to be heinous to one officer may not appear to be so in the mind of another officer. Consequently, very many people might be punished with forfeiture, for things which are not considered punishable by their brother officers in other districts. I therefore submit, Sir, that in this respect the Act is so general and so all-embracing as to merit the forfeiture of hereditary right in every case where a dismissal is ordered by the district collector. This is too drastic and unmerited.

"Secondly, Sir, if this is really an emergency legislation, there is no specification of any time limit here as was the case in the case of the Revenue Recovery Act which has been passed into law by this Council the other day. This seems to me to be also a defect in this Bill. As in the other case if the time was limited in this case also, we can understand the reasonableness of such a measure, but we find no such thing in this case.

"Then, Sir, the only consolation in regard to this measure is that unlike in the other case there is no Government communiqué here that, if they are dismissed, the posts will be given over to the depressed classes.

"Again, I submit, Sir, that these provisions are quite unnecessary as there are similar provisions already existing in the Act which authorize the Collector to dismiss the village officers. If the object of introducing these provisions is to meet the special emergency of disloyalty in the village

18th February 1922] [Mr. T. M. Narasimhaachari]

officers, I would respectfully submit that that special misconduct might be mentioned here as the cause which induced the Government to introduce this Bill.

"Thirdly, Sir, if this is really an emergent measure, the moment the emergency passes away, this law must automatically cease to operate. Instead of that, we find this to be a permanent amendment to the existing Act and, as such, it is objectionable. No doubt there is some force in the objection that this aims at vicarious punishment, but I do not see much force in that, because when a man accepts an office, he accepts the rights, as well as the responsibilities attached to that office, and when he is convicted of disloyalty, I think there is nothing wrong in depriving him also of his hereditary right. But, anyhow, as I have already pointed out, there are objectionable features in the Bill and I have to oppose the motion."

Rao Bahadur K. GOPALAKRISHNAYYA:—"Sir, I find some difficulty in readily giving my consent to this Bill. Of course, it is necessary to vest the Executive Government with extraordinary powers in cases of emergency. No doubt some emergency has arisen in certain parts of this Presidency and the Government have taken timely precaution in issuing a communiqué setting forth the remedy which they wanted to put into operation. The intended remedy, Sir, has been very effective and in consequence thereof there have been innumerable cases of withdrawal of resignations. Before seeing exhaustively what the effect of their communiqué would be in time to come, it is untimely, I think, Sir, for the Government to introduce this Bill this very month. On the other hand, I would advise the Hon'ble the Revenue Member to keep the coals alive until probably next August and to keep this sword hanging on these recalcitrant village officers, and certainly if the emergency continues even after next August, then the honourable member might come forward with such a request to this Council and ask the House to lend their support. The only emergency that has now arisen is that the village officers have in good numbers refused to collect revenue. Even the season for collecting the revenue is fast coming to an end. There is only one month more left and of course to-day we are not going to pass this Bill into law. If the Bill has to go to the select committee, I am sure it will take some more time for the Bill to emerge out of the hands of the committee and as such, if it is considered that this is an emergent measure, the emergency would pass away by that time and there would be no occasion for applying the stringent measures that are sought to be vested in the Collectors by virtue of this Bill. With regard to the Bill itself, if it goes to the select committee, I think there are several things which ought to be incorporated in it. Again if it is an emergent measure, it is not quite reasonable to place it permanently in the Statute Book. The safeguards that are said to be provided in the Bill as it is framed are not at all satisfactory and the time-limit for appealing to the Board of Revenue is now sought to be reduced to one month. Then, Sir, there is a clear defect in the Bill itself for want of a definition as regards the nature of the misconduct that is sought to be brought to book, and a clear definition of this peculiar misconduct is required to be enunciated in the Bill to bring to book such village officers as may be liable to misconduct of this particular nature intended to be dealt with. To deprive the village officers of the hereditary character of their office is also a thing which ought to be very seriously

[Mr. K. Gopalakrishnayya] [18th February 1922]

considered. The village officers hold their office on account of the prestige which is attached to the office, and when once an officer is dismissed, we cannot imagine that a new village officer from a different family would be able to conduct that office smoothly in the village. Looking from all these aspects of the case, we have to carefully consider whether there is a special urgency in regard to this matter, and whether we cannot wait for some more months to see if these village officers would not correct themselves and withdraw their resignations. If really any emergency still continues two or three months later then we can think of this legislation, and certainly the House will not then grudge to give the Government its support provided some more safeguards are introduced in this legislation."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, if this Bill aims at taking away all the hereditary rights of village officers, I am bound to inform the Council that I am entirely opposed to getting rid of those rights. At the same time, if the Hon'ble the Revenue Member thinks that an emergency has arisen which has to be provided for by a temporary expedient, I do not think I would stand in his way. The other measure that has been passed, the Revenue Recovery Bill, is of a temporary character and if the honourable member says that the administration is inconvenienced by resignations and he is unable to appoint proper successors to such posts on account of the hereditary character of the office during the period of emergency and if suitable amendments to this Bill will be introduced in order to see how this measure will work during this period of emergency, there will be no objection, I should think, to this measure, but on the other hand, as the Bill has been framed in such a manner as to make it a permanent measure on the Statute Book, I am opposed to it. If the Hon'ble the Revenue Member would give us an assurance that with a view to meet this contingency, he will introduce suitable amendments in the select committee stage, I personally shall have no objection to a measure such as this. But as the measure, is conceived, it seems to arm the administration for all time to come with the power to get rid of hereditary rights by its mere fiat. I remember, Sir, some time ago there was a proposal to radically alter the Acts of 1894 and 1895 so as to affect the rights of village officers who had hereditary rights. That Bill was published, and I may inform the honourable member that it caused considerable discontent among the people.

" I know that many statements have been made that the village officer is causing considerable alarm already. I also remember some publication by the Publicity Board wherein it is stated that the Government have decided to restore the hereditary principle in due course."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" That was published in the communique itself."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Therefore Government have definitely already made a statement that they have no intention of confiscating by this Bill the hereditary right to appointments. Well, the honourable member says that it is only in the case of loyalists. My honourable friend is the best judge of the loyalty or the disloyalty of village officers; then the Board of Revenue, then the collector, then the divisional officer, then the tahsildar and then the revenue inspector. All these

18th February 1922] [Mr. M. Ramachandra Rao Pantulu]

gentlemen can make a man loyal or disloyal as they like. Whether the Bill will be a temporary measure or not has not been indicated. If he makes an assurance to that effect, there will be no objection to it."

Mr. O. TANIKACHALA CHETTIYAR :—" Mr. President, Sir, I rise to say that I support the principle involved in this Bill. I use the word ' principle ' advisedly, because along with my friend Mr. M. Ramachandra Rao I realize that a measure of this kind ought not to be in the Statute Book permanently and for all time. But we all know and deplore the circumstance which necessitates that the hands of the Government should be strengthened. I say this, for it is a well-known maxim of law that all appointments are held at the pleasure of the Crown, that is to say, so long as the appointee behaves properly. But in the case of village officers Government has gone out of the way apparently with a view to ensure their loyalty for all time by making their appointments hereditary. But when they take part in movements intended to paralyse or undermine Government and intended to defeat the very existence of Government whose existence has conferred upon them this right, this favoured right of handing on the office to their children and their children's children, it is but right that Government should have the right to say to these people who are out to undermine this authority, ' we shall not show you favours '. My honourable friend Mr. Vandanam has pointed out that it is an old and recognized law that the sins of the father shall be visited on his children and children's children even unto the seventh generation. (Laughter). So those who don't support the Government but actively cut at the root of the Government cannot expect that their rights shall be respected; for such rights as they have arise from the existence of society and the existence of the State. But when they are making it impossible for the State continuing as a State they have forfeited the right of holding office. That is the law of confiscating property but the Government does not propose to confiscate property. The Government says ' the favoured treatment that we have been all along giving you cannot be allowed to you, your children or your children's children. ' Of course in the management of State affairs, you cannot go on the maxim, ' if you are smitten on the right cheek you shall also show your left '. But it must be on the maxim, ' a tooth for tooth or many teeth for one tooth. ' In these circumstances the time has come for the Government to say ' we shall handle you properly, severely and sternly for trying to undermine our authority '. At the same time I do recognize that it is not right that this power should be exercised by Government at all times. Therefore as we did in the case of the Rent Recovery Act the other day, limiting it as we did to June 1923, we might limit this Bill to December 1923. This is a matter of detail which may be dealt with at a later stage. While I support the principle, at the same time, I think that the power to use it for all time should be taken away with the reservation that the power that the Government want shall be got by re-enacting the Bill if circumstances require, after a period of one and a half years. I would appeal to all the honourable members of the House to support and strengthen the hands of the Government in their endeavour to keep peace and order in the country."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I have not much to add at this stage. I have very carefully noted the points and the various suggestions that have been made by honourable members, and I can assure them that the suggestions which they have now

2460 A BILL TO AMEND THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE ACT, 1894, AND THE HEREDITARY VILLAGE OFFICES ACT, 1895.

[Mr. Muhammad Habib-ul-lah Sahib] [18th February 1922]

made will be very carefully considered by the Government and the Select Committee whom I am going to propose. It will be rather prejudicing the issues now raised by expressing any opinion at this stage, for I should very much prefer the members of the select committee to deal with these suggestions independently. I should therefore not weary the Council with any suggestions at all now. All that I may now add, Sir, for the information of the members is that sufficient safeguards have already been provided in the Bill that I have now introduced in the Council. In the first place no order will be passed without an adequate opportunity being given to the village officers concerned whom it is proposed to deal with thereunder. Secondly the aggrieved party has a right of appeal to the Board of Revenue within a period of one month, and thirdly the Collector himself has been given the discretion by means of clause 4 of this Bill not to apply the deprivation of the hereditary right in the case of such individual as he thinks is loyal and does not hold the same opinion as the individual whose dismissal is being ordered and thereby preserve the hereditary right even for a family whose member might be dismissed. Well, there are a few other suggestions to alter the phraseology here, to add a definition there and to make certain matters more clear. All these I repeat are matters for the select committee to decide. I take it that the select committee, whom I am going to suggest, will take care to see that the Bill is purged of any matter which may be regarded as objectionable and that if any more safeguards are considered necessary, they may be likewise introduced. With these few words, Sir, I would again beg the Council to give me permission to have the Bill read in Council."

The Hon'ble Sir Lionel Davidson moved the closure which was put and carried.

The motion that the Bill be read in Council was then put and carried.

The Secretary then read the title of the Bill.

The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur then moved that the Bill be referred to a select committee.

The Hon'ble Sir Charles Todhunter seconded the motion.

The motion was put and carried.

The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur then moved that the select committee do consist of the following gentlemen:—Mr. M. E. Couchman, the Advocate-General, the Raja of Ramnad, Diwan Bahadur F. Desikachariyar, Rao Bahadur P. C. Ethirajulu Nayudu, Mr. Munshi Muhammad Abdur Rahman Sahib Bahadur, Mr. C. Ramalinga Reddi, Dr. Natesa Mudaliyar and myself.

The Hon'ble Sir Charles Todhunter seconded the motion, which was put and carried.

V

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919.

The Hon'ble Mr. P. RAMARAYANINGAR :—"I beg to present the report of the select committee appointed on Thursday last to consider the Bill to amend the Madras City Municipal Act of 1919 and move that the Bill, as it is amended, be taken into consideration."

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919. 2461

18th February 1922]

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU:—"I second it."

The motion was put and carried.

The Hon'ble the PRESIDENT :—"I shall now in accordance with the usual practice take this Bill clause by clause."

The Hon'ble Sir LIONEL DAVIDSON :—"Sir, before I move the series of verbal amendments which stand in my name, I should like to explain how it came about that I am butting into this Bill. It is on the request of the Hon'ble the Minister in charge of it. These alterations were worked out after the report of the Committee had been presented to the House and they have all been approved in substance by the Advocate-General and the Hon'ble Mr. K. Srinivasa Ayyangar. The necessity for verbal amendments is not unnatural considering the haste with which the Select Committee stage was pushed through—between the adjournment of the House one evening and the next morning. The first amendment I move is:—

'In the numbering of the sub-clauses in clause (1) substitute *Arabic* for *Roman numerals*.'

That is the universal custom.

The Hon'ble Mr. K. Srinivasa Ayyangar seconded the motion.

The motion was put and carried.

Clause 1.

The Hon'ble Sir LIONEL DAVIDSON :—"I next move, Sir:—

For sub-clause (2) of clause (1) substitute the following:—

'Section 4 shall be deemed to have been in force from the 1st October 1919.'

"This needs a little explanation. The exact effect of the amended sub-clause is identical with the original clause. The 1st October 1919 is the date upon which the Madras City Municipal Act, 1919, actually came into force in pursuance of a notification issued in section 412 of that Act. The object of the Select Committee was to ensure that clause 4 of the Bill should have retrospective effect. With regard to the other clauses, the date from which they come into force depends entirely upon section 5 of the Madras General Clauses Act, 1891, under which they will come into effect simultaneously with the amending Act."

Mr. C. P. RAMASWAMI AYYAR :—"I second it."

The motion was put and carried.

The Hon'ble Sir LIONEL DAVIDSON :—"Sir, my next amendment is consequential on the sub-clause which has just now been
4 p.m. accepted by the Council. The original sub-clause specifically referred to the Madras City Municipal Act, 1919, and thereafter followed the words 'hereinafter referred to as the said Act'. That passage having been eliminated in the new clause, it becomes necessary to introduce a reference to the Principal Act. I therefore move, Sir:—

Add the following as sub-clause (3):—

'(3) In this Act the expression 'Principal Act' means the Madras City Municipal Act, 1919.'

[18th February 1922]

Clause 1—cont.

Mr. O. P. RAMASWAMI AYYAR :—" I second it."

The motion was put and carried.

Clause 1 of the Bill, as amended, was then put and carried and allowed to stand part of the Bill.

Clause 2.

The Hon'ble Sir LIONEL DAVIDSON :—" The amendment which stands in my name with regard to clause 2 runs as follows :—

(4) For the first five lines substitute the following :—

' Without prejudice to the proviso to rule 7 of Part II of Schedule IV of the Principal Act, the following shall be substituted for the scale of assessments given in the said rule.'

" This again is a purely verbal amendment. Clause 2 of the Bill, as amended by the Select Committee, contains an unnecessary repetition of the opening words of rule 7 of Part II of Schedule IV, namely, ' Companies shall be assessed by the Commissioner on the following scale.' There was also a reference to the words beginning with, ' companies' and ending with ' 30'. But ' 30' is not a word but figures. The object of the Select Committee was to make it clear that it was not the intention of the Bill to bring the proviso to rule 7 under revision and the amendment which I move will secure that object."

Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The motion was put and carried.

Clause 2 as amended was then put and carried and allowed to stand part of the Bill.

Clause 3.

The Hon'ble Sir LIONEL DAVIDSON :—" Again, Sir, the next amendment is a purely verbal amendment. Clause (3) as amended by the Select Committee begins with ' for the table to rule 10 (a)'. The amendment I beg to move is—

For the words ' the table to' substitute the words ' the table given in' and for the words ' said Act' substitute the words ' Principal Act.'

" The phrase ' said Act' is now inappropriate as we have introduced a definition of ' Principal Act'."

Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The motion was put and carried.

Clause 3 as amended was then put and carried and allowed to stand part of the Bill.

Clause 4.

The Hon'ble Sir LIONEL DAVIDSON :—" The first amendment which I move to clause (4) is—

For the words ' said Act' wherever they occur substitute the words ' Principal Act'.

" This is consequential on the definition of ' Principal Act'."

Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The motion was put and carried.

[18th February 1922]

Clause 4—cont.

The Hon'ble Sir LIONEL DAVIDSON :—" My next amendment to clause 4 runs as follows :—

From the explanation in sub-clause (1) omit the words ' thereof or of a portion thereof' and the words ' at cost price or at less or more than cost price'.

" The omission of these words will leave the explanation to clause in the following shape :—

The terms ' salaries' and ' allowances' shall be deemed for the purposes of this rule to include payments in kind.

" It is unnecessary to make this specifically applicable to the whole or a portion of the salaries and allowances nor is it necessary to specify that the payments in kind should be at cost price or at less or more than cost price.

" I also think, Sir, that there should be inverted commas before and after the word ' salaries' and before and after the word ' allowances'."

Mr. C. P. RAMASWAMI AYYAR :—" I second it."

Mr. O. TANIKACHALA CHETTIYAR :—" I beg to oppose this amendment, Sir. For, I think that if these words are omitted, then the object with which this piece of legislation has been introduced so far as it relates to clause 4 will be defeated. It is to make ourselves clear that these words have been introduced. The history of this piece of legislation may help to understand the matter. Early in January 1920 an emergency arose when all the scavengers and other coolies of the Corporation struck work and said that they were not sufficiently paid. The only inducement which could make them go back to their work was the promise to give them an additional salary, so much so—the Hon'ble the Revenue Member was the gentleman who negotiated this matter—that these coolies were told that, instead of being given increased salaries in the shape of coin, they would be given rice weekly at four measures a rupee whatever might be the price of rice. This went on for some time and the Corporation was incurring loss as it had to buy rice at a much higher price than the one at which it was distributing to the coolies until some ingenious gentlemen said that the Corporation was not authorized to do so by any Act and that the gentlemen of the Corporation should make good the loss. This necessitated the introduction of this measure. The Corporation had to incur the loss in the exigencies of administration, to allay the discontent which existed amongst a very large section of coolie labourers. To say merely that they should be paid in kind would mean that they should be given that quantity of rice equivalent in value to the money withheld. That was not the bargain. The services were taken from them on the footing that, whatever may be the price of rice, they would be given rice at the rate of four measures for every rupee withheld from them. But, if we go into the market, we may not be able to get rice at more than three measures a rupee. Therefore it is that we introduced this phrase ' at cost price or at less or more than cost price'. It is much better to secure unambiguity rather than secure elegance of language. I therefore strongly appeal for the retention of these words rather than support the amendment moved by the Hon'ble the Home Member."

Mr. T. ARUMAINATHA PILLAI :—" I rise to support my honourable friend Mr. Tanikachala Chettiyar. On account of certain defects in the wording of the original City Municipal Act, the Municipal Corporation, when it was managed by the Hon'ble the Revenue Member as Commissioner, was led

[Mr. T. Arumainatha Pillai] [18th February 1922]

Clause 4—cont.

into certain difficulties and it was also said, as my friend Mr. Tanikachala Chettiyar stated, that we went beyond our powers. I do admit that the amendment proposed by the Hon'ble the Home Member will make the language of the section more elegant. But at the same time I have to point out to him that no loop hole ought to be given to quibble over words nor should people be allowed to say that nothing extra should be given to the poor coolie labourers of the Corporation or that the Corporation has no right to incur loss on any such account. In the municipal administration such things are inevitable. Hence I have to oppose the amendment moved by the Hon'ble the Home Member."

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*):—"Sir, there was a certain amount of discussion over this matter in the select committee. It seems to me that there is really no ambiguity about the amendment proposed by the Hon'ble the Home Member. As a matter of fact the clause as drafted means no more and no less than that the salaries and allowances shall include payments in kind. Of course a certain opinion was held in the select committee which finds expression in the drafting of the explanation, that is that it ought to be made perfectly clear that salary or a portion of the salary might be in cash and the rest might be in kind. If we say that salaries shall include payments in kind that object is sufficiently met. Then this question of cost remains. Now that the question of less or more than the cost price has been raised, Sir, it seems to me that the position is shortly this. The Corporation has to pay the salaries at certain rates; it resolves to pay a portion of the salaries in kind. The question how and where it buys its provisions or things and at what rate it buys them does not really arise in regard to this clause as amended. From the point of view of carrying out the intention which was stated by the Corporation in the clause as originally drafted, it seems to me that the final draft though shorter is intended to bring about the same effect and for this reason no opposition is necessary."

"The power of the Corporation to sell things at more or less than the cost prices is a matter which will have to be investigated and decided separately with regard to the provisions of the Corporation Act."

The Hon'ble Sir CHARLES TODHUNTER:—"Sir, with all respect to the select committee, may I explain the situation from the point of view of the auditor? What the auditor objected to was the expenditure of municipal money by selling rice at a loss. What it seems to me that the Corporation need is a section authorizing them, if necessary, to sell rice at a loss to their staff. It does not seem to me that it is going to help them in the least to say that they may pay wages partly in kind whether that phrase is qualified or not."

Sir P. TYAGARAYA CHETTIYAR:—"Sir, may I ask the Hon'ble the Home Member what would be the effect of passing his amendment? The question is this. The Corporation has adopted a certain system of paying their staff. In so doing they incurred a loss amounting to Rs. 80,000. An ingenious auditor has taken it into his head that the Corporation should be surcharged. We considered that we were absolutely within the law when we arranged this. The question arose about surcharging for the difference. I should like to know from the Hon'ble the Home Member what would be the effect of passing his amendment: whether it would have the effect of setting the

18th February 1922] [Sir P. Tyagaraya Chettiyar]

Clause 4—cont.

question of surcharging at rest. Mr. Burkitt, the then Commissioner, and I put our heads together and arranged the system of supplying rice for a portion of their pay as by so doing we will be saving the rate-payers' money by lakhs as the scavengers would not be satisfied with anything less than five rupees increase. So I was obliged to have recourse to a trick. We increased their pay by Rs. 2 and for one half of their pay we were giving rice at 4 measures a rupee. That arrangement satisfied the staff and we have been paying according to that agreement. If that system was found objectionable and increase only has to be given to them in their pay, then it would cost us several lakhs. That was why I was obliged to play that trick on the scavengers. I expected that after some time the price of rice would go down and that the Corporation would be benefited by this arrangement. Under that arrangement we were incurring a loss of about Rs. 1½ per head in the beginning and now it has come to eight annas and in course of a year it will disappear. In the interest of the rate-payers it is the most satisfactory arrangement but as the ingenious auditor found it is illegal as the Municipal Act does not permit it, we are obliged to have recourse to legislation to make it legal. I now want to know what would be the effect of the amendment now proposed. If it satisfies the requirements of the law it is alright."

Mr. O. TANIKACHALA CHETTIYAR:—"With reference to the observation made by the Hon'ble the Finance Member, I think he apparently approves of the audit objection. With all respect to the Hon'ble the Finance Member, I must say that his statement shows a misapprehension or an incomplete comprehension of the situation. He stated that the audit objection was that we had no business or authority to buy rice and sell the same. I am afraid, Sir, that the audit objection proceeds upon a wrong conception of what was done. What is really done is this: We conciliate people and get them to work only provided we make it easy for them to get provision with the money or a portion of the money they receive from the Corporation. They are able to get only a small quantity for the moneys they receive. So they ask the Corporation to go into the market and supply rice for them or to increase their salaries. They only want that their rupee should fetch four measures of rice. As explained by the honourable member Sir Tyagaraya Chettiyar the question is whether we should run the risk of paying a few annas more in the shape of the difference between the market price and the salary at four measures a rupee or pay a few more rupees as addition to wages. In that way we thought it was better to carry on the municipal administration. We did not go about and sell to anybody else at four measures a rupee. Nor did we supply them with rice to the full extent of their salary. It was only to the extent of a certain proportion, namely, one-third or one-fourth of their salary, that we had to pay in kind. By that we had to pay a little more than what their salary stood on paper. Therefore there has been a certain amount of loss. I may also point out that the select committee has submitted the report and it has also the approval of the Advocate-General who was also a party to it and signed it along with others. Probably he now thinks that it would be more elegant if it is put as suggested by the Hon'ble Sir Lionel Davidson."

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*):—"Sir, a word of explanation. Even in the select committee, it will be remembered that I stated that the language of payment in kind did not mean more or less than what was finally adopted."

[18th February 1922]

Clause 4—cont.

Mr. O. TANIKACHALA CHETTIYAR :—" To explain the position, Sir, in the Corporation books the coolies' wages stand at Rs. 8. The coolie actually gets Rs. 6 in cash and eight measures of rice, whereas if he had taken the Rs. 2 to the market, it would have procured for him only six measures of rice. So the difference of two measures of rice which we had to pay was a distinct loss. The ingenious auditor has objected to this procedure on the ground that we had no power to purchase at six measures for Rs. 2 and give eight measures for the same cost. The auditor was only trying to hamper the members of the Corporation from discharging their duties. I think therefore it is much better to use unambiguous and clear language in preference to diction or elegance. It would lead people to a great deal of misunderstanding if the language has not been made clear. Therefore I appeal to the House to reject the amendment of the Hon'ble the Home Member and to support me in passing my amendment."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Sir, I am getting more and more into a fog and, so far as the change in the wording is concerned, it will precisely have the same effect, reading it merely as a matter of English. It is a different question whether the amendment as proposed by the select committee would achieve the object of my honourable friend, even if it is left as it is. What I understand the trouble to be is this. First of all the Corporation pays to the members of their staff a particular salary to which they are entitled. Then they go back to the Corporation shop wherein they change a portion of their cash into rice. When the cash is delivered, the liability of the Corporation ceases. The liability of the Corporation having ceased as regards the salary, they go back and get the benefit that can be derived from the Corporation shop where rice is sold to them. For instance the Corporation pays Rs. 10 to a particular individual and then says to him 'I am quit so far as your salary is concerned, but I give you this privilege. You go to my shop where I will give you for Rs. 2, rice worth Rs. 4.' Neither the existing amendment nor the amendment proposed by the Hon'ble Sir Lionel Davidson will have the desired effect. If on the other hand you say 'your salary shall be Rs. 6 in cash, and so many marakals of rice whatever may be their worth,' then of course the present amendment proposed by the select committee as well as the shorter amendment now proposed by the Hon'ble Sir Lionel Davidson would both be quite applicable and equally effective. I do not know exactly what is the real position. But if I understand correctly my honourable friend Mr. Tanikachala Chetti, it is this that when the salary is paid, so far as the Corporation is concerned it is quit so far as the liability for payment of salary goes. But whether the proposed amendment will achieve the object which Mr. Tanikachala Chetti or the President of the Corporation has in view is a thing which I cannot say with certainty."

Mr. O. TANIKACHALA CHETTIYAR :—" With the assistance that we had from the Hon'ble the Law Member we are told that it cannot be definitely said whether this amendment will accomplish the object which we all have in view. Therefore it is much better that this legislation is not undertaken at all. If this legislation cannot have the desired effect, then we had better not pursue a phantom or willo-the-wisp of a measure like this which cannot give us the protection that we seek. I therefore think that it is rather desirable to have the amendment proposed by the select committee."

The Hon'ble Sir LIONEL DAVIDSON :—" Sir, it may be within the recollection of this House that I objected the other day to the addition of the

18th February 1922]

[Sir Lionel Davidson]

Clause 4—cont.

words 'whichever is later' in a Bill which was passed by this House on the ground that those words were wholly redundant and a surplusage. It was because I saw at once that the words which I propose to omit from this clause were wholly redundant that I desired to save this House from incurring odium for habitually indulging in redundant language. I took pains to satisfy myself by consulting the Hon'ble the Advocate-General and my Honourable Colleague the Law Member that my view of the case was right. I am fully prepared to defend my case namely, that the omission of the words which I have proposed to omit will not alter by one iota the effect of the draft as passed by the select committee and I am confident, Sir, that if the matter were taken up in any court of law, the court would agree that my view is correct. I do not think there is one atom of doubt in the matter and I cannot be party to any vote for the retention of these redundant words. Such a vote could not but expose this Council to ridicule."

The Hon'ble the PRESIDENT :—" I would invite the attention of honourable members to the circumstances under which we are dealing with this Bill. This Bill came in only three days ago and then it was referred to a select committee. A period of time is prescribed for these stages and when we dispensed with that it was understood that we were dealing with a non-contentious though not an urgent measure. If however honourable members are going to have a long debate over the Bill, then it would amount to this, that we have probably erred in suspending the standing orders. I am precluded by my position as President from saying anything about the merits of this particular amendment. But if the only issue between the honourable member who has moved this amendment and the honourable member who has opposed it is a question whether certain words are or are not a surplusage, then it is a matter for consideration whether some conclusion may not be soon reached and the House allowed to go ahead. We are in the last day of this month's meeting and we have got less than an hour before us, and we have to finish a resolution standing in the name of the Hon'ble the Minister for Local Self-Government. If some settlement is to be arrived at it has to be done soon. I would appeal to honourable members to consider that aspect of the matter and come to a speedy decision. Perhaps the Hon'ble the Minister for Local Self-Government will tell us what it is that he wants."

The Hon'ble Mr. P. RAMAAYANINGAR :—" If the Hon'ble the Law Member is of opinion that the clause as amended by the select committee will not give the necessary protection to the members of the Corporation, the consideration of the report of the select committee might be adjourned to some date in March for further consideration. The Bill may be referred back to the select committee for reconsideration."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" There is some misapprehension regarding my statement. All that I said was merely this: as a matter of language it makes no difference whether the language adopted by the select committee or the language proposed by the Hon'ble the Home Member is accepted. Whether it gives the needed protection or not depends on the view taken of the transaction. The language should be carefully examined in order to give adequate protection in the circumstances mentioned."

[18th February 1922]

The Hon'ble the PRESIDENT:—"If it is the wish of the House that the further consideration of this Bill should be postponed so as to allow of a careful examination of the particular point now under consideration, the proper course is for one of the Ministers to ask, under Standing Order 34, for an adjournment of this business to the next day on which the House meets."

The Hon'ble Sir LIONEL DAVIDSON:—"May I, with your permission, suggest an alternative course? The Bill might be recommitted for the scrutiny of this particular clause under Standing Order 44 (1) (ii). I venture to say that this course might be more expeditious."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"It seems to me that that Standing Order was intended to apply only at the stage when a report is first presented to the House and not after a partial consideration of the report. I would rather have it under Standing Order 34 than under 44 (1) (ii). I hope that my honourable friend will be able to arrive at some wording which will satisfy all parties."

The Hon'ble the PRESIDENT:—"With reference to what has fallen from the Hon'ble the Home Member, it is rather doubtful whether re-committal is a course to be adopted after we have taken into consideration the report of a select committee. I would persist in the advice I have already given to the House."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU:—"I propose that under Standing Order No. 34 the further consideration of the Bill be adjourned."

The Hon'ble Mr. P. RAMADEVAN:—"To the next Council day available for business of this kind."

The motion was carried.

VI

ANNOUNCEMENT REGARDING SITTINGS IN MARCH.

The Hon'ble the PRESIDENT:—"I think it would be convenient if I inform honourable members of a slight change in the programme of work in the month of March which has been rendered necessary by the fact that three Government Bills have now been referred to select committees. I expect that the reports of the committees will be available to the House early in March. Honourable members are aware that the 4th March has been prescribed by His Excellency the Governor as the day for the presentation of the budget, the 6th to the 8th idem for the general discussion of the budget, and the 17th to the 27th for the voting of grants. After careful consideration I have resolved to have meetings of the House on Monday the 13th March and on one or two other days next ensuing as may be necessary for the disposal of the reports of the select committees on the three Bills which have been committed yesterday and to-day. I may mention that I have settled the days after consultation with the Hon'ble the Revenue Member who is in charge of two of the three Bills."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I thought, Sir, that the Hon'ble the Finance Member told us yesterday that the consideration of this Bill after the select committee reported would be taken up after the discussion on demands for grants had advanced sufficiently to

18th February 1922] [Mr. M. Ramachandra Rao Pantulu]

allow honourable members to see what the deficit is likely to be. If it is possible, the discussion on these Bills may be taken up a day or two after the discussion on grants begins."

The Hon'ble the PRESIDENT:—"May I point out that His Excellency having fixed the period from the 17th to the 27th for the votes on grants, it is really not open to me or to the House to post any other business for those days? Nine days, excluding Sundays, have been allotted by His Excellency; and there is very little chance of our finding time for other business during those days. I cannot take notice of or adjust myself to conversations that may have taken place between honourable members outside the House."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Statements made in this House are not private conversations. The statement referred to was made by the Hon'ble the Finance Member in this House."

The Hon'ble the PRESIDENT:—"In any case it is not possible to fix other days. If the consideration of the reports of the select committees is not finished on the 13th March, the next one or two days may be taken up. I mention this to honourable members so that they may arrange their engagements beforehand."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Cannot the business referred to be taken up on the 16th March?"

The Hon'ble the PRESIDENT:—"I am extremely sorry, no."

Mr. T. SIVASANKARAM PILLAI:—"Some of those Acts referred to in the Bills have not been circulated to us and it causes us some inconvenience."

The Hon'ble the PRESIDENT:—"That matter will require consideration. If the honourable member will write to the Secretary I shall have the question examined. That is all I can say at present."

VII

RESOLUTION MOVED BY THE HON'BLE THE MINISTER
FOR LOCAL SELF-GOVERNMENT.

The Hon'ble Mr. P. RAMADEVAN:—"Sir, I move the resolution standing in my name. The resolution runs thus:—

'That the following draft of the rule proposed to be made by the Local Government under section 201 of the Madras Local Boards Act, 1920, altering rule 13 of Schedule X of that Act be approved:—

Draft Rule.

'In exercise of the powers conferred on them by section 201 (1) of the Madras Local Boards Act, 1920, the Local Government, with the approval by resolution of the Legislative Council, make the following rule altering rule 13 of Schedule X of the said Act:—

'The following proviso shall be added at the end of rule 13 of Schedule X of the Madras Local Boards Act, 1920:

'Provided that for reasons of a special character the Local Government may by notification extend the time allowable under this rule by a period not exceeding six months'.

"Under rule 13 of the Schedule X of the Local Boards Act, the union boards have to be reconstituted within one year after the commencement of

2470 RESOLUTION MOVED BY THE HON'BLE THE MINISTER FOR LOCAL
SELF-GOVERNMENT.

[Mr. P. Ramarayaningar] [18th February 1922.]

the Local Boards Act of 1920. That Act came into force on the 1st April 1921, and the boards should be reconstituted before the 1st April 1922. But before the union boards are reconstituted certain preliminaries have to be gone through; the taluk boards having jurisdiction over them should have to determine and notify the number of elected and nominated members of each of the union boards. And after that the union boards have to divide the unions into wards and elect members for each ward and then the nominations have to be made. Unfortunately owing to circumstances over which the local boards have no control the elective and nominated strength of some of the union boards have not yet been determined and notified. The taluk boards in Malabar for instance could not, on account of Mappilla troubles, go through these preliminaries. In these circumstances it is found necessary that the Government should have power to extend the period allowed by a period of six months so that all the taluk boards may have time to go through the preliminaries necessary for the reconstitution of union boards."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I second it."

The resolution was put to the vote and carried.

The Council then adjourned at 4-45 p.m. to meet at 11 a.m. on the 4th March 1922.

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 Saturday, the 4th day of March 1922, 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.]

Aided first-grade colleges in the Presidency.

1315 Q.—Mr. S. ARPUDASWAMI UDAIYAR : Will the Hon'ble the Minister for Education be pleased to lay on the table a list showing—

- (a) the total number of aided first-grade colleges for boys in this Presidency;
- (b) the number of pupils on the rolls of each for the year 1921-22;
- (c) the subjects and groups in which each has been affiliated for the Intermediate, for the B.A. Pass Course and for the B.A. (Honours) Course respectively; and
- (d) the amount of teaching grant allotted to each for the years 1914-15, 1920-21 and 1921-22?

A.—A list is laid on the table.* The number of pupils on the rolls during the current year is not immediately available. The numbers on the roll on the 31st of March 1921 are given. Regarding the subjects and groups of affiliation the required information is given in pages 18 and 19 of Volume II of the Madras University Calendar for 1921. The Government have also since sanctioned the further affiliation of the Maharaja's College, Vizianagram, in group II of the Intermediate courses of study.

Inclusion of dry lands under wet ayacut.

1316 Q.—Rao Bahadur T. BALAJI RAO NAYUDU : Will the Hon'ble the Member for Revenue be pleased to state in what stages the following matters are :—

- (1) orders relating to the inclusion of dry lands under wet ayacut and the levy of inclusion fee at Rs. 25 per acre in the Gōdāvari and Kistna deltas; and
- (2) proposal to raise the water-rate on dry lands by 25 per cent in some districts of this Presidency

* Appendix I on page 2479 infra.

[4th March 1922]

- A.—(1) The question of inclusion of dry lands in the irrigable ayaout of the Kistna Eastern and Gōdāvari Western deltas has been ordered to be held in abeyance for the present, except in the case of lands for which the inclusion fee of Rs. 25 had already been paid.
- (2) There is no such proposal.

Non-co-operating ryots.

1317 Q.—Rao Bahadur T. BALAJI RAO NAYUDU: Has the Hon'ble the Member for Revenue considered the advisability of refusing Government water for all lands—bapat wet, inam and zamindari lands, as also consolidated wet lands, besides second crop—to ryots who openly support the non-co-operation movement and who state that they will not pay any taxes?

A.—Yes. Suitable orders have been passed in the matter.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—“ Will the Hon'ble the Revenue Member issue instructions for the publication of those orders? ”

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“ I must have notice of that question.”

Political misrepresentation in the newspapers.

1318 Q.—Rao Bahadur T. BALAJI RAO NAYUDU: Will the Hon'ble the Home Member be pleased to state—

(1) whether the Government have noticed the several misrepresentations and false statements of facts, regarding matters political, which are made in some of the English and Vernacular papers in the Presidency; and whether the Government have taken or propose to take necessary action to stop such publications, as they are sure to spread false impressions and alarm, which are sure to lead to confusion, disorder and breach of the peace; and

(2) whether the Government have issued or propose to issue orders to all departments, including the Judicial, not to encourage newspapers advocating and supporting non-co-operation, by sending to them official advertisements for publication and also not to give any Government printing work to the printing presses which are owned or managed by active non-co-operators?

A.—(1) The Government have noticed many false statements in the press. Action is taken when such statement constitutes an offence.

(2) The Government have issued instructions that no Government printing work or contracts should be given to presses owned or controlled by non-co-operators if it is possible to avoid doing so, regard being had to local conditions. They have also expressed the view that official advertisements should be withheld from newspapers which definitely advocate non-co-operation.

Powers of Subdivisional Magistrates.

1319 Q.—Rao Bahadur T. BALAJI RAO NAYUDU: Will the Hon'ble the Home Member be pleased to state whether the powers of Subdivisional Magistrates in giving effect to the provisions of section 108, Criminal Procedure Code, have been in any way restricted by departmental orders, and if so, how?

A.—The answer is in the negative.

4th March 1922]

Muhammadian probationary Revenue Inspectors in Ganjam, etc.

1320 Q.—Munshi MUHAMMAD ABDUR-RAHMAN SAHIB: Will the Hon'ble the Member for Revenue be pleased to state—

(a) how many Muhammadans were appointed probationary revenue inspectors in the districts of Ganjam, Vizagapatam, Gōdāvari, Kistna, Guntūr, Nellore and Chittoor for the last ten years; and

(b) what is the position now occupied by them?

A.—(a) Four Muhammadan probationary revenue inspectors have been recruited in the districts referred to up to 1st January 1921. The Government are not in possession of up-to-date information.

(b) The establishment lists corrected up to 1st January 1921 show that of the four Muhammadans one is acting as deputy collector, another as tahsildar, the third as head clerk of a divisional office and the fourth is still on probation. Except as regards the deputy collector the Government have no further information.

Muhammadian Sub-Registrars in Ganjam, etc.

1321 Q.—Munshi MUHAMMAD ABDUR-RAHMAN SAHIB: Will the Hon'ble the Minister for Education (Registration) be pleased to state—

(a) whether there are any Muhammadan sub-registrars in the districts of Ganjam, Vizagapatam and Gōdāvari;

(b) whether it is a fact that clerks in the Registration department are not allowed to have access even to the current records during the absence of the sub-registrars from office;

(c) whether it is a fact that such clerks in sub-registrars' offices acting as sub-registrars are allowed to have free access to current and old records;

(d) whether it is a fact that peons' belts are secured every evening by the sub-registrars and given to them next morning; and

(e) whether it is a fact that work is practically done by clerks in the mornings without the sub-registrars?

A.—(a) The Member is referred to the published list of officers of the Registration department corrected up to 1st September 1921.

(b) No.

(c) Yes.

(d) Belts are not allowed to be taken home by the peons who are required to secure them in the office.

(e) The Government have no information.

Mortality among Sub-Registrars.

1322 Q.—Munshi MUHAMMAD ABDUR-RAHMAN SAHIB: Will the Hon'ble the Minister for Education (Registration) be pleased to state—

(a) whether the Government have ascertained the causes of high mortality among sub-registrars and their clerks;

(b) whether it is a fact that all offices are undermanned;

(c) whether it is a fact that clerks in sub-offices are made to work from morning till evening and till late hours and even on holidays; and

(d) whether it is a fact that the eyesight of registration clerks is affected very soon by overwork with big registers?

[4th March 1923]

A.—(a) The Government have no reason to believe that there is higher mortality among sub-registrars and their clerks than among other Government servants.

(b) No. There is a standing provision for temporary employment of additional hands to cope with increase of work due to special causes.

(c) & (d) The Government have no information.

Communal representation in the clerical staff of certain district boards.

1323 Q.—Munshi MUHAMMAD ABDUR-RAHMAN SAHIB: Will the Hon'ble the Minister for Local Self-Government be pleased to state the number of clerks' posts under the district boards of Ganjam, Vizagapatam, Godavari, Kistna, Guntūr, Nellore and Chittoor held by (a) Brahmans, (b) Muhammadans, (c) Christians and (d) other non-Brahmans?

A.—The Government have no information.

The Chairman of the Bezwada municipality.

1324 Q.—Munshi MUHAMMAD ABDUR-RAHMAN SAHIB: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(a) who the present chairman of the Bezwada municipality is and when he was elected to his office;

(b) whether any meetings were held, after the new Municipal Act came into force, for the election of a chairman, and, if so, with what results; and

(c) whether any name of the councillor so elected was notified in the *Fort St. George Gazette* and whether he assumed charge of his office?

A.—(a) M.R.Ry. D. V. Hanumanta Rao Pantulu Garu is the present chairman. His election was notified on 16th December 1919.

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

Muhammadan representation for the posts of Government pleaders and public prosecutors.

1325 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 there is not a single Muhammadan gentleman holding the post of Government pleader and public prosecutor in any of the districts of the Presidency; and

(2) whether the Government at any time considered the name of or appointed any Muhammadan gentleman to the post in any of the districts?

A.—(1) Yes.

(2) Yes.

Award of scholarships under communal heads.

1326 Q.—Mr. A. T. PALMER: With reference to the answer given to my question No. 1221 regarding the award of scholarships under communal heads, will the Hon'ble the Minister for Education be pleased to give the required information for the year 1920–21?

A.—A statement is laid on the table.*

* Appendix II on pages 2480–2481 infra.

4th March 1922]

House-sites for the depressed classes in the Chingleput district.

1327 Q.—Mr. M. C. RAJA: Will the Hon'ble the Law Member be pleased to state—

(i) the extent of lands set apart for assignment to the depressed classes in the Chingleput district

(a) for cultivation and

(b) for house-sites;

(ii) the number of applications received from the members of the depressed classes for assignment of land in the Chingleput district by

(a) the District Collector and

(b) the Commissioner of Labour

for house-sites, cultivation, footpaths and burial-grounds; and

(iii) with reference to clause (ii) (a), will the Government be pleased to state the extent of land assigned to the depressed classes by the present Collector of Chingleput for house-sites, cultivation, footpath and burial-ground?

A.—(i) (a) Eighteen thousand acres were reserved for assignment to Panchamas for cultivation in the several taluks of the district. But the question of the suitability of some of this land is still under consideration.

(b) No land is reserved for house-sites. Where house-sites are needed they will be gradually provided.

(ii) (a) The number of applications received from the various taluks, except Ponneri for which there is no information, is 1,115.

(b) Three hundred and fifty-five applications were received by the Commissioner during the year 1921.

(iii) Information regarding the extent of land assigned for house-sites, etc., for the depressed classes by the Collector is not available.

Persons convicted for picketing at the liquor shops.

1328 Q.—Diwan Bahadur M. RAMACHANDRA RAO PANTULU: Will the Hon'ble the Home Member be pleased

(i) to state—

(a) the number of persons convicted in each district after the 1st April 1920 up to date and sentenced to imprisonment for picketing liquor shops;

(b) how many of these persons have been convicted for violent or disorderly conduct or intimidation; and

(ii) to place on the table any general or special orders issued by the Government or the Board of Revenue for the prosecution of these who are carrying on the anti-drink campaign?

A.—(i) The Government have no information but will enquire.

(ii) No general or special orders have been issued by Government for the prosecution of those who are carrying on the anti-drink campaign as such, but the attention of the Member is drawn to the press communiqué issued on 3rd September 1921 in which the policy of the Government in this matter has been explained.

Acquisition of forest land in the Tirumalvadi mitta.

1329 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Home Member be pleased to state the action taken on the memorial of the

[4th March 1922]

inhabitants of Tirumalvadi mitta in the taluk of Dharmapuri, Salem district, praying that the acquisition of forest land in the Tirumalvadi mitta be not proceeded with?

A.—The memorial from the inhabitants of the Tirumalvadi mitta has been communicated to the Chief Conservator of Forests for consideration.

Compound wall for M.C.C. grounds.

1330 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Education and Public Works and the Hon'ble the Member for Revenue be pleased to state whether an application was made to the Government for the grant of a site and for aid to build a compound wall to the M.C.C. grounds, and, if so, what orders were passed thereon?

A.—No application for the grant of a site to the Madras Cricket Club has been received. An application for erecting a wall and fence round the cricket ground at the cost of the State funds was made by the club but was rejected.

Mr. A. RANGANATHA MUDALIYAR:—“Was a fresh application made to the Revenue Department for the erection of a wall and fence at the cost of State funds on the revenue side?”

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“The answer that I have given is with reference to the information on the revenue side.”

Revised scale of pay for typists in the Presidency.

1331 Q.—Mr. M. SURYANARAYANA: Will the Hon'ble the Member for Finance be pleased to state—

(1) what is the scale of pay drawn by typists of the intermediate and advanced grades respectively

(a) in the mufassal,

(b) in the Presidency offices

prior to the revised scale of pay to typists;

(2) whether it is a fact that in the revised scale of pay the distinction between the intermediate and the advanced grade of typists has been done away with;

(3) if so, why?

(4) whether there is any difference in the scale of pay drawn by typists in the several departments of the Government in the supervising offices in the metropolitan city;

(5) whether it is a fact that the scale of pay of typists in the office of the Inspector-General of Registration is less than that of typists of the same grade in other departments of the metropolitan town; and

(6) if so, why such distinction is made?

A.—(1) Before 1st March 1921, the scale of pay admissible to typewriting clerks possessing intermediate or advanced qualifications in typewriting was as follows:—

Both in the Madras City and in the mufassal.

Men with intermediate qualifications .. Rs. 25—1—30 and a temporary allowance of Rs. 10.

[4th March 1922]

Men with advanced qualifications .. Rs. 30—1—50 and a temporary allowance ranging between Rs. 10 and Rs. 15.

(2) & (3) Under the general revision, typewriting clerks who have passed the intermediate or advanced test in typewriting are eligible for the lowest scale of pay ordinarily admissible for clerks in the offices in which the men are employed. A duty allowance of Rs. 10 per mensem (now termed special pay) is admissible to typists who have passed the advanced test in typewriting and are actually engaged in typewriting, the grant of the allowance being subject to the sanction of Government in each case. The distinction between the intermediate and advanced grade typists has therefore not been abolished.

(4) Under G.O. No. 215, Finance, dated 4th March 1921 (a copy of which has been placed on the Council table), the lowest rate of pay of clerks, in accordance with which the pay of intermediate and advanced grade typists is determined, varies according to the class of office in which the clerk is employed.

(5) & (6) The office of the Inspector-General of Registration has been treated as a B class office and the pay of the clerks and typists is determined accordingly.

Levingepuram Salt Factory.

1332 Q.—Mr. T. C. TANGAVELU PILLAI: Will the Hon'ble the Member for Finance be pleased

(i) to state—

(a) whether it is a fact that tenders were received for the sale of the Levingepuram Government Salt Factory at Tuticorin;

(b) if so, who the tenderers are and what the respective amounts tendered by each tenderer;

(c) to whom the said Salt factory was sold;

(d) what were the terms on which it was sold;

(e) whether it is a fact that the local tenderers offered more money;

(f) if so, why the factory was not given to the highest tenderer;

(g) how long the said factory has been under Government control;

(h) what was the amount spent on the said factory;

(i) whether the said factory was working at a profit or loss, if so, what was the total profit or loss to the Government; and

(ii) to lay on the table all the correspondence relating to the said Levingepuram Salt Factory which led to the sale or otherwise of the same?

A.—It is presumed that what is referred to is not the Levingepuram Salt Factory but three small Government extensions at Tuticorin opened in the years 1916, 1917 and 1918, respectively, for experimental purposes. The total capital expenditure incurred by Government on these extensions amounted to Rs. 36,967, while the total quantity of salt manufactured was 438,546 maunds. Of this only about 17,000 maunds were sold to the public and the balance was sent to the fish-curing yards on the West Coast, where salt is sold ex-duty and at an exceptionally low price. Under these conditions the experiments could not be expected to show a profit and they were actually conducted at a loss of Rs. 24,713.

[4th March 1922]

In the year 1921 it was decided to discontinue the experiments, and as the existence of these extensions lying unworked in the midst of other pans led to damage to the salt in them through blown sand, the question of arranging to work them came under consideration. The further consideration also arose that, if they were worked for sale of salt within the Presidency, the increase in the output of salt of the factories in the district, which is already in excess of the demand, would cause injury to the owners of existing pans.

Applications were accordingly invited and were originally received from Messrs. Chari & Co., Ltd., Calcutta, P. V. Kuttalingam Pillai, C. Machado, S. Sundaram Ayyar, J. X. Motha, S. V. Nallaperumal Pillai and S. Kuttalingam Pillai. All, with the exception of Messrs. Chari & Co., Ltd., were already engaged in the salt business at Tuticorin and desired free assignment of the extensions. Messrs. Chari & Co., Ltd., however, offered Rs. 10,000 payable after five years from the date of the lease and subsequently raised their offer to Rs. 15,000 payable at the time of the grant of the licence to them. On hearing that Messrs. Chari & Co. had offered Rs. 10,000, Mr. Shanmukha Mooppanar, another local applicant, offered Rs. 12,000, later on raising his figure to Rupees 36,000; Mr. S. V. Krishna Pillai Rs. 16,000; Mr. S. V. Nallaperumal Pillai Rs. 21,500 and Mr. J. X. Motha Rs. 36,000 payable in twelve annual instalments of Rs. 3,000. On the matter being reported to Government Messrs. Chari & Co., Ltd., were asked to state whether they would be prepared to work the factory solely for export to Calcutta and under a guarantee to sell no salt within the Presidency. On their giving this undertaking, they have been given a lease without premium for working the factory. The reason for the grant was thus to ensure an extension of the market for a Madras product and at the same time save the local manufacturer from an increase of the competition which is already crippling his industry. The other tenders were all for local manufacture and sale and repeated efforts to induce the local manufacturers to extend their market outside the Presidency have met with no success.

Location of the Taluk office at Samayapuram, Trichinopoly district.

1333 Q.—Mr. T. C. TANGAVELU PILLAI: Will the Hon'ble the Member for Revenue be pleased to state—

(a) why the proposal to locate the taluk office at Samayapuram, Trichinopoly district, was abandoned;

(b) whether the Government are aware that Samayapuram is the most central place for locating the taluk office and that lands are available at less cost there and it is an important place of pilgrimage wherein every Tuesday and Friday thousands of people collect;

(c) whether the construction of the taluk office at Lalgudi has commenced; and

(d) if not, whether the Government propose to reconsider the locating of the taluk office at Samayapuram?

[4th March 1922]

A.—(a) There was a proposal to locate the taluk office at Kannanur not Samayapuram and it was dropped in favour of Lalgudi which was a more important place and already the headquarters of a deputy tahsildar.

(b) The answer is in the affirmative.

(c) The construction has not been commenced.

(d) The Government do not contemplate any change in the present arrangements.

Additional police station for Ongole town.

1334 Q.—Mr. G. VANDANAM: Will the Hon'ble the Home Member be pleased to state—

(a) whether he received any petition from Ongole town to have a small police station in the town, i.e., in the Hardinge street, in addition to the old one; and

(b) if so, how soon the town may expect another station?

A.—No such petition can be traced.

APPENDIX I.

[Vide answer to question No. 1315 asked by Mr. S. Arpudaswami Udaiyar at the meeting of the Legislative Council held on the 4th March 1922, page 2471 supra.]

Statistics relating to aided first-grade colleges for men.

Number and names.	Number on rolls on 31st March 1921.			Amount of teaching grant paid in		
	High school department.	College department.	Total.	1914-15.	1920-21.	1921-22.
1. Vizagapatam—Maharaja's College, Visianagaram.	1,306	343	1,649	Rs. Nil.	Rs. Nil.	Rs. Nil.
2. Kistna—Noble College, Masulipatam.	1,065	187	1,252	8,206	12,600	10,000
3. Madras—The Christian College.	922	815	1,737	84,500	42,000	38,600
4. Madras—Pachaiyappa's College.	645	961	1,606	3,000	4,352	5,000
5. Trichinopoly—St. Joseph's College.	1,150	881	2,031	15,000	12,000	9,600
6. Trichinopoly—S.P.G. College.	1,301	459	1,760	6,725	9,185	7,300
7. Madras—A.M. College.	617	287	904	8,000	11,840	9,600
8. South Kanara—St. Aloysius College.	1,349	243	1,592	12,800	11,082	8,900
9. Tanjore—Findlay College, Mannargudi.	590	149	739	2,054	2,748	2,200

* The amounts given represent only advance grants sanctioned for the year up to date.

[4th March 1922]

APPEN

[Vide answer to question No. 1326 asked by Mr. A. T. Palmer at the meeting
Statement showing number of Government scholarships awarded in the

Names of institutions.	First year University class.					Second year University class.				
	B.	N.B.	M.	I.C.	T.	B.	N.B.	M.	I.C.	T.
Women's Christian College, Madras ..	..	..	..	3	3	1	1	..	2	4
Government Victoria College, Palghat ..	1	2	..	..	3	1	1	1	..	3
Sarah Tucker College, Palamcottah ..	..	..	..	2	2	..	..	..	1	1
Noble College, Masulipatam ..	..	..	..	1	1	..	..	..	..	..
Malabar Christian College, Calicut ..	..	1	..	1	2	..	1	..	..	1
Presidency College, Madras ..	..	2	1	..	3	4	1	2	..	7
St. Joseph's College, Trichinopoly ..	..	1	1	..	2	1	..	..	1	2
P.R. College, Cocanada ..	..	..	1	..	1	2	..	..	..	2
Government College, Mangalore ..	3	..	2	..	5	1	1	..	..	2
Government Brennen College, Tellicherry ..	..	2	..	1	3	1	..	..	..	1
Christian College, Madras ..	2	1	2	1	6	..	2	1	..	3
Government Arts College, Rajahmundry ..	..	1	..	..	1	2	..	..	..	2
Kallikotta College, Berhampur ..	..	1	..	..	1	..	2	..	..	2
Raja's College, Parlakimedi ..	..	2	..	..	2	..	1	..	..	1
V.R. College, Nellore ..	..	1	..	..	1	..	..	..	..	..
Hindu College, Tinnevely ..	..	2	..	..	2	..	..	..	1	1
Government College, Kumbakonam ..	2	..	..	..	2	2	..	..	..	2
Ceded Districts College, Anantapur ..	1	1	..	..	2	..	..	..	..	..
Government College, Coimbatore ..	1	..	..	..	1	..	..	..	..	..
Pachaiyappa's College, Madras ..	..	1	..	..	1	1	1	..	..	3
Wesley College, Roycepettah ..	..	1	..	..	1	..	..	..	..	..
S.P.G. College, Trichinopoly ..	..	1	1	..	2	1	2	..	..	3
Findlay College, Mannargudi ..	..	1	..	1	2	..	..	..	..	..
American College, Madura ..	..	2	..	..	2	1	..	..	..	1
St. Aloysius College, Mangalore ..	..	..	1	1	2	2	..	..	..	4
Voorhee's College, Vellore ..	..	2	..	..	2	1	..	..	..	1
Government Muhammadan College, Madras ..	..	..	1	..	1	..	..	4	..	4
A.E.L.M. College, Guntur ..	..	..	..	..	..	1	1	..	..	2
C.M. College, Tinnevely ..	..	..	..	..	..	..	..	2	..	2
Zamorin's College, Calicut ..	..	..	..	..	..	1	..	..	..	1
Maharaja's College, Vizianagram ..	..	..	..	..	..	1	..	..	..	1
Salem College ..	..	..	..	..	..	1	..	..	..	1

B.=Number of scholarships
N.B.= " "
M.= " "
I.C.= " "
T. = Total number

4th March 1922.]

DIX II.

of the Legislative Council held on the 4th March 1922, page 2474 supra.]
college classes of the several colleges in the Presidency in 1920-21.

Third year University class.					Fourth year University class.					Fifth year University class.					Post-graduate study.				
B.	N.B.	M.	I.C.	T.	B.	N.B.	M.	I.C.	T.	B.	N.B.	M.	I.C.	T.	B.	N.B.	M.	I.C.	T.
..	..	..	1	1	..	..	..	2	2	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	1	..	1	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1
4	1	1	4	10	7	3	1	..	11	6	1	1	..	8	1	..	..	..	1
4	..	..	..	4	3	2	..	..	5	2	1	..	..	3	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
1	..	2	..	3	1	..	..	1	2	..	1	..	3	1	..	..	..	..	1
..	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
1	..	..	1	1	1	..	1	..	1	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	1	..	2	3	2	..	..	..	2	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	1	..	..	1	..	1	..	..	1	..	..	..	..	..	..	..	..	..	..
1	2	..	..	3	..	1	..	..	1	..	..	..	..	..	..	..	..	..	..
..	..	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
2	..	1	1	4	2	..	..	..	2	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

* Anglo-Indian.

held by Brahmans.
" non-Brahmans.
" Muhammadans.
" Indian Christians.
of scholarships.

[4th March 1922]

II

BUDGET SPEECH.

The Hon'ble Sir CHARLES TODHUNTER :—“ Mr. President, I beg to introduce the budget for the year 1922-23, and I crave the indulgence of the Council if I do so at some length.

“ The great king-maker Kautilya, who is perhaps better known as Chanakya, commences one of the chapters of his Arthashastra with words which are as true to-day as they were in the third century before Christ—‘ All undertakings depend upon finance.’ And he proceeds, in words which likewise are nearly as applicable to-day as they were in his day, to define the factors that are conducive to financial prosperity as follows :—‘ Rewards for good conduct, capture of thieves, dispensing with the service of too many Government servants, abundance of harvest, prosperity of commerce, absence of troubles and calamities, diminution of remission of taxes and income in gold.’ In another place, he concludes his description of the duties of the King's chamberlain in these words :—‘ He shall have so thorough a knowledge of both external and internal incomes, running even for a hundred years, that, when questioned, he can point out without hesitation the exact amount of net balance that remains after expenditure has been met with.’

“ As chamberlain to this Government I cannot lay claim to such a thorough knowledge of income and expenditure as was expected in the days of Chandragupta. But I have stood the fire of questions as to the net balance or deficit that will remain after the various items of expenditure have been met with now for 15 days in the Finance Committee and for five days in the Cabinet, and as a preliminary to 12 more days of similar questioning in the Council, will endeavour to answer as many as possible of the questions in advance and to do so under the heads of classification which Kautilya adopted.

“ Not being a Sanskrit scholar, I shall not attempt to follow the nice distinction which apparently he drew between public prosperity and prosperity of commerce. Nor do I propose to enlarge on the subject of rewards for good conduct beyond making a present of this portion of the wisdom of the ages to those honourable gentlemen who are anxious that the system of rewards should be abolished. I will take his remaining heads in the following order :—

- (a) absence of troubles and calamities,
- (b) capture of thieves,

4th March 1922]

[Sir Charles Todhunter]

(c) abundance of harvest and with it diminution in the remission of taxes,

(d) prosperity of commerce,

(e) income from gold ; in other words, exchange, and

(f) dispensing with the service of too many Government servants.

“ As absence of troubles and calamities is conducive to financial prosperity, so the presence of them is conducive to bankruptcy,

Absence of calamities. and throughout this year the Government have been faced by a calamity on a very large scale, the calamity consisting in the mental attitude of certain people who, being dissatisfied with the constitutional means given them of obtaining self-government, have set to work to attempt by other means to obtain a state of no government at all. These people, realizing like Kautilya that all undertakings depend upon finance, have directed their attack upon the basis of government, namely, the revenue. They have organized this attack in a very skilful way by taking advantage of a very genuine and very praiseworthy sentiment in favour of temperance in the use of alcoholic drinks and under cover of this sentiment have managed to deprive the Government of revenue derived from excise to an amount of 75 lakhs of rupees. Had the cause of temperance benefited to a like extent, we might have cheerfully accepted the loss and sought other means to make it good. When we learn that their campaign is conducted in some places on the lines of encouraging people to distil illicitly, in others of selling the shops themselves and paying the proceeds into one of their own funds, it is difficult to regard it as other than a calamity and a calamity of a very serious kind. Nor is the loss of excise revenue the only loss that is to be attributed to them. In addition we have lost through them 2½ lakhs at least of land revenue in Malabar and 4 lakhs under forests in that and other districts, making a total of 81½ lakhs in all. If we add the expenditure in which they have involved us, the total bill will be nearly a crore.

“ By capture of thieves I take it that what Kautilya indicated was the maintenance of law and order, without which no government can function. In the year under review, as this Council are well aware, there has been a complete breakdown of law and order over large areas of Malabar, in which neither life nor property has been safe ; there have been further disturbances in the Madras City itself, in Guntūr, Cuddapah, Trichinopoly, Tanjore and Salem, while the Malabar rebellion has been felt in the Nilgiris also. And apart from the expenditure involved in Malabar itself, the

[Sir Charles Todhunter]

[4th March 1922]

Government have been compelled to take up schemes for organizing striking forces of armed police to deal with such activities. Meanwhile, there is a converse to the proverb that when thieves fall out honest men come by their own in the fact that when the police are engaged with agitations of this kind, among persons who are usually peaceful, the budmashes make their harvest. The actual cost of all these operations has not yet been worked out, but, as I have already indicated, they help to raise the debit against the revolutionary party to somewhere near a crore of rupees.

"I come now to the third head, abundance of harvest.

11-15 a.m.

The course of the season.

Generally speaking, the year has not been unfavourable, but the reverse has been the case in the Ceded districts where the ryots have been going through very trying times. In 1920-21 the rain needed to ripen the *mungari* or early crop failed completely and the *hingari* or later crop also failed in some places, while it was ruined by excess in others, so that when the year 1921-22 began, we were already faced with famine conditions and had 9,800 persons on works and 2,800 on gratuitous relief. The south-west monsoon was again unfavourable and as the year went on the distress deepened until in October there were 27 works open with 38,000 persons employed on them and 14,000 persons on gratuitous relief. It was not until the coming of the north-east monsoon in November that matters began to improve. The good rain that fell then took the ryots back to their fields and from November onward the number on relief has fallen continuously until the last returns show only 2,800 on works and 900 on gratuitous relief, while later reports still show that all the works in Anantapur have been finally closed, while those kept open in Bellary have been reduced to two. Meanwhile, throughout this period I think it may safely be said that there has been nothing approaching emaciation, although we do not attempt to minimise the distress from which the people who lost their crops must have suffered. To reduce that as far as possible we have spent money with a liberal hand, though I am glad to say that we have not needed the whole of the budget provision, the total expenditure expected by the end of the year being 12 lakhs. In addition to this, we have to acknowledge our gratitude to the Indian People's Famine Trust for grants amounting to Rs. 25,000 as well as to private contributions of considerable amounts towards clothing and other funds.

"To enable the people to recover, we have in several villages remitted the kists for 1920-21 and 1921-22 altogether. In others, we have remitted 50 per cent, and in this case and others we have

4th March 1922]

[Sir Charles Todhunter]

suspended collections till fasli 1332. Lastly, we have disbursed loans liberally, the total amount for the Presidency under the two Agriculturists Loans Acts being 22 lakhs as against an average of between 7 and 8 lakhs a few years ago, and for the Ceded districts 10 lakhs. On the other hand, more favourable rains have led to a comparative increase in the payment of arrears in other districts and we hope that there will be a net improvement in the payment of land revenue at the end of the year by about 2 lakhs.

"Under the head of prosperity of commerce, there is a less favourable report to give. At the time of the framing of our last budget, we thought we were at the worst of the slump and that only a good monsoon was needed to bring a boom again. But the monsoon passed without materially improving the trade, and though at intervals since different commercial magnates have prophesied the early coming of the boom, their prophesies have so far, I regret to say, been of as little worth as statements from another quarter as to the date fixed for the arrival of *swaraj*. The depression instead of lifting has deepened almost without a break, and the result is reflected in a decline in our revenue from stamps by 12½ lakhs of rupees. May I under this head remind the House that the head of revenue which generally varies more than any other with the prosperity or otherwise of the country is the Excise? The assertion has not unfrequently been made that this, with the liquor which is taxed, is an introduction of western civilization. It is therefore of interest to note that one of the most important chapters in the *Arthashastra* is that on the duties of the Superintendent of Liquor, which anticipates much of our latter-day Excise Manuals. I make a present of this piece of wisdom of 23 centuries ago to gentlemen who are anxious to wipe out drink and the Excise revenue to-morrow.

"Somewhat similar remarks apply to Kautilya's next head among the items conducive to Exchange. financial prosperity, namely,

income from gold, or, in our case, profit on exchange. As the Council is aware, our transactions in this matter are regulated by the Government of India and we were directed at the commencement of the year to frame our budget on the basis of a 2s. rupee, but to provide for a loss in exchange based on the difference between that figure and 1-8d. The actual rate at which most of our purchases have been made, however, has been generally under 1-4d. The effect of this loss in income from gold is an increase in expenditure of 12-60 lakhs.

[Sir Charles Todhunter]

[4th March 1922]

"I now come to the last of the heads entered by the great king-maker, namely, dispensing with the service of too many Government servants, and I am sure that

Reduction of unnecessary establishments.

the Council will bear with me if I enter into an explanation of the action taken in this matter at some length. Let me first of all explain what we set out to do. In accordance with an undertaking given at the time of last year's budget we called upon all heads of departments to say what portion of their work and establishments could be abandoned with the least detriment to the public interest if they were compelled to carry on with a scale of expenditure 20 per cent less than that which they were then incurring. Now, I am anxious that there should be no misunderstanding in this matter, and particularly that it should not be understood that every department was required to reduce its expenditure immediately by one-fifth. That was clearly not practicable in some cases. You cannot suddenly reduce the expenditure, say, on hospitals and schools by a figure like that without turning away patients and scholars, while if you apply such a rule to the expanding departments such as Industries and Agriculture, it is clear that you must convert them from expanding into contracting ones. What we aimed at doing was to secure from each head of department a list of the items up to the figure named which he regarded as being less essential than other items, but it was reserved for the Government to say whether these least essential items could be dispensed with or were still so essential as to justify, if necessary, new taxation to ensure their maintenance. The examination has been in progress throughout the year under the personal direction of His Excellency the Governor and the net result stated briefly is the abolition of 60 gazetted appointments, or 4 per cent of the whole, of 565 appointments of non-gazetted officers, or 2 per cent of the whole, of 4,765 constables, attenders and peons, or 8 per cent of the whole, and of 7,174 members of the village staff, or 6 per cent of the whole. The gross total of the salaries of these public servants amounts to 23½ lakhs. But just as it has been impossible to turn all adrift at a moment's notice, so it has been impossible to show that amount as an immediate saving. Reductions of establishment of this sort are carried out for the most part by stopping recruitment and absorbing the surplus officers as vacancies arise, so that it is extremely difficult to say how much the immediate saving effected will be.

"As regards savings of other kinds, it is even more difficult to give the Council an exact figure. Other economies—Schemes suspended. We have closed down schemes in all directions, some of them new schemes recently brought forward, some schemes which formed part

[4th March 1922]

[Sir Charles Todhunter]

of a regular programme of advance which hitherto has been pursued steadily from year to year and some schemes actually in operation, sometimes long established. The following are a few instances of schemes of the three classes:—

"Under new schemes may be included:—Redistribution of the northern districts, settlement of pre-settlement inams in Vizagapatam, opening of model toddy and arrack shops, opening of the Agency Forest divisions, raising of allowances to prosecutors, witnesses, jurors and assessors, grant to the Discharged Prisoners' Aid Society, opening of a reformatory school for girls, the Andhra University, making provision for the teaching of science in Queen Mary's College, provincialization of the District Medical and Sanitary Officers' office establishments, deputation of a Civil Assistant Surgeon for special study of Pathology and Chemical Physiology, training of nurses and midwives, opening of dental departments in hospitals, opening of a leper asylum in Chingleput, institution of a chair of a Clinical and Operative Surgery, training of an officer in lunatic asylum management, grant to the Lady Hardinge Medical College, appointment of a Public Analyst, provincialization of Health Officers, removal and reconstruction of the Beypore cannery, expansion of the Labour department and extensions of the operations of the Publicity Bureau. This, in addition to the omission of provision for any new buildings except one for one lakh of rupees.

"Among the programmes to which we have called a halt or in which we have made large reductions may be cited: Revision of village accounts as a preliminary to settlement, opening of new registration offices, purchase of books for the Legislative Council Library, making of temporary courts permanent, opening of additional temporary courts, reorganization of the Training College for Women, opening of additional secondary schools for girls and additional training schools for masters and mistresses, opening of new dispensaries in the Agency, of a fourth-year class in the Calicut Medical School and of the Guntur and Coimbatore medical schools, reorganization of the nursing staff, appointment of a sixth Director of Public Health, opening of new veterinary dispensaries, increase of the vaccination staff in the Agency and opening of additional day and night schools for children of fishermen.

"Among the existing schemes which have been cut out or curtailed may be cited: Dispensing with temporary Deputy Collectors to relieve officers for training, gradual closure of police recruit schools, reduction in the number of ryotwari village officers, suspension of the appointment of house surgeons, discontinuance of courses in Ophthalmology and Dentistry and for Health Officers, of popular

[Sir Charles Todhunter]

[4th March 1922]

health lectures, and of sundry minor fisheries schemes, replacement of Assistant Directors of Industries by Assistant Engineers, stoppage of the recruitment of Inspectors of Schools, abolition of one Public Works Department Circle, seven divisions and 21 subdivisions and closing down the Irrigation Projects division at the end of April 1922.

"It is difficult to give even an approximate money value to the cancellation or postponement of these schemes.

"Finally, we have cut down drastically a number of charges other than those for establishments, such as travelling allowances and contingencies, for 1922-23. The net reduction under these heads amounts to 23.14 lakhs.

"The Council will realise that the estimate of the total saving effected will depend entirely upon the standard with which the proposed expenditure for next year is compared, and here I should like to say a word to honourable members who expect that, if an appointment on Rs. 1,000 a month is abolished, the expenditure upon the particular branch of the service concerned will be shown as Rs. 12,000 less in the ensuing year than it was in the current year. This calculation leaves out of account the factor which is known as the 'normal growth' of expenditure. It is the tendency of every service rendered by the State to expand from year to year, as cultivation increases, as trade grows in prosperity, as scientific knowledge advances, as patients overcome their reluctance to come to the hospitals, as co-operation grows in favour among the ryots, as the villagers demand more school accommodation for their children. I should like to give the Council a few figures relating to this normal growth of expenditure. Under Land Revenue, General Administration and Law and Justice the average growth in the past 10 years has amounted to 5.9 per cent, under Excise to 6.6 per cent, under Police to 12.3 per cent, under Education to 13.5 per cent, under Medical to 23.3, under Agriculture to 23.4 and under Industries to 170.0. This normal growth is a thing which provides the Finance Member with a great part of his work from day to day and even from hour to hour in endeavouring to check it and if he cannot check it, to provide for it, and in fact the endeavour has become so much a part of his mental equipment that I fear it is difficult for him to realize the attitude of mind that I have just described. There has recently been added a new item to it, a thing against which no Finance Member has any defence, and that is the incremental scale of

4th March 1922]

[Sir Charles Todhunter]

salaries which has been saddled upon us by the Public Services Commission. I greatly fear that it has not been realized what the ultimate effect of this scheme is going to be upon the finances of the Presidency. I hope I have said enough to make it clear to honourable members that, as a standard of comparison for the purpose of estimating economies, the previous year's expenditure by itself will not serve, since it will be clear that, if we are able by economies even to retain expenditure at the existing level, that will mean that we have effected an economy of many lakhs. It will not be un instructive, however, to test our proposals by this standard. The revised estimate of expenditure for ordinary administrative purposes in the current year is 1,683 lakhs, of which 21 lakhs is met from loans. The estimate for similar expenditure for 1922-1923 is 1,665 lakhs, of which 1 lakh is met from loans. The reduction in expenditure is thus 18 lakhs, but the figure of 1,665 lakhs includes provision for additional expenditure under the head of interest to an amount of $10\frac{1}{2}$ lakhs and under that of exchange to one of 4 lakhs. At the same time 5 lakhs go in a book transaction on account of purchase of a stock of stationery from the Government of India so that we have obligatory charges quite outside our ordinary expenditure to an amount of $19\frac{1}{2}$ lakhs to add to the reduction. The figure of 1,665 lakhs also includes additional expenditure on account of the Malabar disturbances amounting to 19 lakhs, and if we add additional expenditure under the heads of Education and Agriculture amounting to $11\frac{1}{2}$ lakhs, we get a total of 67 lakhs. We may set against this abnormal expenditure in 1921-22 under Famine, Cinchona and Income-tax to an amount of 38 lakhs. The difference of 29 lakhs has only been brought about by severe restrictions of normal activities in other departments.

"The next standard with which we might make comparison is the estimate of expenditure made by the heads of departments, and in a year like the present when they have all sent in their estimates with a full knowledge of the desperate financial conditions, and have therefore kept down their projects to a minimum, this might seem to be a fair standard of what is considered normally necessary. I will only say with regard to this that the amount which we propose to expend is 190 lakhs less than the total of the estimates of the heads of departments. A third standard may be found in the figures sent in by the heads of departments as those of the expenditure that is absolutely obligatory in order to carry on the services under their control. As to this I may say that we have reduced the figure which they regarded as absolutely essential for that purpose by no less than 40 lakhs, and have done so solely in view of the desperate financial condition of the province and in full knowledge of the risks that such a reduction involves.

[Sir Charles Todhunter]

[4th March 1922]

“In making these reductions we have given our earnest attention to the various proposals for economies that were made in the Council.”

11-30 a.m.

Economies proposed in the budget debate of last year and in the course of the year, and if the results do not satisfy some members of the Council, I fear that that is to be attributed rather to an exaggerated idea on their part of the possibilities of particular proposals than to the inadequacy of the action that has actually been taken.

“There are certain honourable gentlemen who think that they have an inexhaustible fund to draw upon by reduction of the amount of pay and allowances spent upon the services, and at the risk of being wearisome, I am afraid I must deal with the proposals that fall under this head at some length.

“For this purpose, let me first divide the services into five grades: (1) Imperial, (2) Provincial, (3) Subordinate, (4) attenders, constables and peons, and (5) village staff, and in order that we may clearly understand what is the fund in question, let me say that the total amount spent upon all the services in salaries and allowances is 620 lakhs, of which 95 lakhs are for Imperial, 55 for Provincial and 240 for Subordinate officers, while 117 lakhs are spent on attenders, constables and peons and 113 lakhs on village staff.

“Now though there have been innumerable proposals for further increase of the pay of the employees in the grades below the Provincial services, there have been comparatively few for reduction under these heads, and I think that for practical purposes we may take it that the sums out of which the reductions, if made, would have to come are the 95 lakhs paid to officers of the Imperial and the 55 lakhs paid to officers of the Provincial services. The total being $1\frac{1}{2}$ crores, it will be seen that a complete stoppage of payment for a year of all members of the services would not suffice to meet our present and our coming deficit.

“The proposals for reduction divide themselves into three heads first abolition of appointments, second reduction of salaries

of appointments, third abolition of allowances.

“As regards the abolition of appointments, the following are appointments which different honourable members have expressed a desire to get rid of: under *General Administration* one Member of the Executive Council; under *Land Revenue* one Member of the Board of Revenue, one Collector, additional and temporary Deputy Collectors and Personal Assistants to Collectors, and Assistant

4th March 1922]

[Sir Charles Todhunter]

Directors of Survey; under *Excise* Deputy Commissioners and Assistant Inspectors of Salt and Abkari; under *Forest* some of the Conservators and District Forest Officers and all the Extra Assistant Conservators; under *Administration of Justice* some of the temporary Courts and of the Presidency Magistrates; under *Agency* the Agency Commissioner and his Assistant Commissioners; under *Police* the Deputy Inspectors-General, the Inspectors, the Reader Sub-Inspectors and the whole of the Criminal Investigation Department; under *Education* some of the Inspectors and Assistant Inspectors, the Deputy Directress of Public Instruction, the Additional Deputy Director and the Personal Assistant to the Director, and the Supervisors; under *Public Health* the Sanitary Commissioner; under *Agriculture* some of the Deputy Directors and expert officers and some of the officers in the Veterinary College; under *Public Works* one Chief Engineer, all the Superintending Engineers, the Deputy Secretary, one of the Consulting Architects, some of the Deputy and Assistant Sanitary Engineers and all the Subdivisional Officers; under *General* the Publicity Officer, the Labour Commissioner and the Inspectors of Factories and the Personal Assistant to the Superintendent of the Government Museum.

“The sum total includes about 250 gazetted officers, or about one in six of the total number employed.

“As regards these proposals I should like to say in the first place that the majority of the Imperial and several of the Provincial services have been the subject of most searching inquiry by Royal Commissions or All-India Committees, such as the Indian Police Commission, the Indian Excise Committee and the Public Works Department Reorganization Committee, and that no appointment has been sanctioned in them without the concurrence of the Local Government, and generally of all the Local Governments, as well as of the Government of India and the Secretary of State. I hope therefore that it will be recognized that every single appointment represents a definite unit of work, and that honourable gentlemen who urge acceptance of the view that particular appointments are unnecessary take the responsibility, not only of saying that definite pieces of work which have hitherto been done need not be done any more, but also of making out their case against the opinions of all the authorities most competent to deal with the questions before the Reforms were introduced.

“I would further deprecate the attitude of mind of certain honourable gentlemen who not only do not take up the burden of proof which is imposed upon them by the circumstances which I have just indicated, but who, having made the assumption that a certain appointment is unnecessary, proceed to argue from that basis

[Sir Charles Todhunter]

[4th March 1922]

that all the subordinates of the officer holding the appointment in question, or to quote another way in which it has been put, all the officers who work under him, are likewise unnecessary. As I have just said, every one of these officers represents a definite unit of work which ought to be done. It may be true that there are certain items which you can neglect at your peril, but the neglect of which will not bring the machine to a standstill. But there are many others to which this will not apply. Let me take, for example, the case of the Superintending Engineer. I do not propose to go—I am not capable of going—into the details of all the multifarious duties that he performs. If, for instance, he is in charge of one of the big delta systems, he plans the policy for the system as a whole. He brings the work of the different executive officers under him into co-ordination. He teaches the younger officers how to do their work and keeps the lazy ones up to the collar, and by continual inspection he corrects mistakes, makes changes in design when circumstances arising in the course of construction indicate the necessity, saves waste of money and sees that contractors do not put in bad work. He directs the preparation of a very large number of estimates. He is the sanctioning authority for some and the advising authority for others and has to scrutinize and execute a very large number of contracts and agreements. He is responsible for the appointment, promotion, transfer and punishment of a host of subordinates. He is likewise responsible for seeing to the proper distribution of water and for supervising irrigation panchayats and generally for the removal of grievances which in matters of irrigation are legion. He is the adviser in chief of engineers employed by local bodies, and is responsible for the proper expenditure of the grants made for the maintenance of trunk roads. If you displace him in respect of these functions, who else is going to do the work? Somebody must prepare and check the estimates. Somebody must appoint and control the staff. Somebody must deal with the many complaints that come up for disposal. Let us take the case of estimates alone. The estimates sanctioned by the Superintending Engineers in the course of the past year numbered in all no less than 5,190 of a value of Rs. 185.15 lakhs, in addition to which these officers prepared, checked and forwarded further estimates numbering 3,765 to an amount of Rs. 346 lakhs. If the Superintending Engineer with his office is to be abolished, all his work must be done either in the office above him or in that below. It will certainly not be possible to dispense with his staff and I think it will be inevitable to strengthen the staff of the Chief Engineer to enable him to exercise, not a proper control, but a sufficient minimum of control to keep the machinery running at all. We

4th March 1922]

[Sir Charles Todhunter]

may take it, therefore, that if you abolish one of these intermediary appointments, you cannot expect to make an effective saving of more than half the cost of the officer and the staff attached to him.

“In the case of some others of the appointments referred to above, you cannot even do this. Let me take the case of the Assistant Inspectors of Salt, many of whom are stationed in charge of salt factories, where they combine the duties of salt-maker, revenue controlling officer, treasury officer and engineer. If you abolish them, I cannot think how you are going to carry on the work of the factory at all.

“Let us, however, suppose that a reduction is made to the extent of 50 per cent in the case of all the officers whose abolition has been proposed. The total cost of the officers in question comes to 30 lakhs, and 50 per cent of that is 15 lakhs. If we assume that the cost of the staff attached to the officer is half the cost of the officer, the greatest saving that could be secured, that is 22½ lakhs, would still not be as much as the amount of 23¼ lakhs by which, as I have already told the Council, the salary bill for both gazetted, non-gazetted, inferior and village staff has been reduced.

“I shall now endeavour to show the Council how far, in making the latter reduction, we have been able to meet their wishes in respect of the former.

Extent to which effect has been given to the proposals.

“I should weary the Council intolerably if I were to enter into a discussion of the pros and cons of each case on the long list. But I think it may perhaps save trouble later if I indicate as briefly as I possibly can the reasons why it has not been possible to accept some of the proposals and the extent to which action has been taken on the others.

“The question of the number of Members of Council is one for the Secretary of State. One post in the Board of Revenue will be abolished when the Government of India take income-tax entirely under their control. The question of the abolition of a second has been considered by a Committee who have advised against it. Proposals have gone up to the Government of India for the reduction of the cadre of the Indian Civil Service by eight appointments, four superior and four inferior. The Personal Assistant Deputy Collectors have been reduced in number from 11 to 7. A number of Deputy Collectors employed under the Registrar of Co-operative Societies have been replaced by officers of lower grade while other temporary officers have been dispensed with, as I have already indicated. It was not found possible to dispense with Assistant Directors of Survey, but the Council are relieved of payment for three of these officers who are employed upon estate work. The

[Sir Charles Todhunter]

[4th March 1922]

proposal to dispense with Deputy Commissioners of Salt and Abkari resulted in the abolition of one Deputy Commissioner and two Assistant Commissioners. The Forest Department is just entering on a large scheme of exploitation, and it was not found possible to make any reduction in the number of officers in that department. In response to the request for the reduction of Presidency Magistrates by two, one is being temporarily dispensed with. It was not found possible to reduce the number of temporary civil courts as the number of suits now pending is over a lakh. It was not practicable to go back upon the creation of the Agency Division, but one post of Deputy Superintendent of Police is being kept vacant, the much needed expansion of the Forest staff has been held in abeyance and the budget has been reduced in other directions for instance by the reduction of the number of medical officers attached to touring officers. In the Police Department, the recommendation regarding the abolition of Reader Sub-Inspectors has been accepted and the rank of Naik has been dispensed with. In addition, the whole of the clerical establishment in the subdivisional offices has been abolished. The abolition of the vacancy reserve will result in a reduction of the number of constables by 3,745. The Government have not felt themselves justified, in view of the present conditions, in abolishing the Criminal Investigation Department, the Inspectors of Police or the Deputy Inspectors-General, who are responsible for the discipline and control of large numbers of a force which is subject to much harassment and temptation to indiscipline. In the Education Department, proposals to add nine officers of the Inspector grade have been kept in abeyance and a reduction by 69 has already been made in the number of supervisors. The question of the possibility of reduction of the headquarter staff is under the consideration of the Hon'ble the Minister in charge. Under Public Health, the Government have found themselves unable to concur in the proposal that the office of the Sanitary Commissioner should be abolished, but have deferred an increase in the number of Deputy Sanitary Commissioners. Under Agriculture, they are of opinion that the proposal to dispense with the experts, whose function it is to devise schemes for the improvement of agriculture, and with the Deputy Directors, whose function it is to spread the knowledge of the discoveries of the experts, would result in bringing the department to a standstill. They have, however, reduced largely the programme of advance under both Agriculture and Veterinary.

"The Government have been unable to accept the proposal for the abolition of the Publicity Officer or the Labour Commissioner or the Personal Assistant to the Superintendent, Government

4th March 1922]

[Sir Charles Todhunter]

Museum. As regards Inspectors of Factories, they are unable to see how any saving would result from handing over the work of these officers to Boiler Inspectors or *vice versa*. One governing factor is that the Boiler Inspector must do his work while the fires are out and the factories are closed, while the Factory Inspector's functions involve his visiting it when it is open and in full work. It would therefore not be possible, even if an officer capable of executing both functions were found, for him to carry out inspections of the two classes at one and the same visit.

"In the Department of Public Works, very large reductions have been made involving the abolition of 1 Superintending Engineer, 7 Executive Engineers, 22 Sub-divisional officers, 200 subordinates and 315 menials. The final total expenditure set down for 1922-1923 amounts to 48 lakhs as against 51 lakhs, the revised estimate for 1921-1922. In view of these economies, the Government have found themselves unable to accept the proposals for the abolition of one Chief Engineer or the Deputy Secretary, while as regards the Consulting Architects, they are all employed under agreements which could not be terminated without expenditure as great as that involved in continuing their employment.

"Before I conclude this portion of my speech, may I invite the attention of the Council to two facts? The first is that the total staff of officers in the Imperial and Provincial Services in all departments in Madras is 100 less than the number sanctioned for Bombay, 233 less than the number sanctioned for Bengal and 284 less than the number sanctioned for the United Provinces. The second is that the actual number of officers employed at the present moment, excluding the Public Works Department, the reduction of which I have just mentioned, is 39 less than the sanctioned cadre. In other words, there is a saving of 5 lakhs of rupees a year to the Council owing to short recruitment for posts which have been sanctioned by the Secretary of State.

"I now come to the second head of the proposals for reduction, namely, the reduction of salaries of officers who are to be retained in service. As to this, I hope I am fully cognizant of the feeling of helplessness which faces certain honourable gentlemen who consider that salaries have been fixed just before the coming in of the Reforms at rates which they think excessive and who find that every proposition for reduction which they may make in general terms brings them up against something which is very like a blank wall of impossibility. If they cut salaries all round, they reduce the services in Madras to a position of inferiority to those of the rest

[Sir Charles Todhunter]

[4th March 1922]

of India. If they make a percentage reduction on promotion, they reduce promotion in many cases to a punishment. If they advise a new scale for new entrants at a time when they are rectifying caste proportions by limiting the new entrants to certain castes, they penalise those castes. At the same time, while I fully recognize this, I must decline to accept the position that, because certain members of the Council say they think the scales too high, it is the Government's business to set about devising new scales. The scales have been devised on the advice of the Public Services Commission, who set down their figures as being the figures necessary to obtain men of the right stamp and to maintain them in such a degree of comfort and dignity as would shield them from temptation and keep them efficient for the term of their service. These proposals have been discussed by all the Local Governments, and recommendations based upon the results of that discussion have been submitted to the Government of India and the Secretary of State, by whose orders (even if in certain instances they go further than the Local Government originally proposed to go) the Local Government, at any rate the reserved part of it, are bound. If, therefore, the Council desire any change in the rates, it is, I submit, for the members interested to put forward a definite scheme and to carry it by a majority. Now, the only things approaching a definite scheme which have hitherto been put forward are these. In the first place, the resolution passed by the Council to the effect that all Indian officers newly appointed or promoted to posts on Rs. 500 and upwards should draw two-thirds of the present sanctioned pay of the posts to which they are appointed or promoted. That proposal, as I have already submitted to the Council, is not one to which effect can be given, because new appointments on Rs. 500 and upwards are made only to certain special posts, while the effect of the proposal in the case of promotions would be actually to penalise the officers promoted. The other definite proposal was to levy a tax of 10 per cent upon all officers in superior service. This is a proposal which the Council have the power of carrying in so far as it concerns the voted appointments. The total cost of voted appointments in the Imperial and Provincial services is 70 lakhs of rupees. Therefore the financial effect of the proposal would be a saving of 7 lakhs. As to whether this saving is worth setting against the other effects which the proposal would have, I leave it to the Council to say. It seems to me that the way in which it would present itself to the officers concerned would be somewhat as follows:—

“That the revolutionary party have succeeded in reducing the Government's revenue by many lakhs of rupees, that the Government's officers have suffered exceedingly severely in combating the

4th March 1922]

[Sir Charles Todhunter]

activities of the revolutionary party, and that the Council would be visiting the sins of the party who have done the mischief upon the officers whose duty has been to prevent it and who have already suffered more than enough in the process.

“The third proposal for reduction relates to allowances, and here I find myself at the very outset faced with a difficulty which

Allowances.

it has taken me many discussions with non-official gentlemen to realize. There seems to be an idea abroad that the scales of pay by themselves represent the full necessities of the definition of the Public Services Commission which I have just quoted. Consequently, everything in the shape of an allowance is looked upon as something extra which needs a most special justification, and the very word is anathema to many honourable gentlemen. It is perhaps fortunate in view of this idea that the term itself will disappear with the coming in of the Fundamental Rules under which there will be no allowances, but ‘special pay’ will be given either for special classes of work or for living in very expensive or very unhealthy localities. This being so, I would ask the Council to agree that it is not possible to pass any general sweeping resolution reducing or abolishing allowances in general or any particular class of allowances. Every one of them that exists has been sanctioned by Government for special reasons and it would not be fair to abolish any one of them without inquiring what those reasons were and whether they still apply. I will go further than this and say that ever since I have held the Finance portfolio, I have set my face against allowances, so that my Honourable Colleagues may well say of me what I have said of certain members of this Council that the word is anathema to me, and no allowance, however temporary, is ever allowed to be sanctioned without special reference to the Finance Member. I will go further than this again and remind the Council that the whole question of allowances, in so far as it arose in connexion with their inquiry, was referred at my instance to the first Salaries Committee whose report contains no less than 50 pages on the subject. The Committee's recommendations again have been examined exhaustively by the heads of departments and by the departments of the Secretariat; but the result of the examination has been in the great majority of cases to confirm the grounds on which the allowances were originally granted. In fact, I can only recollect at the moment one instance in which cancellation of an allowance has been the result and in that, the cancellation was no sooner carried into effect than the Member of Government concerned began to agitate for the restoration of the allowance in question on the ground that it was absolutely essential to the post from which

[Sir Charles Todhunter]

[4th March 1922]

it had been taken away. So much then for the possibility of anything in the shape of general all-round reduction of allowances. As regards particular cases, I am, as I have always been, at the disposal of the Finance Committee and ready to place before them in the fullest way possible the grounds on which any particular allowance has been sanctioned, so that, if they consider any modification in the scales desirable, they can make such recommendation as they think fit to the Governor in Cabinet.

“In dealing above with allowances, I have not mentioned the Travelling allowances. question of travelling allowances, because those differ from most of

the others in that they are definite payments for expenses incurred which are required by statutory rule to be so regulated that they are not on the whole a source of profit to the recipients, and I hope that there is no doubt in the mind of any honourable gentleman that this at any rate is the intention of the rules. Now let me remind the Council briefly of the history of this matter. The question of the reduction of travelling allowances was raised in numerous cases at the last budget debate. In no case was the proposal carried. In very few did the movers even secure a large minority. In the face of this decision, at the very next meeting the Council carried a resolution that the order prescribing the scales of the allowances to which effect had been given by the budget after consultation with other local Governments and with the sanction of the Government of India in substitution for a scale which was long out of date should be cancelled and the old scale restored. The Government considered whether effect should be given to this resolution and decided against it for various reasons, chief among which was the fact that the old scale was most markedly inadequate in the case of clerks on Rs. 35 and thereabouts and that it was not fair to subject them to hardship because the Council thought that the allowance was unduly profitable in the case of officers who travelled by motor, or in that of district and taluk board presidents. Accordingly, the matter was laid before the Finance Committee with a view to concrete suggestions in the month of December, and it has been an item on the agenda ever since. The following concrete suggestions have been made:—

(1) that the mileage rates of officers of the first class be reduced from twelve to ten annas,

(2) that no officer should be allowed more than two railway tickets either in the first or second class, and

(3) that the daily allowance of Rs. 10 and Rs. 7-8-0 should be reduced to Rs. 7-8-0 and Rs. 5.

[4th March 1922]

[Sir Charles Todhunter]

“I might perhaps add to these a suggestion which has been put on the notice paper by an honourable gentleman who does not belong to the Finance Committee, namely, that district and taluk board presidents should be given a fixed travelling allowance in lieu of payment for each journey made. The Finance Department have meanwhile been at work on the case and have made detailed proposals the chief of which is a revision of the limits of salary which divide the officers of different classes from one another. In many cases the effect of these will be the same as would the adoption of the first and third of those referred to above. The question is a very complicated one and the proposals have not yet taken final shape, but I hope to have them ready for submission to the Finance Committee at their next meeting. Meanwhile, and largely in anticipation of changes in the rates or classes, the total provision for travelling allowances in the budget for 1922-23 has been fixed at 63 lakhs, or 10 lakhs less than the provision in the revised estimate for 1921-22.

“That, Sir, completes my review of the working in the year 1921-22 in the Presidency of Summary of figures for 1921-22. Madras of the causes that, according to Kautilya, conduce to financial prosperity or otherwise. To

sum up the results in figures, we began the year with 58 lakhs in hand and we anticipated a revenue of 1,633 lakhs and a loan from the Government of India of 70 lakhs, of which we proposed to spend 36 lakhs for remunerative purposes and 34 lakhs on works of permanent utility. For reasons which I have already mentioned our revenue fell to 1,526 lakhs, while the loans we received from the Government of India were increased to 110 lakhs. Our total expenditure worked out to 1,748 lakhs. Out of this sum 55.75 lakhs represented loans for remunerative purposes and 21 lakhs were spent from loan funds on works of permanent utility and famine relief, while 9½ lakhs represented the instalment due to the Government of India of the repayment of the provincial loan account. The remainder, viz., 1,662 lakhs, is chargeable to the revenue account. The expenditure from this account is thus 136 lakhs in excess of the reduced revenue. Against this we set in the first instance the 58 lakhs of our opening balance leaving a dead-weight debt of 78 lakhs. Out of this again, we have already met 24 lakhs by restricting expenditure from loans made to us for remunerative purposes and we have yet to borrow a further sum of 54 lakhs from the Government of India to enable us to pay our debts. What will be the terms on which they will lend us this money, which will represent the beginning of our national debt, we have yet to ascertain. But I anticipate that an early repayment

[Sir Charles Todhunter]

[4th March 1922]

will be pressed for and accordingly provision has been made in 1922-23 for interest and sinking fund charges against this amount.

"I now come to the proposals for the ensuing year, and as it seems inevitable that expenditure will exceed income, I think it will be best to deal first with expenditure, then with income on the present basis, then with the anticipated proceeds of new taxation and lastly with the deficit that still remains.

"The total anticipated expenditure is 1,774 lakhs. To get at the real expenditure of the Presidency, however, we may first exclude the contribution to the Government of India of 348 lakhs, leaving a balance of 1,426 lakhs. We may next, in order to arrive at the expenditure chargeable to revenue account, exclude expenditure from remunerative loans which we anticipate will amount to 104 lakhs. Of this, it is proposed to apply $12\frac{1}{2}$ lakhs to irrigation, and $31\frac{1}{2}$ to harbour works and the Rameswaram canal, while 17 lakhs are provided for loans to agriculturists and the sufferers from the Malabar rebellion, and 31 for loans to local bodies, including 9 lakhs for the Tinnevely-Tiruchendur Railway. There is only one public work which it is proposed to pay for out of loan money, namely, a building to house police officers in the heart of the City of Madras. This is not expected to be fully remunerative, but endeavour has been made to make the scheme pay its way as far as possible by providing that beneath the quarters shall be constructed shops which can be let at a profit. The total cost of this scheme in 1922-23 is estimated at 1 lakh.

"If we exclude these sums, the amount of expenditure which ought to be met from revenue stands at 1,322 lakhs. For the details that go to make up this amount, I would refer honourable members to the memorandum by the Finance Secretary which will be distributed. I will confine myself for the present to saying that there is a decrease in expenditure, which is due mainly to the policy of retrenchment under the departments—Land Revenue, Stamps, Forests, Miscellaneous Irrigation Expenditure, General Administration, Police, Medical and Civil Works.

"The principal increases in expenditure are under the following heads:—

"Under Excise, which is the last of the departments to receive a revision of salaries and in which it is proposed in addition to give for the first time travelling allowances to touring Sub-Inspectors, there is an increase from 30.97 to 32.90 lakhs. Under

[4th March 1922]

[Sir Charles Todhunter]

Administration of Justice we are providing for revision of the pay of clerks both in the High Court and the mufassal courts and also for payment for the Malabar Tribunals. These are the principal causes of an increase of expenditure from 93.63 to 98.16 lakhs. Under Jails again, the aftermath of the Mappilla rebellion involves a large increase in expenditure, the figures being 27.68 and 37.32 lakhs. Under Education we are making provision for a scheme of vocational education and for grants which were not included in the budget for 1921-22 for payment to teachers in primary schools, raising the provision from 154.18 to 160.64 lakhs. Under Agriculture we are providing for taking over veterinary hospitals from local bodies and for certain other developments which result in an increase in expenditure from 27.49 to 31.71 lakhs. Under Stationery there is an increase from 23.52 to 28.36 lakhs, which is due, not to an actual increase in the outgoings, but to a re-adjustment under which we take over responsibility for the maintenance of a stock of stationery which has hitherto been maintained by the Government of India. Lastly under the head Miscellaneous there is an increase from 8.82 to 11.26 lakhs, which again is due to expenditure connected with the Mappilla rebellion.

"To meet this expenditure from revenue we have an income from the existing sources, which

12 noon.

Income from existing sources.

again is explained in detail in the Finance Secretary's memorandum, of 1,564½ minus 348 or 1,216½ lakhs. As to this, I will only say that the estimates were minutely checked and re-checked up to the latest possible date before the printing of the budget in the hope of finding some improvement in the situation. But though a few months ago the prospects looked somewhat more hopeful, the continued slump in trade and the activities of the revolutionary party have checked them again and the most that heads of departments, who are responsible for these figures, considered it at all safe to anticipate was the figure above noted which is 105½ lakhs less than the expenditure which has to be met from revenue. Even this figure will have to be reduced with reference to news received since the budget was printed since, in the first place, the Government of India have made a large increase in the duties on foreign liquor which will involve a resale of the taverns at a loss, and in the second place, the final report on the result of the sales of arrack shops shows that the total realizations are three lakhs less than the estimate.

"We have repeatedly considered the possibility of a situation such as that with which we are faced, and I think I am echoing the Council when I say that the Ways of making good the deficiency.

[Sir Charles Todhunter]

[4th March 1922]

order of preference in the matter of meeting this deficit should be, first a reduction in our contributions to the Government of India, second economies and third and last new taxation.

"The question of the contribution with which we are saddled has never been absent from our thoughts. It was raised in April 1921 in a resolution by Mr. Prabhakaran Tampan and again in a much more acute form in October 1921 when the Council, on the motion of Rao Bahadur T. A. Ramalinga Chettiyar, and echoing the telegram which the Government had already despatched, protested against the grant of a reduction a large part of which, if it was to be given at all, was rightly ours, to the province of Bengal. We have since been in fairly constant correspondence with the Government of India and have enforced that protest with every argument at our command, concluding by sending a deputation consisting of two of our Hon'ble Ministers and representatives of all sections of the House to lay our case personally before His Excellency the Viceroy. The time was more opportune than we thought, for the day after the arrival of the deputation there was moved in the Council of State a resolution favouring a reduction of the contribution in the case of our chief companion in suffering. Such a resolution could not fail to bring into prominence the condition of the finances of this Presidency which like all the rest has budgeted for a deficit, but unlike most of the others has no balances out of which the deficit can be met, and the result of the debate, which was watched by two of our Hon'ble Ministers from the gallery, was the passing of a resolution in the following terms:—

'That the provincial contributions as fixed by the Devolution Rules be reduced in the manner specified in those rules and finally extinguished as early as possible.'

"This is disappointing enough, without being made doubly so by incorrect telegrams that gave us a hope of immediate relief, but at least it gives us the assurance that there will be no more infringement of our rights as has already occurred in the case of Bengal and the hope that from the year 1923-24 some portion of justice may be done to us. That hope, such as it is, is confirmed by a telegram received this morning that the matter has been raised in Parliament by Sir John Rees who obtained from the Secretary of State a repetition of the assurances given by the Government of India. Without that hope a drastic rearrangement of our finances would have been necessary; with it we may perhaps, as I shall show later, feel ourselves justified in borrowing for the one year in anticipation of such reduction as will enable us to repay the loan.

4th March 1922]

[Sir Charles Todhunter]

"The second alternative, economy, I have already discussed at, I am afraid, inordinate length, Economies. and I have shown that our proposed expenditure despite the factor of normal increase, will be 18 lakhs less than the expenditure of 1921-22 and 40 lakhs less than what the heads of departments regard as essentially necessary for carrying on their departments in a state of efficiency. I have shown the results of the examinations made of proposals for economy in this Council, and while the Council will have seen that a great number of them have been accepted, with or without modification, I think I have said enough to make it clear that the increased saving that would have resulted if we had accepted them all in every detail would have gone only a very small part of the way towards meeting the deficit with which we are faced.

"There remains the expedient of new taxation and I hope that, in view of the explanation now given, the Council will agree that we were justified in asking them to take into consideration the two Bills which are common to nearly all the major Provinces in India, namely, the Bills relating to the Stamp Act and the Court Fees Act. The first of these is, I think, open to little criticism in view of the circumstances of the day. It is a fair tax upon transactions largely commercial and the increase in the rates is not more than commensurate with the increase in prices of food-grains and other commodities. The regrettable fact about it is that, whereas the rates proposed here are much the same as those proposed for Bengal and Bombay, our expected return is only half that of the one and two-thirds that of the other of these two prosperous provinces.

"The Bill to amend the Court Fees Act is open to some criticism on the ground that court fees should not be used as one of the sources of general income. But that is a criticism to which in this case a good deal may be said in reply. In the first place, the court fees have stood unchanged for half a century, in which time litigation has increased by 155 per cent. This increase has been specially marked in the last 20 years in which there has been a 51·7 per cent increase in institutions, and this has been accompanied by a 58·6 per cent increase in the number of courts, which has resulted in the circumstance that, whereas up to 1920-21 there was a balance left over the cost of the courts, the balance is now considerably the other way and would be very much more the other way if we added the cost of the buildings and other incidental expenses. While, therefore, we hope that these enhanced fees may check

[Sir Charles Todhunter]

[4th March 1922]

unnecessary litigation, it can be replied to the charge that we are making people pay for justice that, if we are doing so at all, we are not making them pay proportionately a larger sum than they were paying a few years ago, and that if the cost of the courts goes on increasing at the present rate, in less than ten years it will have out-stripped the revenue again.

"It is needless to say anything more here regarding the Bills to reintroduce the village service cesses, the introduction of which the Council have disallowed, except that this refusal to vote the money has compelled us to omit the provision which had been made in the budget in pursuance largely of the expressed wishes of this Council for improving the pay of village officers and servants in proprietary estates and of village headmen generally, an omission which we fear may have very serious consequences.

"Meanwhile we have sought other means of meeting the remaining deficit. The most likely source appeared to be the taxation of tobacco, a drug which is subject to taxation in almost every country in the world. But the project presented very great administrative difficulties, especially if taken up in a single province, while its neighbours remained free of such a tax, in addition to which the Hon'ble the Ministers and the members of the Finance Committee advised us that politically such a tax was undesirable.

"That project having been abandoned, there remained only an increase in the registration fees and a tax on amusements. The increase in the registration fees has already been imposed with effect from the 1st March and will, we hope, bring in an additional revenue of $7\frac{1}{2}$ lakhs.

"As to the tax on amusements, it is certainly, generally speaking, a fair enough form of taxation, which has yielded good results in England and is expected to do the same in Bengal, and we were at first disposed to ask the Council to sanction legislation for imposing it in this Presidency also. Three considerations have, however, deterred us. The first is that we have already proposed the imposition, in addition to the Stamp and Court Fees Bills which are shared by several provinces, of an increase in the registration fees which, so far as I am aware, has been imposed in only one other. In the second place, the tax, if applied in Madras, would affect only the headquarter city and appears therefore to be a more suitable subject of exploitation by the Corporation than by the

4th March 1922]

[Sir Charles Todhunter]

Local Government. In the third place, while Bengal expects 15 lakhs from it, the return in Madras, according to the most accurate calculations that we have been able to make, would amount to a little more than one-fifth of that sum, or three lakhs. In view of these considerations, we have decided for the present that it is not advisable to ask the Council to pass this measure of taxation.

"We are therefore left, as I have said before, with a deficit of $105\frac{1}{2}$ lakhs and proposals for new taxation which are expected to yield $77\frac{1}{2}$ lakhs, leaving still a deficit of 28 lakhs.

Net deficit—the propriety of borrowing.

"As to this there is laid upon the Government and the Council the responsibility of deciding whether it is legitimate to meet it by borrowing, that is to say, to impose the responsibility for the repayment of it upon our successors. The answer to this question will depend on whether the deficit is likely to be a temporary one or not and that again depends, I think, upon three factors, one affecting the whole world, one affecting the whole of India and one which can be influenced largely by this Council. The first is the period of convalescence necessary for recovery from the maladies of the war. As the Hon'ble the Finance Member to the Government of India has pointed out, the whole world has under-estimated this, and he would be a rash man who would prophesy when the turn to better things will come. The second is the extent to which our finances will be disorganized again in the coming year by the forces of organized disorder in this country, and again it would be rash to prophesy the period necessary for return to sanity of those who have brought about a deficit in the budget of every province in India. The third cause, which the Council have it in their power to influence, is the pushing forward of a policy of prohibition or temperance which will make the decline in our Excise revenue continuing and increasing. Excise is transferred subject and therefore honourable members have this matter entirely in their hands.

"If the trade of the world recovers, and through it the revenues of the Government of India so that they are able to give us a remission of our contributions; if peace and order are restored and people are allowed to go about their lawful avocations without molestation; and if the Council decide to continue to pursue the existing Excise policy and to let intoxicants continue to be a source of revenue as they were, as I have indicated, twenty-three centuries ago; then we may hope for a revival of our income in 1922-23 and to wipe out our debt instead of imposing a burden on posterity. If, on the other hand, the present slump in trade continues, if respect for law and order is to continue to decrease and if

[Sir Charles Todhunter]

[4th March 1922]

temperance measures are to be pursued without regard to the fact that people will drink illicitly if they cannot do so licitly, then we are not justified in making posterity pay for our enthusiasms, then we must brace ourselves to meet the deficit by further taxation.

"I do not disguise from the Council that I look to the future with great misgivings, and submit this budget to them with great reluctance. Taking all in all, the Cabinet have decided for this year to budget for a deficit. But it will be necessary throughout the year to watch the progress of the forces to which I have referred, to pursue economies by every possible means and never to let an opportunity slip for enforcing upon the Government of India our just claims for a reduction of our excessive contribution to the Imperial exchequer."

The Hon'ble the PRESIDENT:—"Further consideration of the budget will be taken up on the 6th March and will be continued on the two succeeding days, viz., the 7th and 8th.

"Agreeably to the precedent set last year, I have fixed, under sub-rule (3) of rule 28 of the Council Rules, a time-limit of twenty minutes for each honourable member's speech on the budget."

III

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Acquisition of a bungalow in Puttur in South Kanara district—cont.

The Council then resumed discussion on Resolution No. 250 which was moved by Rao Sahib U. Rama Rao on the 21st January 1922 and the further consideration of which was then adjourned.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, before I proceed to a discussion of the merits of the resolution, I beg with your permission to raise a point of order. I will invite your attention to the speech of the honourable member who moved this resolution the other day, and I will, Sir, with your permission, read one significant paragraph therefrom which now forms the subject-matter of my motion. He then stated—

"I am only pointing out to the Council, Sir, that the valuation arrived at by the Collector is not correct. From what information I have been able to gather, I learn that the award has not been accepted and the matter is likely to go to the civil courts. I also learn that a suit has been filed against Government on some other grounds in connexion with the acquisition."

"That statement was made definitely by the honourable mover the other day, and I was not at that time in possession of accurate information as to civil litigation to which the honourable member

4th March 1922]

[Mr. Muhammad Habib-ul-lah Sahib]

was referring. I put myself immediately in communication with the Collector to let me know what it was that was being referred to by the honourable mover, and the reply which I have received from the Collector is in these words:

'The claimants have asked for a reference to the district court under section 18 of the Land Acquisition Act and have also already filed a suit for a declaration that the land acquisition proceedings are void and for an injunction to restrain Government from interfering with the property.'

"It will thus be obvious, Sir, that this matter may technically be regarded as *sub judice* and I think it will not be competent for us to discuss that question which, I take it, will have to be discussed and decided in a court of law. As I already pointed out, Sir, it was not possible for me to have taken this objection on the last occasion when this resolution was moved and seconded, for, this information was not within the knowledge of the Government. Then again, thanks indeed to the mover himself, for it was he who originally gave the hint that this matter was to the best of his information being litigated between the party in question and Government, which forced me to seek accurate information from the Collector and the information I have received, I have placed before the House. It will be very delicate for me, Sir, to enter into a full statement of the case now before the Council for it has now become necessary for Government to defend themselves in the district court and any statement that I may make now will have to be made with the greatest care and circumspection keeping in view the fact that litigation is already proceeding over the subject-matter of the same land. In view of these facts, Sir, I think you will, under Standing Order 55 be good enough to decide that you disallow this resolution inasmuch as it contravenes the rules. Under rule 23 of the Legislative Council rules no resolution can be moved in regard to any matter which is under adjudication by a court of law having jurisdiction."

The Hon'ble the PRESIDENT:—"Does the honourable member admit that the matter is before a court of law?"

Rao Sahib U. RAMA RAO:—"I have no information, Sir."

The Hon'ble the PRESIDENT:—"The honourable member has assured us that the matter has gone to court. Under the circumstances it is for the honourable member Mr. Rama Rao to consider whether he should press his motion."

Rao Sahib U. RAMA RAO:—"I bow to your decision, Sir. If you decide that I must not go on with this resolution, I withdraw."

[4th March 1922]

Mr. A. RANGANATHA MUDALIYAR :—" Before you give your ruling in the matter I would like to know if it was not the duty of the Hon'ble the Revenue Member to have raised this point of order when the honourable the mover said at the last meeting that the matter was under litigation?"

The Hon'ble the PRESIDENT :—" I understood that the honourable the mover said at the last meeting that this matter was going into a court of law. Acting on that information, the Hon'ble the Revenue Member appears to have telegraphed to the local authorities and ascertained that it was so and that the issues raised are such that any statement made by him on behalf of the Government would seriously prejudice the consideration of the case. It is essentially a matter where rule 23 (3) applies. That being so, it is for the honourable member Mr. U. Rama Rao to consider whether he would not be well advised to withdraw his resolution."

The resolution was by leave withdrawn.

Abolition of the Department of the Commissioner of Labour.

The Hon'ble Sir LIONEL DAVIDSON :—" Sir, I rise, with reference to Standing Order No. 34, to move that the next item of business be adjourned until the afternoon of Wednesday the 8th instant. There are two reasons, Sir, why I bring forward this motion. The first is that every member of this House, I make no doubt, has the desire to study and make himself fully acquainted with the budget estimates and the Financial Statement of which copies have just been distributed. There will be little enough time, Sir, to carry out that task between now and Monday morning. The second reason, and it is perhaps the more compelling reason, is that there are select committees convened for the consideration of the two taxation Bills which were introduced at the last meeting of this Council. And with reference to the period fixed for the publication of reports, Monday next is the latest day, I understand, on which the reports of these select committees can be published so as to ensure the possibility of their being taken up for consideration by the Council on the appointed date, namely, the 13th March. The Hon'ble the Law Member who is concerned with the answer to the resolution regarding the abolition of the department of the Commissioner of Labour is Chairman of at least one of those committees and I believe that Mr. Tanikachalam Chettiyar who moves the resolution is also a member of one of them. In these circumstances, I venture to think that it is desirable to postpone the consideration of the resolution until Wednesday next so as to enable the select committees to carry out their functions within the very short period of time that remains for them."

4th March 1922]

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I second the motion."

The Hon'ble the PRESIDENT :—" The motion before the House is that the consideration of Resolution No. 237 in the agenda be adjourned till the afternoon of the 8th instant when it will be taken up after the conclusion of the general discussion of the budget."

Mr. O. TANIKACHALA CHETTIYAR :—" I have no objection, Sir."

The motion was put and agreed to.

The Council then adjourned to meet at 11 a.m. on Monday the 6th instant.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.



The Council re-assembled at the Council Chamber, Fort St. George, at 11. a.m. on Monday the 6th day of March 1922, the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E., President, presiding.

I

PRESENTATION OF THE PRESIDENTIAL CHAIR BY THEIR EXCELLENCIES.

Their Excellencies the Governor and Lady Willingdon arrived at the Council Chamber at 11-5 a.m. and took their seats on either side of the President. His Excellency, before presenting the Presidential chair, addressed the Council in the following terms:—

"Mr. President and honourable members of the Madras Legislative Council:—I need hardly say to you that it is a very great pleasure and privilege to Her Excellency and myself to come here and attend this, to my mind, interesting ceremony and to hand over as a personal gift from herself and myself to you, Sir, as the custodian of all affairs connected with this Legislative Council, this President's chair (cheers). I think I may claim, Sir, that both she and I—perhaps I in rather a greater degree than she—have some hereditary right to present this chair to any legislative council; for, as you are all aware, she claims for her father a gentleman, a great imperial citizen, who lived long years doing parliamentary work in both Houses of Parliament and held high offices in the State and in His Majesty's Cabinet (cheers). I think my claim is still greater, for I can call to my mind in my youth the time when my grandfather, Speaker Brand, was Speaker of the House of Commons and therefore I can truly say I was brought up under the shadow of the Speaker's chair (cheers). Now, Sir, this ceremony calls certain interesting things to my mind and very particularly the fact that I have had the honour and privilege which I think few Governors have had of presiding over legislative councils for seven years during my life in India, and I have had practical opportunities of witnessing, and of interesting myself in, all the advances of those legislative councils during those years. I can recollect the time—and I think the honourable members who are sitting here will probably recollect the time too—when it was not unusual for an honourable member to circulate a printed document to both the President and every honourable member of the House and then come down to the House and read out that pretty document to honourable members. Now it is unusual, indeed, I think it is rather infrequent, for honourable members to bring down a carefully typewritten document and read it with due solemnity to honourable members of the House. Now, Sir, I realize the enormous advance that has been made in that matter in legislative councils when I sit up in that gallery (pointing to the Governor's box), for I find that all your proceedings are carried out with all the customs and habits of parliamentary procedure in the House of Commons. Now, Sir, with that recollection in my mind, may I not say that I have the full belief that this gift of ours may be to you a further stepping-stone to reach that final goal that is promised to you under the reforms (cheers), that this chair may be casting a shadow of the events which may be coming to you before many years are over? (Cheers) Mr. President, it is my most sincere hope that all who succeed you and sit in that chair may uphold in the highest degree the dignity and

[His Excellency]

[6th March 1922]

prestige of the Madras Legislative Council (cheers), and I trust that they will always conduct the affairs with that decision, good judgment and tact which have so eminently characterized your conduct of affairs since you have held the President's chair (cheers). May I make one personal observation on behalf of my wife and myself before I conclude these few remarks? It is this. It is our sincere hope that in future years the honourable members present and those who succeed them may call to mind, by the fact of this gift of the President's chair, the memory of two people who, great as their mistakes might have been, and many as their faults might have been, have tried honestly, sincerely and devotedly to help forward the progress, prosperity and welfare of your country." (Cheers.)

The Hon'ble Sir LIONEL DAVIDSON:—"Mr. President, few words are needed from me, Sir, to commend to this House the resolution which I have the honour to move. It runs in these terms: '*That the respectful thanks of this House be given to Their Excellencies the Governor and Lady Willingdon for their kindly and appropriate gift of a President's chair.*' (Cheers.) His Excellency has told us, Sir, why the gift is appropriate, though it was not within His Excellency's knowledge that the terms of my resolution would contain that word. We must all recognize that it has been a singularly felicitous thought on the part of Their Excellencies to bestow this chair on the House, and we all realize, Sir, how eminently fit you are to occupy it. It only remains for me to echo what is, I am confident, the thought of every one in this House, namely, that Their Excellencies have indeed been sincere and true friends of the progress of India and that His Excellency in particular has spared no pains to advance the future of this country. (Cheers.) I will now, Sir, repeat the terms of my resolution, viz., '*that the respectful thanks of this House be given to Their Excellencies the Governor and Lady Willingdon for their kindly and appropriate gift of a President's chair.*' (Cheers.)

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Mr. President, I beg to second this motion and in doing so I associate myself fully with the observations made by the Hon'ble Sir Lionel Davidson. In announcing this gift, some time last year, His Excellency made the observation that you, Sir, would be able to call members to order with even greater dignity than you have hitherto brought to the discharge of your high office. Those words of His Excellency peculiarly appropriate and I join with my Hon'ble friend Sir Lionel Davidson in the remarks that he has made in regard to yourself as President of this House. Sir, I sincerely trust and I join with His Excellency in the hope that the precedents and conventions established by you and your successors will contribute to the smooth and harmonious working of the parliamentary system that has been inaugurated last year."

11-15 a.m. "I also join with His Excellency in the hope, and I am sure every honourable member of this House has the same thought at the present moment of the early realization of full responsible government and the establishment of full self-government in India, to which His Excellency has referred. Sir, we are aware that His Excellency has taken a good deal of interest in the working of the Reforms, and I believe that this gift of Their Excellencies is a further proof of their solicitude for the establishment of parliamentary forms and methods and for the development of the system of parliamentary government that has been brought into

6th March 1922] [Mr. M. Ramachandra Pantulu]

operation. We are deeply grateful to Their Excellencies for this gift. I have only one word more. I see in the books that the Speakers of the House of Commons used to take away the arm chair used by them as Presidents of the assembly as a memento of their tenure of office (laughter). I may, however, inform the Council that there was a break in the practice since 1832. That is a relief, and I trust, Sir, that this chair which is the gift of Their Excellencies will go down to future generations as a historic relic presented to the Council at the beginning of the new era. With these words, I beg to second the motion."

The Hon'ble the PRESIDENT:—"Before putting the motion to the House I should like, with the leave of honourable members, to express to Their Excellencies my personal acknowledgment of their gift and also how greatly I appreciate His Excellency's kind reference and also the very kind reference by the Leader of the House as well as by the honourable member Mr. Ramachandra Rao to the way in which I have discharged my duties as President. I should only like to add one word, viz., that any little success that I may have attained in that direction is due entirely to the hearty and cordial co-operation that I have had from all sections of the House. I do not think any President, however capable, can really manage an assembly like this unless he commands the respect and confidence (hear, hear)—I would even say the affectionate respect and confidence—of the members. And I for my part would like to take this opportunity to acknowledge most heartily, and to say how greatly I appreciate, the cordial terms which have subsisted between the House and its President. As regards those who may come after me, I can have no higher wish for them than that they should in their time find themselves presiding over assemblies as good as the one over which it is my privilege to preside now. With these words, I will now put the motion to the House."

The motion was put and carried amidst enthusiastic applause.

II

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.]

Representation of the Guzerati community in the Madras Medical Service.

1335 Q.—Rao Bahadur V. APPASWAMI VANDAYAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state the number of sub-assistant surgeons of the Guzerati community in the Madras Medical Service, both permanent and temporary?

A.—The Government have no information.

[6th March 1922]

Clerks in the service of the Tanjore District Board.

1336 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state the number of clerks' posts under the District Board, Tanjore, held by—

- (i) Brahmans,
- (ii) Muhammadans,
- (iii) Christians, and
- (iv) others?

A.—A statement is laid on the table—

Brahmans	..	..	..	..	..	61
Muhammadans	..	..	..	..	..	1
Christians	..	..	..	..	..	2
Others	..	..	..	..	..	32

The abolition of the post of sanitary assistants to district medical and sanitary officers under district boards.

1337 Q.—Munshi MUHAMMAD ABUR-RAHMAN SAHIB: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

- (a) the names of district boards which have abolished the post of sanitary assistants to the district medical and sanitary officer; and
- (b) whether any more district boards have sent in proposals for the abolition of the same?

A.—(a) The District Boards of Chingleput, Madura, South Arcot, Gōdāvari and Kistna have abolished the posts of sanitary assistants. In North Arcot the post has remained vacant since 16th April 1921.

(b) The answer is in the negative.

Retired sepoy.

1338 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the Hon'ble the Home Member be pleased to state—

- (a) whether it is a fact that the sepoy who retired prior to 1901 and who are re-employed as watchmen, etc., are not allowed the rice money which they otherwise would get in addition to pension; whether the Government will be pleased to place on the table a copy of the orders, if any, on the subject; and

- (b) whether the Government will be pleased to furnish figures showing the number of pensioned sepoy so employed and the amount of saving effected by the above order?

A.—The matter is not within the cognizance of the local Government.

Sivaganga zamindari.

1339 Q.—The RAJA OF RAMNAD: Will the Hon'ble the Home Member be pleased to state—

- (a) whether there is any proposal to lease the Sivaganga zamindari to any single individual, firm or company, and, if so, to give the name of the prospective lessee and the period for which the lease is proposed to be given; also to state what the necessity is for giving the lease;

6th March 1922]

- (b) what the cash balance was, if any, left by the ex-lessees of the Sivaganga zamindari when surrendering the lease of the estate;

- (c) what the cash balance of the zamindari was under devastanam when the Estate Collector was appointed;

- (d) what the balance was under both the heads, Estate and Devastanam, on 31st December 1921;

- (e) what is the amount outstanding to be collected under both the heads;

- (f) whether any attempt is being made to raise a loan, and, if so, to what extent and for what purpose;

- (g) whether any considerable additions have been made to the establishment as it stood at the time of the surrender of the estate by the lessees; if so, to give particulars;

- (h) what the nature is of the administrative control now vested in the Zamindar of Sivaganga; whether it will be permissible, and, if so, under what provision of the Court of Wards Act to make over such partial administration when once the disqualification or incapacity has been removed; and

- (i) what is the amount given to the zamindar for his monthly maintenance; and whether it is given in full to him to be spent as he likes?

A.—(a) There is no such proposal.

- (b) to (e) & (i) The Government are not prepared to furnish the information asked for in these clauses which do not relate to matters of public concern.

- (f) No.

- (g) The Government understand that broadly speaking there have been reductions in establishment except under "maramat" where the staff has been strengthened.

- (h) The Court of Wards has required the zamindar to do work in connexion with the revenue administration of a portion of the estate and education, sanitation, railways, communications and forests subject to the control and on the responsibility of the Estate Collector, but no portion of the estate has been released from the superintendence of the Court of Wards.

Perintalmanna looting case.

1340 Q.—Khan Sahib SAIYID DIWAN ABDUL-RAZZAQ SAHIB: Will the Hon'ble the Home Member be pleased to state—

- (1) whether the attention of the Government has been drawn to a statement given by head constable Kutti Krishnapanikar, a prosecution witness in the Perintalmanna looting case now going on before the Special Tribunal at Calicut, that the house of the first accused Parambot Achuthan Kutti Menon at Perintalmanna was looted by the military (vide the *Daily Express* of Monday, 12th December 1921—Evening issue—page 9);

- (2) whether the Government will kindly ascertain if the looting was a fact, and, if so, state the circumstances under which the looting was done;

- (3) whether the Government will (a) enquire if the military before they entered the house were satisfied that the house belonged to the accused, (b) whether any police or revenue officers or any other respectable non-officials accompanied the military, (c) whether any list of articles removed from the house is maintained, (d) whether any of the articles removed are still kept in the taluk office at Perintalmanna, and, if so, the object with which they are kept there;

[6th March 1922]

(4) whether the Government will ascertain whether any of the articles removed from the house were given as presents to the school boys at a sports meeting of the high school at Perintalmanna;

(5) whether the Government will enquire whether any petitions have been received by the Collector of Malabar, the Commanding Officer, the Civil Officer, and the Commissioner, from the real owner of the house, Prompot Nanikutti Amma, and her children, protesting against the looting of their house, and, if so, whether they made any enquiries and what replies were given by them; and

(6) whether the Government will ascertain if the house is still in the custody of the authorities?

A.—If the Honourable Member will lay before the Government the information on which the various allegations contained in his question are based, they will consider whether an enquiry is called for.

Improvement to the Elandrakondon tank.

1341 Q.—Mr. N. A. V. SOMASUNDRAM PILLAI: Will the Hon'ble the Member for Revenue be pleased to state, with reference to the answers given by the Government to questions Nos. 808 and 1075 put by Mr. S. T. Shanmukham Pillai at the meeting of the Legislative Council on 13th October and 17th November 1921 regarding the improvement of the Elandrakondon tank, whether the estimate for the work has been scrutinized and sanctioned, and when the work is likely to be taken on hand?

A.—The estimate for the work has been scrutinized by the Chief Engineer for Irrigation; but certain further particulars required have been called for from the Superintending Engineer and are still awaited by him.

Spread of water from Kottukulam tank throughout Elangakurichi village.

1342 Q.—Mr. T. C. TANGAVELU PILLAI: Will the Hon'ble the Member for Revenue and the Hon'ble the Minister for Local Self-Government be pleased to state—

(a) if it is a fact that the residents of Elangakurichi village, hamlet of Reddiapatti, Manapparai firka, Kulittalai taluk, consisting of about 1,000 houses, have submitted repeated petitions to the several local authorities concerned about the spread of water from the Kottukulam tank throughout their village, viz., houses, mosques, market place, burial-ground, public road, etc., and the several disabilities to which they are subjected on this account;

(b) if so, what steps had been taken by the respective authorities to remove their difficulties;

(c) whether the Collector of Trichinopoly, Subdivisional Officer, Karur, and the District Medical and Sanitary Officer, Trichinopoly, have made any report after personal inspection of the locality; and

(d) if so, when and how?

A.—(a), (b), (c) & (d) Government have no information.

Mr. T. C. TANGAVELU PILLAI:—“Will the Government be pleased to call for the information?”

[6th March 1922]

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“It is a matter absolutely within the competence of the local officials and as such there is no need to call for any information.”

III

DISCUSSION ON THE BUDGET.

The General discussion on the budget was then commenced.

Diwan Bahadur M. KRISHNAN NAYAR:—“Sir, may I begin by congratulating the Hon'ble the Finance Member on the lucid and masterly exposition and statement of the financial condition of this presidency during the current year and the next year. However, I should think that luck has been against him. The seasons have been against him; rainfall has been scanty in some parts of the presidency and famine has existed; trade has been against him; exchange has been against him; temperance reformers with their laudable efforts and enthusiasm have been against him; the non-co-operators with their objectionable methods have also been against him; and the result has been a fall in the revenue and increase in expenditure. In spite of all this, Sir, the Honourable Member has with admirable buoyancy of spirit smilingly and cheerfully shouldered the burden of financial responsibility. He has, with the aid of the Finance Committee, explored many possible avenues for reducing expenditure and has succeeded in doing so to a pretty large extent. By the abolition of certain gazetted and non-gazetted officers' posts and certain posts of inferior servants and village staff, he has succeeded in effecting economy to the extent of 23 lakhs and odd. He has also, by reducing the amount of travelling allowance and contingencies, succeeded in effecting a saving of about 23 lakhs. There were naturally various demands from the Ministers in charge of the growing and developing departments like education, agriculture, industries, and others, and in spite of the best efforts of the Finance Committee and the Hon'ble the Finance Member, it was not possible to allot enough funds for these departments. I shall refer to one or two instances. A pressing demand was made for funds for establishing a large number of new veterinary dispensaries and hospitals. It was possible to grant only a very small fraction of the amount demanded. It was also thought necessary to establish a reformatory school for girls. It was not possible to grant any amount for that. In the department of Public Works, whose activities are so very necessary for the improvement, progress and development of the country as a whole, practically and with very slight exceptions, no new works have been provided for.

“A large portion of the speech of the Hon'ble the Finance Member has been devoted to a consideration of the question whether it is possible to reduce further the number of appointments. With some portions of his speech I agree. But I beg to differ from him with reference to the other portions of his speech. There are, Sir, I believe, still, i.e., in addition to the posts that have been already abolished or are about to be abolished, other posts which may, without in any way affecting the efficiency of the services, be abolished. I refer to what may be called intermediary posts, that is, the posts held by officers interposed between the district officers on the one hand and the heads of departments or the Government on the other. I agree with the Finance Member that it may not be possible to abolish all these posts. But I believe it is possible to abolish many. This probably is not the stage, Sir, for going into the details of this question. However, as an illustration

[Mr. M. Krishnan Nayar]

[6th March 1922]

of the point that I am emphasizing, I may refer to one or two departments. The set of officers known as the Deputy Inspectors-General of Police in the Police department may well be abolished. At this time, Sir, I believe, honourable members will be very reluctant to interfere in any way with the Police department. But the abolition of these posts of deputy inspectors-general of police is not likely to affect what I may call the useful and effective portion of the department. Similarly, with reference to similar posts in other departments also. It may not be possible to reduce all these intermediary posts in some of the departments, but I believe, as I already submitted, that it is certainly possible to reduce in some cases a number of these appointments.

"But even after we do all that we can in the matter of the reduction of establishment, what do we find? What is the result? The Finance Member says, and probably rightly, that the amount that we are thereby able to save will not be very much, and the present year in any case must end with a deficit and that in the budget for the next year also there must be a deficit. It seems to me, Sir, that this prospect of having to face successive deficits year after year is a very serious thing, and comparing smaller with greater things, as Sir Malcolm Hailey said in the Legislative Assembly, I also do not see any hope for the future. There is no prospect that we can see at present of having a surplus in the coming years.

"As a matter of fact, with reference to these departments—the developing and growing departments—there is no such thing as remaining or standing stationary. They must, like many other things in the world, either move forward or move backward. If they remain stationary, that really means that they are moving backward—a situation which is unthinkable. Now, if we are to provide for these growing departments, what is to be the state of the finance? It will only be this: that the deficits, instead of disappearing, will gradually become larger and larger. It seems to me that the situation caused in the country politically by the non-co-operation is not half so serious as the situation caused by deficits. To my mind this non-co-operation movement is only a passing phase in the political life of the country. It is bound to disappear, I am certain, sooner or later, probably sooner than later. Not so these budgets which are likely to grow more and more as years roll on. So that whatever be the amount of attention that the Government and this Council may bestow upon this question, the possibility of reducing or nullifying these deficits is not very great. What then is the remedy? Prima facie the remedy that will suggest itself to anyone will be increase of taxation. But is it possible, Sir, to adopt this course? I submit that it is absolutely impossible to raise taxation any further. The reforms have not been in operation for a long time and already we are going to the country with increased taxation in respect of Court-fees and Stamps; and whatever be the nature of the taxation—whether it be local taxation or whether it be provincial taxation, or whether it be Imperial taxation—the individual that has to pay it is the same. It has been admitted and it appears from Government records—I do not think it is necessary to quote figures—that in respect of local taxation, taxation per head is heavier in this presidency than in any other presidency in India. That, Sir, is, irrespective of the new local taxation, like the education tax that is to be imposed by the local bodies upon the people. With reference to provincial taxation, it is a notorious fact that the land tax is the heaviest in this presidency—much

[6th March 1922]

[Mr. M. Krishnan Nayar]

heavier than in any other presidency. With reference to the excise tax, whether the present decrease this year in the excise revenue, due to various causes, is only temporary or permanent, it is notorious that the normal excise duty in this presidency is also heavier than that in other presidencies. Again, with reference to the imperial taxation, under the recent budget of the Government of India, the taxation per head becomes enormously high. The food of the people is taxed; the lighting of their houses is taxed; their clothing is taxed; their travelling is taxed; the writing of their letters is taxed. The salt duty is enhanced from Rs. 1-4-0 to 2-8-0. An additional duty is imposed on imported cloth and also on cloth manufactured in mills. Cloth has risen in value; matches have risen in value; kerosene oil has risen in value—all on account of the increase in import duty. Again, the railway fare is to be increased by 25 per cent; half anna letters disappear altogether; half-anna cards and one-anna covers will appear hereafter. So my point is that it is impossible to raise any further any form of taxation to be paid by the people. Then there is only one alternative left to this Government, to this presidency, and to this Council to avoid this increasing deficit and consequent danger. That is this; the total abolition in a reasonably short time and the immediate reduction, that is, in the current year and in the next year, of the unreasonable and heavy annual contribution of 348 lakhs which this Presidency has to pay to the Imperial Government. Here, again, I need not go into the details of the subject. Public opinion has expressed itself emphatically on various occasions and the Government also, I am glad to say, have on various occasions very vehemently and very strongly protested against the imposition of this iniquitous burden on this presidency. This honourable Council also on two occasions passed strongly worded resolutions against the imposition of this contribution and recently a deputation of this Government and of this Council waited upon His Excellency the Viceroy and the Hon'ble the Finance Member has also referred to this in his speech in introducing the budget. It so happened that on the day when this deputation was in Delhi and before His Excellency the Viceroy was pleased to receive them, a discussion of this very question of annual contribution not only from this presidency but from all the presidencies took place in the Council of State. The Member from the United Provinces which has suffered much, next to this presidency, raised the question of the total abolition of the contribution due from that province. Ultimately an amendment was moved which was accepted by the House to the effect that the whole question of annual contribution from the different provinces to the Central Government should be dealt with and considered at a very early date. That itself affords no consolation or protection to us, Sir. Soon after, Sir Malcolm published his speech with which he introduced the budget on the 1st of March. In that it is stated that shortly a conference of selected members from the different provinces will be held and also that in course of time—he does not specify when—the whole of this annual contribution will be wiped off. But there is also a gentle threat, Sir, in his speech, that when the question of provincial contributions is considered, it is quite possible that some provinces may be in a worse position than they are in now. I hope that, so far as this presidency is concerned, it will not affect us and that it will only affect richer provinces like Bengal. So that my point is this: that unless this heavy contribution is completely abolished in a reasonable time and materially reduced at once, there is no hope of salvation for this presidency."

[6th March 1922]

The Hon'ble the PRESIDENT :—" Perhaps the honourable member was not here on the 4th evening when I mentioned to the House that the time limit for the budget discussion would be 20 minutes for each member as on the last occasion. Of course, the honourable member can have a few minutes more to wind up his speech."

Diwan Bahadur M. KRISHNAN NAYAR :—" Many thanks, Sir, I will wind up my speech in five minutes. I was going to say, Sir, that if the reduction is not immediately effected, the Government of India will be unconsciously playing into the hands of the revolutionaries and the non-co-operators. Let us hope that they will not take such a step. As I said at the outset, I have no intention of entering into the details of the budget. However, I may be permitted to say one or two points more before I sit down."

"The first point, Sir, is immediately connected with the district from which I come. I find from the Hon'ble the Finance Member's speech that a sum of 19 lakhs is allotted for the construction and restoration of Malabar after the recent disturbance. It seems to me, Sir, that this amount is utterly inadequate. Public buildings have been destroyed; their furniture has been destroyed; their records have been destroyed. An attempt must be made to reconstruct these buildings. An attempt must also be made to minimise or nullify the effect of the destruction of these records. Then all the people, from the highest to the lowest, have suffered. Many of them have had to run away from their country and their suffering has been immense. The poorer people have to be restored to their homes. They must be enabled to stand up on their legs and begin life anew. The middle classes and even many rich people have lost all except their lands, and money has to be advanced by the Government on easy terms of payment and at a comparatively low rate of interest. I do not think that 19 lakhs will in any way suffice for all these purposes."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*) :—" There is a further provision for loans."

Diwan Bahadur M. KRISHNAN NAYAR (*continuing*) :—" If that provision for loan is only for Malabar, I shall be very glad."

"One other point, Sir, and that is the absolute necessity of increasing the pay of the village headmen in both proprietary and ryotwari villages. No doubt this Council did not accept the two Bills for enhancing the village cess. These village headmen form a very material part of the machinery of administration. If they are discontented, it will be very bad for us. It is quite essential that their pay should be increased. If their pay is increased, the amount mentioned by my honourable friend, 30 lakhs, will be added to the contemplated deficit of 28 lakhs, making a total deficit of 58 lakhs. Anyhow, I hope my friends, the Hon'ble the Revenue Member and the Hon'ble the Finance Member, will consider this question carefully and see that something is done to increase the pay of these village headmen. I thank you once more, Sir, for permitting me to exceed the time limit."

Mr. T. SIVASANKARAM PILLAI :—" Sir, it was with a melancholy interest that I listened the other day when the Hon'ble the Finance Member expounded the budget. As he was expounding it, my heart went out to him in sympathy for his anxious endeavour to make both ends meet. As the previous speaker pointed out, everything seems to be against us. It seems to me that even the great Kautilya, had he been

6th March 1922]

[Mr. T. Sivasankaram Pillai]

present to-day in this Council and had the handling of the budget, would not have fared any better. I would ask the Hon'ble the Finance Member to take consolation from that fact. What we are concerned most with is the working of the Reform Scheme during the year under review. In this connexion, I would request the House to look at the whole thing from the point of view of the ryot living in the interior of the country. I would ask the Council to look at it from this point of view and see the net result of the working during the year under review. As the ryot contributes 80 per cent of the entire population, it is his point of view that must count more than that of any others. In fairness I must acknowledge that 150 years of British rule culminating in the introduction of the Reform Scheme has been responsible largely for the present awakening of the country, the credit of which the non-co-operator arrogates to himself. The non-co-operator has been busy at work all along. He has been discrediting the Government by means fair and foul and has not concealed the fact that his aim is to paralyse it. He has spread his activities wide and deep in the country, and, in spite of all that is said against the system of the rule, the ryot only pauses to think and rejects much that is said against it believing even a bad Government with stability is a thousand times better than no Government which is in substance the aim of the non-co-operator. What he wants is a Government with stability, whatever may be its faults. The ryot is making heroic efforts not to yield to the machinations of the non-co-operator and to cling to the Government which has been his friend in many ways for a pretty long time. The working of the Reforms Scheme has therefore to be so directed that it should make it easy for him to resist the extremists' manoeuvres. It is from this point of view that I should like to dwell upon such aspects of the administration as affect those living in the rural parts of the country. After all, the best way of fighting the anti-Government spirit is to recognize the people's wishes in a larger measure in one thousand and one matters that affect their daily life. The average ryot understands the Government to the extent to which he comes in contact with it. He sees Government not in its ideals, its constitution, its prestige or its magnitude, but in the several departments of the administration which concern him day in and day out, such as Forest, Land Revenue, Police, Excise, Local Self-Government, etc. Let me examine these things one by one in the light of events that have occurred in my district.

"First, let me take the forest grievances. My honourable friend Mr. Muniswami Nayudu moved in August last a resolution in the Council that the Forest Reserve limits in a village must be put beyond a mile from its boundary. He made out a very strong case. He graphically described the tyranny and annoyances which the rural population was suffering at the hands of the forest menials. The resolution was adopted by a large majority. Now comes the Government Order declaring that the resolution will not be accepted mainly because it involves the disafforestation of 180 thousand acres. The ryot is under constant dread of petty tyranny from day's end to day's end and many are the devices which he has to invent to resist the troubles. All in vain. He has been seeing for long the rocky hillock just in front of him adjoining his cultivable land with no growth worth the name, no kind of planting operations conducted by the department with no other growth than good-for-nothing thorny bushes to give shelter to the wild pig to descend after nightfall to damage his crop. The department refuses to see this from his point of view. The Government refuse to be

[Mr. T. Sivasankaram Pillai]

[6th March 1922]

influenced by the people's voice as represented in the august Council. Is it a wonder then that the ryot exclaims: 'What have the Reforms done to me?' Is it a wonder then that he listens to the non-co-operators with less reluctance? In my own district I was invited by the villagers to inspect an isolated forest which did no one any good except the guard and the watchers in charge of it. It was a small area which I was shown round and it yielded in abundance only thorny bushes. They complained that the area was a nursery for the prolific wild pig which attacked every night the sugarcane crops that were in sight. The number of cattle in the surrounding villages dwindled in consequence of the risk of keeping them, in the face of the tyranny of the forest subordinates and farm yard manure was growing very scarce. The dairy produce was fast diminishing as food for children. I wrote about this to the Collector, to the District Forest Officer and the Hon'ble the Home Member also, if I remember right. Nothing has been heard of it till now."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"May I ask, Sir, the name of the isolated forest? The honourable member has written several letters to me."

Mr. T. SIVASANKARAM PILLAI (*continuing*):—"It is Kondur reserve. In the meanwhile, I am told a party of villagers were charged Rs. 250 as compounding fees for the alleged trespass of goats in this area. This is an instance where the ryots proceeded most constitutionally. As yet nothing seems to have been done in the matter. This is only one instance which I quote as an example and if only the Chief Conservator would go with me, I am ready to point out to him hundreds of such cases all over the district. Is it a wonder then that the ryot exclaims: 'What have the Reforms done to me?' Is it a wonder that he lends not an unwilling ear to the preachings of the non-co-operator?"

"Now let me come to the Police Department. Not many months ago, I received information from a body of villagers that the local sub-inspector was tyrannising over them, levying blackmail on various pretexts to the annoyance of the innocent village people. There are many among them whom I had met before at elections and to whom I had explained how the coming change in the Government was going to give more and more weight to the people's voice. I stayed with them for a couple of days, making inquiry of each complaint. When as many as 30 to 40 people testified to the common grievance, I felt that there was a ring of truth in it. I wrote to the District Magistrate, apprising him of the situation and suggesting to him an inquiry independent of the police agency. A Deputy Superintendent of Police appeared in the village before whom as many as 22 witnesses, themselves sufferers, gave out their tale of woe. Two weeks after, an endorsement was sent over the signature of the Deputy Superintendent of Police that their complaint was frivolous in that it had no foundation. The sub-inspector is still allowed to continue there, giving rise to a fresh crop of grievances of the same kind. The Superintendent does not assign any reasons for his decision and he and his superiors think that it is no job of theirs to set out their reasons in cases of the kind in lengthy proceedings. In this connexion it will be remembered that when an ordinary police constable is punished with a temporary stoppage of an increment of a few rupees, the punishing authority, the Superintendent, is bound to draw up a minute, argue and give out the reasons for his decision. The aggrieved constable has two

6th March 1922]

[Mr. T. Sivasankaram Pillai]

rights of appeal, one to the Deputy Inspector-General and the other the Inspector-General of Police; but when a body of people complain of the corrupt ways of a police sub-inspector and when the complaint is rejected, the department thinks that no reasons need be assigned and no right of appeal need be provided.

"I have another small story to tell. My district is noted for what are called 'Home Rule Reddis' (Applause). In their respective areas, they hold toddy shop sales, tangedu bark sales, arrack sales, opium sales and what not. The wonder of it is every one of the officials knows it, only not in the official way. This has been going on for years and it is an open secret which every ryot knows. The head of the Police who is supposed to be on the alert in these matters is fond of *shikari* and some of these Reddis who only wait for an opportunity to pander to his wants slyly join him with a party of *shikaris* in the hunt when on tour. The villager looks askance. Here is the great Superintendent who is chumming with their tyrant the Reddi. It is no good kicking against the pricks. He characterizes the Government as '*guddi darbaru*' (blind administration) and thus thinking alone goes to his work. When I tell him of the Reforms scheme and its benefits, he flares up and taunts me that I must be looking for some title at the hands of the Government. Is it a wonder, then, that he exclaims: 'What have the Reforms done to me?'"

"Let me narrate another incident in this connexion which relates to a neighbouring district. In the interior of the district a few months ago, trouble arose in connexion with the non-co-operation activities in which some innocent and some misguided people were suspected to have participated. An honourable colleague of mine came to know of the situation and wrote to the Superintendent if he would let my friend see him with a view to co-operate with him in removing the trouble. What was the reply? 'His services were not wanted.'

"I have many more stories of the kind to tell you, Sir, in this connexion, only I am afraid you may ring the bell and stop me from finishing what I want to say."

"Now let me take the case of the Excise Department. As a result of the all-round awakening, the people living in rural areas are getting more and more pronounced in their antipathy against the drink habit. It is a common knowledge that an increasing number of people, sometime co-operators and sometimes non-co-operators go out and preach against the drink. The way in which section 144, Criminal Procedure Code, has been utilized to curb this propaganda exhibits the Government in a very unfavourable light in the eyes of the villager. Only the other day there was an instance at a taluk station. A police constable went about from street to street, from lane to lane, accompanied by beat of tom-tom and inviting people to come and drink freely. The whole village was amazed at this ludicrous procedure. Is it a wonder then, if under these circumstances, the ryot exclaims: 'What have the Reforms done to me?'"

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"I should like to have chapter and verse for this allegation regarding the police constable inviting people to drink by tom-tom."

Mr. T. SIVASANKARAM PILLAI (*continuing*):—"It was published in the newspapers."

[6th March 1922]

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"Time and place?"

Mr. T. SIVASANKARAM PILLAI (*continuing*):—"It relates to the town of Hindupur. I had tabled a question. The answer to the question was 'The Government have no information' and the Government cared to make no inquiries to answer an interpellation.

"Now let me come to the Local Self-Government Department. With the advent of the Reforms the local bodies have had to raise fresh taxes. A number of schools had to be shut down for want of funds, while sanitation had to be neglected for want of the usual grants from Government. It is only lately that the Elementary Education Act came into force. I am connected with one of the taluk boards and it was with some difficulty that I could induce the representatives of the people to shoulder the burden consequent on the introduction of the Act. I explained to them the undertaking of the Government to give as much as we should be able to collect by way of education cess. With only one or two dissentient voices the board consented to tax the people. What has the Government done? Even with regard to the allowance of four rupees they would guarantee the board only two rupees."

The Hon'ble Rao Bahadur A. P. PATRO (*interrupting*):—"Is the four rupees guarantee under the Elementary Education Act?"

Mr. T. SIVASANKARAM PILLAI (*continuing*):—"I am not concerned with the guarantee. What I wanted to say in this connexion is that on a certain understanding we were prevailed upon to levy a tax. If the board got one anna for education the Government would give not less than another anna."

The Hon'ble Rao Bahadur A. P. PATRO (*interrupting*):—"Has the Government declined to give a rupee for every rupee which the taluk board has raised? Has the taluk board applied for the grant and the Government declined to give it? The Government undertook to give it and the Government do undertake to give it."

Mr. T. SIVASANKARAM PILLAI (*continuing*):—"I have not finished, Sir. What I was going to say is this. When I, and so many others were able to make the representatives of the people consent to this additional taxation, the Government gave us to understand 'You are going to get that money and you can spend it just in the way you please'. But now comes embargo upon it. Out of the four rupees that is due to the teacher we are going to give you only two rupees provided you do not draw upon the proceeds of the Education tax to meet the allowance of Rs. 2."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"Does the honourable member reckon the grant towards the additional pay of teachers as part of the contribution to be given under the Elementary Education Act? If that be the proposal, from the financial point of view I should be very glad to see him press that."

Mr. T. SIVASANKARAM PILLAI (*continuing*):—"No. It cannot be under the provisions of the Act. But there the burden is thrown on us. The Government will give two rupees only if the board gives two rupees from sources other than those of the cess levied under the Elementary Education Act. My district is a poor one. If I say that there is no money for

[6th March 1922]

[Mr. T. Sivasankaram Pillai]

paying the four rupees increment to teachers, people will say, 'you told us that the Government was going to give us something, and you say that the money from the cess will be of no use to pay the teachers.'

"It may be said by some one from the Ministerial Bench that a year's time is too short to judge of the worth of the Reforms. It may be said, I know, that any representative Government must be costly. But what the ryot does not understand is the squandering of his money in paying heavy salaries and travelling allowances to the officials at the top in every branch of the administration to the detriment of his welfare. In this connexion I must once more acknowledge the efforts of the Hon'ble the Finance Member to make both ends meet as far as possible. At the same time I should say that there are many other ways in which the expenditure may be curtailed yet: I mean the Assistant Inspectors, the Deputy Superintendents of Police, Divisional Officers, the Sub-Collectors, the Deputy Directress and Deputy Directors and many other posts.

"It is wonderful how within the short period of five years the villagers have become alive to the larger Empire problems, such as, emigration, the treatment of Indians in foreign countries, the disabilities of students in industrial education and many other things. The moderate, who is willing to throw his weight on the side of law and order, finds it more and more difficult to maintain his position. The only thing which enables him to cling to the present system of Government is the element of stability in it. I, for my part, have been successful in holding up this one merit of the Government as against thousand-and-one things on the other side. When the ryot exclaims: 'What have the Reforms done to me?' I point out to him that it is trying to maintain a stable Government against very great odds.

"One word more. Happily our Government has been reluctant to adopt repressive measures in dealing with critical situations, largely created by the non-co-operator. As I pointed out before, the non-co-operation movement with all its excesses is after all a manifestation of the awakening which is due mainly to British rule. I am supported in this view by no less a person than Sir William Meyer, late of the Madras Civil Service, now High Commissioner for India in England. The situation has to be handled with statesmanship. To think that repressive measures are the only means with which to meet the time-spirit is like trying to relieve the pains of child-birth by the destruction of the child."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"The Hon'ble the Finance Member has done the best of what he had. Our sympathies are due to him because he had taken cudgels against the recommendations made by the various departments. Unfortunately he has here to defend even such proposals as he himself originally objected to. So, it seems to me that his position during these three days and during the next few weeks will be anything but enviable. There is an example which he has himself mentioned in his Memorandum. I refer to the question of allowances. Last year the members of this House took objection to the various allowances. Some are called local allowances, some personal allowances, some duty allowances, some special allowances, their names are legion. The Hon'ble the Finance Member says that ever since he took charge of the Department he set his face against the allowances so much so that he has come to think that the name, allowance, is an anathema to him. In spite of that he has gone a

[Mr. T. A. Ramalinga Chettiyar] [6th March 1922]

long way in his Memorandum to support these very allowances. He says that these were considered by him first, then by the Salaries Committee, then again by the Cabinet, and have been finally passed. So not a word can be said against any of these allowances. He also says that it is open to the Finance Committee to raise objections to any items which they may choose to object, and that such objections will be considered by the Government. If I leave the matter there, it may mean that the Finance Committee did not take any objection to these allowances, and that we of the Finance Committee were satisfied with them. Well, I may say that the Finance Committee took objection to many of these allowances. No doubt the allowances given to officers working in malarial parts, and in the Agency tracts may not be objected to, but there are a large number of allowances like the Presidency allowance to which objection can be rightly taken. At the time when the Presidency allowances were sanctioned there was difficulty in finding men willing to serve in the Presidency town, and the cost of living was very high here. But now in the mufassal the cost of living is quite as much as in Madras. Moreover people are willing to come and serve in Madras. Some like the place for its own sake. Some have children to educate and like to come over here. Therefore the justification for this allowance, whatever it might have been in the beginning, does not exist at the present time. The same may be said regarding allowances given in Coimbatore to the instructors in the Forest College and other gazetted officers. The allowances given to Imperial and Provincial officers seems to be a matter which requires very much justification. The offices are the posts for which these persons are recruited. If the conditions at present existing are taken into account, I do not know whether the District Judge should be paid a duty allowance. The duties of the Collectors and other executive officers are much more difficult than those of the District Judges. If that is so, every one would like to be a District Judge. I do not see, Sir, why a duty allowance should be attached to that office. I do not want to go into all the allowances now. I only want to show that the attitude which the Hon'ble the Finance Member originally took against these allowances was the correct one even though in his present position he supports them. I may say that we in this Council will be more prepared to support him when he objects to these allowances than when he supports them as he does here.

"Then, Sir, I am also glad that the Hon'ble the Finance Member has climbed down considerably from the attitude he took last month. Last month when the proposal for fresh taxation came up I urged that in all possible ways further reductions ought to be made. I said that the money ought to be borrowed to meet the deficit which was only a temporary deficit. I said the deficit was only temporary because of the slump in trade, because there was no likelihood of the depression of abkari revenue continuing if the Government was not prepared to change its abkari policy, and I also said there was this question of the contribution to the Imperial Government still unsettled, and that it was to be settled sooner or later, sooner than later. I thought for these reasons that the deficit was temporary. So it ought to be met not by taxation but by borrowing. I also said this being an unprotected debt we ought to provide for re-payment within ten or twelve years. We ought to borrow for all the deficit that we might have at the end of the present year and the coming year and that we ought to provide for interest and sinking fund charges. Thus it would save all difficulties. This was the

6th March 1922] [Mr. T. A. Ramalinga Chettiyar]

position which I took up at the last meeting, and the Hon'ble the Finance Member was violent with me. He took objection to the position which I then took. He said that it was not possible to make further reductions. Then he said the deficit was not temporary. I am now glad that at the end of his long memorandum he comes to the position I took up, namely, that the deficit is temporary, and he agrees that we may borrow whatever is necessary after providing from the new Bills, about 70 lakhs or so. So, after all, he has come round, with indeed a number of 'ifs' and 'buts'. But I cannot expect him to climb down without these reservations, without these ifs and buts. I submit the slump in trade is likely to disappear, and from the telegrams which appeared in the papers it looks as if the trade will revive in all directions very soon. The Hon'ble the Finance Member has stated the same thing. Then he was pleased to oppose me but now he accepts my position.

"I may also say, Sir, that the deficit shewn by him is not going to be the true deficit. As I said in the beginning, there should be retrenchment to a considerable extent. As to the village officers referred to by my friend Mr. Krishnan Nayar, their pay should be increased at once. The pay of the karnams has been raised and it will not be equitable to allow the village munsifs to continue on their old pay. It will be neither good nor just to allow the old state of things to continue. The pay of the village munsifs must be at least on a par with that of the karnams. It might be said that the pay attached to the post of village munsif is not his pay but is only an honorarium. But then in the village the pay attached to the office has got its own significance. If the karnam is paid more than the village munsif, the inference is the karnam is superior to the village munsif. I think, Sir, their status ought to be put in a better position. So, if this is provided for and also the credit the Government has taken for the two Bills, namely, the Court Fees and Stamp Bills, which is 70 lakhs or thereabouts is reduced so as to meet the charges that ought to be made in the Bills, I do not think the Council should be sorry for the arrangements proposed. Because if my position is accepted you will have to borrow to meet the deficit and you will have only to pay the interest and sinking fund charges, which will come to 20 or 25 lakhs."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I ask, Sir, if the increase of pay of the village munsifs is only to be a temporary matter?"

Rao Bahadur T. A. RAMALINGA CHETTIYAR (*continuing*):—"I do not say it is a temporary matter. We are not speaking now as to whether any particular item is to be temporary or not. We cannot look at the budget like that and say this particular item is temporary. We have not looked at the resources of the Presidency as a whole. I think the general resources of the country ought to be taken into account and also the expenditure. The increase of revenue resulting from revival of trade and the revival of the abkari revenue are not temporary items. The provision for repayment of loan should be made out of our own income after adjusting for the permanent expenditure. If the Court fees and the Stamp Bills are going to be passed in that form, I beg to submit we ought not to be sorry.

"Then we will have to take into account the question of economies. We can imagine the straits to which the Hon'ble the Finance Member was reduced by the authority which he has gone to for his support. He

[Mr. T. A. Ramalinga Chettiyar] [6th March 1922]

had to go for his authority to Kautilya and Arthashastra, a period so long ago as 4th century B.C."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I ask whether the honourable gentleman disputes the authority of Kautilya?"

Rao Bahadur T. A. RAMALINGA CHETTIYAR (*continuing*):—"I think, Sir, that in the 2,200 years after Kautilya there has been immense progress. I think we are not going back to the old system of spies, spies on the sons, spies on the ministers, spies on every other thing. There was then control not only of liquor but of various other things including prostitution. I do not think the last word on the budget has been said once for all by Kautilya. So, when I saw his reference to Kautilya I really thought that he recognized his position to be so shaky that he could not depend on anything more modern than Kautilya. Well, Sir, in that connexion, the Hon'ble the Finance Member was pleased to tell us that in the time of Kautilya revenue was obtained from consumption of liquor. I do not think the honourable member is seriously going to argue that we ought to change our system in all departments or that we ought to base our systems on those of Kautilya. If liquor is considered a bad thing, if it is considered that we ought to strive hard to stop the drinking of it, then the question will be how to stop it: and if as the honourable member thinks it is not possible to stop it he will have to investigate the question of stopping or not stopping it, and not to go back to Kautilya and say because in the time of Kautilya there was liquor traffic so we ought to have it too.

"Well, Sir, following Kautilya, he referred to the question of economies. He mentioned three ways by which he proposed to achieve this. One was the abolition of certain offices, the second was stopping of allowances and the third was reducing of salaries. These are the three ways. I may say there is also a fourth way. He implied it though he did not actually mention it. He was himself very much put out by the incremental salary that was sanctioned over the head of the Madras Government. We can stop the increment for two or three years. If we do that we will save a lot of money. I hear, Sir, in Mysore and other places they have adopted this method.

"Then, Sir, the Hon'ble the Finance Member has given us a list showing the reduction made in the number of the gazetted officers as a result of the policy adopted by His Excellency the Governor.

We see therein that the post of one Director of Land Records has been abolished. This abolition was due to a vote of this Council on the last budget and not to the policy of retrenchment adopted by the Government. The second one is the abolition of one secretary to the Board of Revenue. I have no objection to consider this genuine. The next item is the abolition of the post of the Deputy Commissioner for Labour. In this case the post was not permanent at all. It was created temporarily for some time and it ceased to exist at the end of that period. The next item given therein is the filling up of six temporary Deputy Collectors' posts by Indian Civil Service Assistant Collectors who are not fully qualified. In this case there is no real saving at all effected. The next one is the abolition of the posts of five Land Records Superintendents. This was the effect of a resolution passed in this Council on the budget last year. Then four posts of Personal Assistants to Collectors have been abolished. This is a real case of retrenchment. Next

6th March 1922] [Mr. T. A. Ramalinga Chettiyar]

we have got the Joint Registrar of Co-operative Societies. This question was raised in this Council last year about this time and it was then said that the office will be abolished. The next one is that of one Deputy Commissioner and two Assistant Commissioners of Salt, one Assistant Secretary, Law Department, one Presidency Magistrate and one Deputy Superintendent of Police. Then there is the case of two Assistant Directors of Industries. In their case though they have only been replaced by two engineers, it was more or less as a result of the discussion that took place in this House that this saving was effected. Then there is the post of the Marine Biologist and so on. This is all the retrenchment effected in the case of the gazetted officers. Then it is said that by abolishing a few posts of the gazetted officers the requisite money cannot be found. I ask what is it that the staff of these officers will be doing when the officers themselves go away. I admit that there may be some work to be done. But the major portion of the work goes along with these officers. So the services of the major portion of the staff can be dispensed with, which will save to the Government a large sum of money. Then there is the saving in the travelling allowances of these officers and contingencies of the offices. Travelling allowances and contingencies alone come to something like 170 or 180 lakhs for the whole Presidency. So, Sir, I beg to submit that economies that are said to have been effected by the Government are not much. They have done so very little. On the other hand we find they are creating new departments; for instance, in the Forest department a new department to organise panchayats and additional Assistant Conservators are going to be entertained. They are going to appoint a Forest Engineer, a forest panchayat, staff and all that. All these show that the Government have not yet thought that the time has come for strict economy and the steps they have taken in the Budget towards effecting economy do not go far at all. I think there is ample room for further reduction."

Mr. M. RATNASWAMI:—"Mr. President, Sir, the budget offers such a splendid opportunity for discussion of public affairs in a deliberative assembly like this, that I must be pardoned for taking part in the business of this Council so early in my career as a member of this Council. The Chancellor of the Exchequer has been described as a man who exists to distribute a certain amount of human misery and he who distributes it most evenly is the best Chancellor of the Exchequer. I must say, Sir, that our Chancellor of the Exchequer has tried his best to live up to this reputation and it remains to be seen how far he will succeed in equally distributing the certain amount of human misery which it is in his hands to distribute.

"Like most Financial Ministers our Finance Member also has come to this House like the daughters of the horse-leech in the Bible saying 'give, give.' Certainly we are prepared to give, but it seems to me that he should make out a case for our giving as much as he wants to have. It seems to me, Sir, that Finance Ministers must first treat of revenue before taking up the question of expenditure, because it should appear that the Finance Minister even of the Madras Government ought to cut his coat according to the cloth which he has at his disposal. (Hear, hear, from Mr. Thanikachalla Chettiyar). But he has chosen to speak of expenditure first and revenue last, and has tried to find ways and means of making the revenue to meet this expenditure. While it is really inexpedient for the Finance Minister

[Mr. M. Ratnaswami]

[6th March 1922]

to begin with expenditure, I think it is prudent and expedient that a private member of the Legislative Council should begin with expenditure first and then go on to revenue.

"I am not satisfied myself that expenditure has been scrutinised with as much scrutiny as is essential in these difficult times. Take for instance the question of land revenue. The expenditure on land revenue most of which is monopolised by the cost of collecting land revenue amounts to 164 lakhs, as against a revenue of 640 lakhs, rather the 164 lakhs do not form the total cost of collection, to this must be added 70 per cent of the cost of general administration. Now these 164 lakhs debited against land revenue together with 70 per cent on the general charges of administration come to 200 lakhs. I ask, Sir, on what canons of taxation such a costly system of collection can be maintained? The Finance Member has gone to Kautilya for his inspiration and guidance as to the policy of his budget. But I think it would have been very much more to the purpose if he had gone to a less antique authority, i.e., to the great principle enunciated by Adam Smith that in every system of taxation the cost of collecting the revenue should not at all be out of proportion to the amount actually collected, and however costly a system of collecting revenue you may have, it certainly cannot amount to 30 per cent of the total revenue collected. Why should we spend 30 lakhs for collecting a revenue of 640 lakhs? We might as well remit the 30 lakhs and take away the remainder as the revenue collected.

"With regard to the system of land revenue administration, Sir, it seems to me that Madras is burdened with comparatively a very costly system of land revenue administration. Compared to the systems obtaining in other provinces, the Madras system seems to be too detailed and meticulous. This has been acknowledged by the Government of India and by all those who have compared the Madras system with other provincial systems of administration. However necessary the costly system of collecting land revenue may have been in the first days of settlement when the country was being surveyed and settled, I think that now when settlement has been almost completed and when resettlement consists merely in finding out the rise in prices and assessing the cultivators accordingly, some way ought to be found to minimise the cost of collection of land revenue. Then, we come to the general cost of administration. We in India have to support a very costly system of administration and many hard things are said against it, but it seems to me, Sir, that the great disadvantage of the bureaucracy does not consist in the fact that it is Englishmen mostly that administer it or that it is foreigners that have introduced it. As a matter of historical fact we had bureaucracy long before Englishmen entered our country. The indictment against Bureaucracy is that it is a very costly system of administration. I may remind this House that bureaucracy is a Government by bureaus, i.e., armies of clerks, and officials. However much we may try to cut it down, bureaucracy tends to expand. The Hon'ble the Finance Member spoke of normal growth of expenditure. Certainly there ought to be a normal growth of expenditure. But this expenditure ought not to be at the expense of the State and at the expense of the people. As it is, the normal growth of expenditure consists in the growth of armies of clerks, of secretaries, under secretaries, sub-secretaries, additional secretaries and additional assistant secretaries. Thus the game goes on. If ever British

6th March 1922]

[Mr. M. Ratnaswami]

Rule should go under in this country it will be not on account of its being foreign or alien but on account of the armies of clerks which support it. It is the most clerical Government in the world. I say again that if ever British rule goes down it will be under the mass of papers, minutes, notes, files amongst which it lives, moves and has its being. The English Government is not at all original in adopting the system of bureaucracy. It was a system flourishing in ancient times. It was a political device adopted by their Moghul predecessors. It was the device of Tippu Sultan whenever he was faced by governmental trouble to create a Government office and a number of Government officials. That hoary practice, I believe, is being followed even in these modern times. With regard to exploring possibilities of retrenchment I do not propose to say much. I will not lay unholy hands on services like public works, education, police and others which are absolutely necessary for the good government of the country and essential for the welfare of the public. It seems to me, Sir, that in a lean year like this, we ought to call halt to all experiments in all departments which indulge in experiments such as the Department of Agriculture and the Department of Industries. Of course I have great respect to the Hon'ble the Minister in charge of these departments both as a private man and as a public official. But it seems to me that the Industries Department is one of those departments in which there is much movement but no motion.

"It seems to me, Sir, that all these experiments in the Department of Industries, and perhaps even in the Agricultural Department, should be put a stop to, at any rate during this year. These experiments are costly and should not be indulged in in circumstances such as those in which we now find ourselves.

"Now, Sir, I might be permitted to go on to the subject of revenue. There are many sources of revenue that the wise or unwise dispensation of the Reforms Act has placed at the disposal of the Provincial Governments. The Hon'ble the Finance Member has tried the amusements tax only to drop it down like a hot potato. But certainly, there are other items of revenue that might have been explored, and an effort might have been made to reduce the deficit with which we are now faced. There is, for instance, the item of advertisements. I do not know if the Finance Member has explored the possibilities that advertisements offer as a source of revenue. But as things are, unless we institute a searching inquiry into the system of our land revenue, unless the Government of Madras constitute immediately a committee of inquiry into the system of land revenue collection in this Presidency and try to devise some means of reducing the exorbitant cost of land revenue collection, it seems to me there is no other possibility but to make the best of the deficit with which we are faced. The Finance Member and other honourable members also have referred to borrowing as a means of covering up the deficit. He lulled himself with the comfortable thought that we could make posterity pay for our extravagance. Well, Sir, I submit most humbly that posterity is not such a fool as all that. Posterity never pays the taxes of previous generations, because what do we do when we borrow? When we borrow, we transfer money from the pockets of some people into the hands of Government, and immediately we have to resort to higher taxation, and every generation that succeeds before the loan is repaid has to be saddled with this additional taxation. So, I hope that the Finance

[Mr. M. Ratnaswami]

[6th March 1922]

Member will be courageous enough not to dally with this expedient of borrowing as a means of covering up the deficit by which we are faced.

"As I said, Sir, the budget offers such a splendid opportunity for the discussion of public affairs, that although we may not be able to effect all that we want, although we cannot turn the Finance Member out of office, yet we can do something to criticise the administration and to say to the Government and the Finance Member that all the possibilities of retrenchment have not been explored by the Government of Madras at the present time, and by so doing, we the representatives of the people of the Madras Presidency shall, in a way, if not altogether to the desired extent, discharge our obligations to them."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, the Hon'ble the Finance Member while introducing the budget said that his budget was based on the principles enunciated in the Arthashastra of Kautilya. I am glad that a financier of this century has to find precedents from an indigenous financier of the period before the Christian era. It is always my thought that the real problem of retrenchment is to be solved by an Indian, but not by a bureaucrat. Sir, the problem of pay of Government servants does not appear to be quite new to this generation. It is quite clear that the same problem was tackled by Kautilya so many centuries ago, and this is the first time, as far as my experience of this Council goes, that the Government made at least some attempt for retrenchment in expenditure on salaries. This is due to the present financial stringency and also, I may say, to the unanimous expression of the view of this Council during the Budget debate of last year. How far the opinions of this House, as expressed in the debate and in the subsequent resolutions were given effect to is yet to be seen. A good portion of the Hon'ble the Finance Member's speech was devoted to certain problems tackled in the Finance Committee and to some of us who are not members of that Committee they are quite foreign, and we may inform him that the explanation which he has offered is not quite satisfactory, and he will have to prepare himself to face a similar attack day after day for nearly eleven or twelve days during the coming debates on the voting of grants. I think the budgets for a number of years will continue to be like that; the discussions will not be based upon any new policy of expenditure which the Government want to inaugurate, but, on the other hand, it will be a debate mostly based on the principles of retrenchment. If we examine the figures relating to the expenditure on the public services, we feel disappointed that most of the money goes towards salaries. It has been stated that the sum total of salaries and allowances is 620 lakhs in this Presidency. To my mind it is a great figure. Our net expenditure is 1,665 lakhs; out of this we have to deduct 348 lakhs which we pay as contribution to the Central Government and which you may assume for the time being is also utilized by the Central Government towards the pay of the military and other Central services. After deducting this contribution, we have a balance of 1,317 lakhs. Out of this, if we take into consideration the salaries, which come to 620 lakhs, the remaining amount, namely, 697 lakhs, may be construed as the amount spent for nation-building purposes. Is this the right principle? We have to take into consideration the various services, such as direct demands on the revenue, which come to nearly 217 lakhs, the whole of it has to be taken as expenditure for services. A reference to items 2 to 9 in the budget will make this clear. Again, if we take into consideration, the amount paid for services

[6th March 1922]

[Mr. C. V. S. Narasimha Raju]

under the head No. 15, as also the whole amount under General Administration and items such as Administration of Justice, Jails, Police, Ports and Pilotage, up to item No. 30, all these items would come to nearly 736 lakhs, and this further reduces the amount that is spent on useful purposes or purposes that directly concern the well-being of the people, such as education, sanitation, medical relief, etc. If I remember aright, in one of his speeches the Secretary of State, Mr. Montagu mentioned that the real object of the Reforms was to transfer these services to the popular control in the expectation that the people would be directly benefited. With the advent of the Reforms, what is it that we see? No money is left for utilization for any of these useful purposes. Along with the Reforms, and even before the Reforms, the demand for increased pay came from all directions. Everywhere we heard only the question of 'pay, more pay'. What is the result? The services that are really intended to be benefited by the Reforms are made to starve, and the future appears to be quite gloomy because immediately after the inauguration of the Reforms, the Legislative Assembly and the local Legislative Councils have had to resort to additional taxation. So, the idea prevalent in the country is that the Reforms have brought in taxation. One of the items of non-co-operators' propaganda during the last elections was that the elected members were going into the Councils to increase taxation, and that prophecy became or becomes realized very soon. That is the reason why greater effort must be made in all directions for retrenchment. How far retrenchment can be effected is a question that has mainly to be left to the executive to deal with. Of course, they must have a contented service and the question has yet to be examined in the light of the discussions in this Council consisting of members who daily see things practically for themselves, that is the question as to whether the services are highly paid or not. When this House unanimously says time after time that the services are highly paid, it is the duty of the Finance Member as well as the Executive Government to see how far this cry is well founded. It has been suggested in the course of the introductory speech that the duty lies upon individual members to prove that all the proposals already approved by the Government of India and the Secretary of State are wrong. Of course, the question cannot be shirked like that. There is no use of members of this Council bringing forward proposals for curtailment of salaries. The question has to be examined in the light of the present day views of this Council. According to the settlement of finances now obtaining, there is not any main item of taxation which is left for the Provincial Governments to be tapped and utilized for additional revenue. As long as the problem of the reduction of salaries is to continue, I think we cannot expect to go ahead in the matter of other services which more directly concern the well-being of the people and the tax-payers.

"It has already been stated by the Hon'ble the Finance Member that the introduction of time scale is one of the greatest troubles connected with the question of salaries. Perhaps fully realizing the trouble the Government have not given retrospective effect to it in so far as the subordinate services are concerned though of course the Imperial and Provincial services had the benefit of retrospective effect. If this is a fact I do not see any reason why the Government should not extend the same benefit to the subordinate services as well or if in one system they have withheld the increased pay they should withhold the advantage in the other cases also. Of

[Mr. C. V. S. Narasimha Raju] [6th March 1922]

course much stress was laid that no offices could be closed. From the way in which the subject is dealt with in the introductory speech it is clear that the Finance Committee have made useful suggestions. If the Finance Member has vehemently opposed the closure of some offices I may draw his attention to his own statements illustrating how offices were closed. At page 8, we see that the personal assistant deputy collectors have been reduced from 12 to 7. It relates to the abolition of the posts in some collectorates. This illustrates cases where surplus offices are being continued."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I say, Sir, that with the abolition of these offices no subordinates, no clerks, were taken away?"

Rao Bahadur C. V. S. NARASIMHA RAJU (*continuing*):—"I am only dealing with the abolition of the subordinate offices. In the previous paragraph it has been said that the abolition of a particular office, as it represented a definite unit, will affect the whole service. My submission is whether a particular office could be abolished or not, and whether the subordinate alone can be abolished or not is altogether a different thing. It may be possible in some cases, to continue the subordinate offices and in some cases they may have to go along with the officer; but all that is a different thing. I only mention that the question of retrenchment should be looked into from every way and separately. Again, in the same category we see in the Police Department, the recommendations for abolishing some sub-inspectors have not been accepted; but the rank of readers has been dispensed with. This illustrates a case where certain surplus offices were being continued—"

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"Such a supposition is quite a mistake, Sir. Where the officers have been abolished, other arrangements have been made for the discharge of their duties."

Rao Bahadur C. V. S. NARASIMHA RAJU (*continuing*):—"I am just criticising the conduct of the Government from the facts and figures which have been placed before us. If there are other facts we will consider separately. But for the present I can say that these posts were surplus—"

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"That is exactly the statement I am contradicting."

Rao Bahadur C. V. S. NARASIMHA RAJU (*continuing*):—"Here there is some trouble. I say that certain ranks have been reduced and the work distributed among others. My proposition is that here is a case which the Government can dispense with; and why not make similar attempts in other offices?"

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"All that happened was this: the sub-inspectors were removed and their places were taken by clerks, which was obviously an economical arrangement."

Rao Bahadur C. V. S. NARASIMHA RAJU (*continuing*):—"The sub-inspector is, I believe, paid Rs. 60 to Rs. 80—the minimum pay originally was Rs. 50 and now it is Rs. 60. The clerk gets Rs. 35. In the same way do away with the Assistant Inspector of Schools and give the work to the Inspector of Schools. That will be a saving to the tax-payer."

The Hon'ble Rao Bahadur A. P. PATRO (*interrupting*):—"I think, the honourable member will be delighted to know that a reorganization

6th March 1922]

[Mr. A. P. Patro.]

scheme is going on by which a more economical way of management will be substituted."

Rao Bahadur C. V. S. NARASIMHA RAJU (*continuing*):—"The Minister too has misunderstood me. He is perfectly at liberty to bring his own schemes and satisfy the taxpayer as well as this House. Retrenchment should of course be made without prejudice to efficiency and where efficiency would be affected we shall not be justified in any retrenchment. It is more for the Government to examine the details and it is impossible to expect working details from non-official members. As has already been referred to, retrenchment should be effected in offices, salaries, house-rent allowances and travelling allowances, etc., etc. These are all troublesome questions which the Finance Member should be now prepared to answer to this Council. Regarding the travelling allowance it has been admitted that the allowance should not be a source of profit. The mere statement is there; and I am surprised to find that there is no mention as to what enquiries the Government have made. If a statement is attached that the increase in travelling made enquiries and that they found as a result that the increase in travelling allowance did not result in any profit, I shall be quite satisfied. Or, if each public servant is required to certify that he had spent all the amount he draws as travelling allowance, that should be also a satisfactory thing."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"As I have already said the rules are under revision in order to comply with the statutory rule that travelling allowance should not, on the whole, be a source of profit."

Rao Bahadur C. V. S. NARASIMHA RAJU (*continuing*):—"One satisfactory aspect is that we have lost something like 75 lakhs under Exise and we are raising 70 or 75 lakhs as new taxes. To my mind it seems we are not raising additional taxation; only the tax now lost is being replaced in another shape. And another satisfactory aspect of the deficit balance is, the Finance Member tells us, that next year we have extraordinary charges such as paying 4½ lakhs on exchange, 5 lakhs for some book adjustment in stationery and 19 lakhs on account of the Malabar troubles. This gives us a total of 28 lakhs, which is really a temporary expenditure. That makes us not to be quite alarmed at the budget we now have but the Government must see that they satisfy the public mind by continuing their policy for retrenchment."

Mr. G. VANDANAM:—"Last year when the budget was discussed there was a universal chorus of outcry against the Finance Member and it has almost become the fashion to say that the budget is disappointing, discouraging and so on. But this year when the budget was introduced, we see a sense of appreciation on the part of the House and a sense of appreciation of the House on the part of the Finance Member. Also there is a sort of a charm in the presentation of the budget. It is a very readable one. And as a matter of fact it is one of the finest budgets that have been introduced in this country. In the Bengal Presidency we see there was a demand for a lakh and a half for jails for all those people who have been engaged in the revolutionary propaganda. But here there is no such new demand and that is a thing one should be grateful for. The provision that has been made for the expansion of elementary education is a matter for every one of us to be satisfied with. That shows that some attention has been paid to elementary education. In the same way I wish I were able to thank the Minister for Education for the proposal regarding the Andhra

[Mr. G. Vandanam]

[6th March 1922]

University also. That rather seems to be a little tantalizing and the Andhra University is not welcomed by Government in the way it ought to be. We see some provision is made for the depressed classes for which we ought to be thankful to the Finance Member. We ought also to be thankful to the Government for still keeping on the Labour Commissioner. There are other things in which we must make improvement; for instance, the way in which the aided schools have been treated in this Presidency is not at all satisfactory.

"We know that the services which the aided institutions have been rendering in the Presidency are very invaluable. The cost of education in aided institutions is very much less than the cost in Government institutions; at the same time their efficiency is in no way less than that of Government institutions. The despatch of 1854 contemplates that the Government ought to retire as soon as possible in favour of aided institutions and close Government institutions as far as possible, because private enterprise ought to take the education of the country into its hands. The Government has been showing its favour to the aided institutions only in a niggardly way, and it is not therefore possible that private institutions could in any sense be expected to be able to put in more effort and enthusiasm in the work of education and I believe there is much room for improvement in that direction also. The cutting down of grants to aided colleges is simply deplorable.

"There is another thing which the Hon'ble the Finance Member has said in his memorandum on page 6—

"I hope therefore that it will be recognized that every single appointment represents a definite unit of work, and that honourable gentlemen who urge acceptance of the view that particular appointments are unnecessary take the responsibility, not only of saying that definite pieces of work which have hitherto been done need not be done any more, but also of making out their case against the opinions of all the authorities most competent to deal with the questions before the Reforms were introduced."

"Again in page 8, you will find—

"A number of deputy collectors employed under the Registrar of Co-operative Societies have been replaced by officers of lower grade while other temporary officers have been dispensed with, as I have already indicated."

"Now, as has been stated on page 5, he thinks that because certain officers have been taken away from their places, the work could not be done. But the condition has been not that certain officers should be taken away and their work left undone but that something should be done to effect a saving. The more expensive officers ought to be replaced by less expensive officers who could do the same thing as efficiently as it was done before. In that way a great deal of economy can be effected.

"There is another thing, as has been pointed out by the honourable member Mr. Ratnaswami, that there ought to be a certain proportion between the cost of collecting revenue and the way of spending money. For instance, some district boards make use of their engineers at a minimum of cost, and the cost of establishment in district boards comes out at somewhere between 25 and 30 per cent, whereas the establishment in the Public Works Department costs 40 per cent. Therefore if there is a due proportion of the cost of establishment to revenue, there will be a great deal of saving in that direction also. Further, there is one cheering fact. Reading carefully between the lines of the Finance Member's speech, I find he does not

6th March 1922]

[Mr. G. Vandanam]

seriously contemplate raising fresh taxation or borrowing money to meet the deficit, and I am led to believe that he does not mean to adopt either of these methods. He hopes there are other ways of meeting deficits besides borrowing or levying fresh taxation. He believes that it was all due to the slump in trade and to the exchange difficulty which may not continue to be as ruinous as it is now, when normal conditions of trade have been resumed in European countries. Therefore taking all these things into consideration, I think this budget is a hopeful one, and there is no room for discouragement on account of any fear of taxation or any fear of borrowing money and I have therefore great pleasure in welcoming this budget. Altogether there is some scope for improvement and the Finance Member has not gone to the extreme length in that direction. Honourable members however here will have some proposals for improvement, and I hope that if some of those proposals are accepted not only will the deficit be covered but we may have even a surplus."

Rao Sahib U. RAMA RAO :—"Mr. President, Sir, the budget for this year is a budget which is the first fruit of the Reforms. When we were seeking election to this Council our voters told us not to enter the Councils as we would not bring any comfort to the people but only discomfort and misery to the people. So that has been realized now. Last year, Sir, the Finance Member characterised his budget as a 'carrying-on budget'. I am inclined to call this year's budget a 'crying over' budget. Sir, as long as the monstrous claim of 348 lakhs of rupees by the Central Government continues, there is no salvation for this Presidency. I do not want to dilate further on that point, because many other members have dealt with that question, but I want to voice my feeling also on that matter, on which we were very unfairly and unjustly treated.

"The next contributing factor to the deficit was attributed to the non-co-operators who caused a loss of excise revenue to the extent of Rs. 75 lakhs. I am extremely glad that, if non-co-operators were not able to do anything else, they were able to make the people understand the danger of drinking. That is a great blessing in disguise. For, though it has taken away an income of Rs. 75 lakhs, it will save in the next year and in the years to come a lot of expenditure in jail administration, criminal administration, and also public health. I expect that—"

The Hon'ble Rao Bahadur A. P. PATRO (*interrupting*) :—"The activities of non-co-operators have resulted in an increase in the extent of illicit sale in shops and also of the illicit manufacture and issue of liquor, and the illicit issue from distilleries has been most where there has been greatest picketing."

Mr. T. SIVASANKARAM PILLAI :—"This question of illicit distillation has been in existence long before the non-co-operation movement came into being."

Rao Sahib U. RAMA RAO :—"So illicit distillation has been in existence long before the non-co-operation movement."

The Hon'ble Rao Bahadur A. P. PATRO :—"There has been more now than before."

Rao Sahib U. RAMA RAO (*continuing*) :—"Apart from that, seasonable influences, exchange values and interference with law and order have been the cause of all trouble. Remedy lies in economy and retrenchment. I think

[Mr. U. Rama Rao]

[6th March 1922]

the economy and retrenchment carried out by the departments is perfectly insufficient, except that they have dismissed or reduced so many as 4,765 inferior servants and 7,174 village servants and very few gazetted and non-gazetted officers, whom they have dispensed with. By so doing, they have not shown any justification for retaining a top-heavy establishment; they have not proved any justification for so many as four Executive Councillors, three Ministers, one President and one Deputy President and three Council Secretaries. All this work was managed by three Executive Councillors and one Governor. Now, all their work must have considerably gone down and so there is every reason to reduce some more expenditure. Some more reduction could be done; that is in Personal Assistants to Collectors, Publicity Officer, Labour Commissioner, Personal Assistant to the Superintendent, Government Museum, Judges of the Small Cause Court of whom I think there are three and I am of course subject to correction, and then again the Personal Assistant to the Surgeon-General. All these appointments could be very safely and easily reduced.

"Then, coming to the question of allowances, my honourable friends here speaking before have dealt with it very well; anyhow I think, duty allowances, hill allowances and travelling allowances ought to be reduced to a very small amount. And, Sir, the habit of giving double first class must be put a stop to anyhow till our financial conditions improve. All those officers who travel long distances may be allowed double first class and officers who travel within, say, fifty miles may be given double second class, till we tide over this financial crisis. Then, again, Sir, all these travelling allowances come to Rs. 170 lakhs and it will be much reduced if only a single first-class fare is allowed. There is another thing for which I would appeal to the Ministers and the Executive Councillors and that is when they go on tour it is better for them to travel in reserved first-class instead of travelling in a saloon. They do not lose anything thereby. By their travelling in saloons the taxpayers are put to much inconvenience and loss. Here there is no question of prestige, but personally they do not lose their allowance by travelling in a first-class. That is another large source of economy."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I ask whether the honourable member would explain the difference in the charges between a first-class carriage and a saloon?"

Rao Sahib U. RAMA RAO (*continuing*):—"I said they should travel in reserved first class."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"Is it the proposition that the Members should be allowed only the cost of a seat?"

Rao Sahib U. RAMA RAO (*continuing*):—"They were travelling so before. I do not see why they should not travel so now."

"Another thing is hill allowances. This question of giving hill allowances must be given up; by that a certain amount of money could be saved."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I ask what hill allowance is given?"

Rao Sahib U. RAMA RAO (*continuing*):—"About Rs. 30,000. That is something towards making a saving."

6th March 1922]

[Mr. U. Rama Rao]

"Then, Sir, last year when I observed that the highly-paid officers ought not to be supplied with quarters, the Hon'ble the Finance Member said that it would bring in a return of 5 per cent. Out of this 5 per cent, 3½ per cent goes towards interest and 1½ per cent towards annual repairs and depreciation. I quite agree to that, because that means a return of 5 per cent. But, Sir, when a junior officer not drawing enough of pay to pay 10 per cent of his pay towards the rent of buildings, then the Government should surely lose money on that account. Instead of that let them raise this from 5 to 7½ per cent, and in that case we will be able to raise an income to the extent of 2 lakhs from rents. Whereas according to the rules 10 per cent of the pay is deducted in the case of a junior officer, if his pay is not very high, i.e., if a man draws only Rs. 500, he is entitled to pay only Rs. 50, whereas the building ought to get Rs. 80. In that way the Government lose Rs. 30. If the rent is raised from 5 to 7½ per cent, that will never be a trouble to the officers who could very well pay that rate."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"I find great difficulty in following his proposal. Will the Honourable Member explain his proposal a little more in detail?"

Rao Sahib U. RAMA RAO (*continuing*):—"Well, Sir, these highly-paid officers are supplied with quarters. For that, 10 per cent of their pay is charged. Suppose the building, according to the calculation of 5 per cent, ought to fetch Rs. 80. If a junior officer drawing Rs. 500 occupies it, he is only entitled to pay Rs. 50, and the Government lose thereby Rs. 30. Instead of paying a certain percentage of the pay, fix the rent and make it 7½ per cent and do not make any difference between a highly-paid officer and a low-paid officer; let each officer pay the fixed rent. In that way we can increase the amount of rent out of Government buildings."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"Does the honourable member propose that the 10 per cent limit in the case of the junior officer should be removed, and that he should be required to pay 7½ per cent on the cost of the building?"

Rao Sahib U. RAMA RAO (*continuing*):—"Exactly so."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"The low-paid officer is to pay the same rent as the highly-paid officer."

Rao Sahib U. RAMA RAO (*continuing*):—"Yes, they are all paid highly, and they can afford to pay. That is my point."

"Then, again, Sir, the Public Works Department is very often called 'the Public Waste Department', and I am inclined to call it so in this particular instance. According to the budget for 1922-1923, they have budgeted for Rs. 73 lakhs for civil works, and for the establishment to carry on the works of Rs. 53 lakhs they have budgeted Rs. 19.8 lakhs. That means, for every work of rupee one we are paying 4½ or 5 annas for establishment, whereas a contractor is paid only 10 per cent."

The Hon'ble Rao Bahadur A. P. PATRO (*interrupting*):—"The honourable member conveniently omits the amount under Irrigation works and the charges under that head, carried on by the Public Works Department."

Rao Sahib U. RAMA RAO (*continuing*):—"I have deducted the 25 lakhs."

[6th March 1922]

The Hon'ble Rao Bahadur A. P. PATRO (*interrupting*):—"The honourable member has included and not deducted."

Rao Sahib U. RAMA RAO (*continuing*):—"No, Sir, I challenge the honourable member. When a contractor is able to supervise the work at a profit of 5 to 10 per cent, I do not see any reason why the Public Works Department should waste so much of the taxpayers' money. Instead of that, if as my friend, Mr. Vandanam said, these works were handed over to the district board engineers, a lot of money could be saved."

"Then, Sir, coming to the Medical Department, the Hon'ble the Minister after he took charge of the portfolio has done nothing, has opened no new hospitals, has not got more medical men in the department, has not got more nurses and has not indianized the medical service. On the other hand, he has reduced about four lakhs and odd out of hospitals and dispensaries. In fact, according to my calculation, according to the report submitted by the Surgeon-General, we spend about 4 as. 9p. for every patient that is treated in our hospitals, both in-patients and out-patients. Out of this the medical officer gets 2 as. 1p., the inferior servants, 1a. 2 p., and the amount spent on medicines is 1a. 6p. Just imagine, Sir, a patient has to live in the hospital, get his disease cured at this magnificent cost. That, again, does not benefit the whole population but only 75 lakhs of people."

The Hon'ble Mr. P. RAMA RAYANINGAR (*interrupting*):—"I should like to know what Dr. Rama Rao exactly means. Does he want that the treatment should be more costly, that the medicine should be charged for at higher rates?"

Rao Sahib U. RAMA RAO (*continuing*):—"I am saying that the amount of money that is utilized for supplying medicines to patients is perfectly inadequate. Instead of getting more money for this, the Hon'ble Minister has cut off 4 lakhs and odd. But that is just to show what the Hon'ble Minister has done. It will be remembered, Sir, that out of 40 millions of the total population, only 7 millions get relief in the hospitals. There are 33 millions who do not come under the scope of the treatment. Then again, Sir, I do not make this as a complaint, the whole medical charges for the year as submitted by the Surgeon-General in his report amount to Rs. 43.3 lakhs, out of which Rs. 15.4 lakhs go to benefit the city only. I do not grudge it because it is a big city with a large number of patients. I am only complaining that the people in the mufassal are not given the same privilege as we in the city enjoy. Again out of the amount of Rs. 2,83,000 spent for nurses, the city alone has got Rs. 1,41,000, and the remainder Rs. 1,42,000 has gone to the mufassal. Lastly, medicines for the whole presidency have come to Rs. 6,63,000, out of which the Madras city takes away Rs. 1,41,000. I do not complain of this, Sir, for I am in the city and the people in Madras should undoubtedly be benefited. But the people in the mufassal, I am sorry, are not fairly treated and are not given the same facilities. In all these matters, I should complain, the Hon'ble Minister has not done his duty."

The Hon'ble Sir CHARLES TODD HUNTER (*interrupting*):—"May I ask, Sir, if it has escaped the honourable member's notice that the expenditure on hospitals has increased in ten years from 18 lakhs to 57.42 lakhs?"

[6th March 1922]

Rao Sahib U. RAMA RAO (*continuing*):—"That does not matter, Sir. We should spend double that, and I am confident that, if the portfolio is given to me, I would spend twice as much."

"Lastly, Sir, the Hon'ble the Minister for Public Health promised last year that he would consider the proposal when myself and Dr. C. B. Rama Rao proposed the appointment of honorary physicians and surgeons in big hospitals. Such an appointment would have saved more money, and that money could have been utilized for the supply of drugs and other things for the hospitals."

"I think the budget is a failure. Government has not done its duty. Without any additional taxation, without incurring any loan, we must cut off the top-heavy expenditure which is the only way of meeting the demand."

Rai Bahadur T. M. NARASIMHACHARLU:—"Mr. President, Sir, I shall follow in the footsteps of the Hon'ble the Finance Member in reading from the notes that I have prepared on the general features of the next year's budget."

"Last year, Sir, the Hon'ble the Finance Member called his budget a 'carrying on' budget. This year he has given it no name, and people call it by various names. I found from the notes prepared by the Finance Secretary that he called it 'an economy budget'. I found 'New India' calling it a 'calamity' budget. I heard others say that it was an 'apology' for a budget. Some others call it a 'starvation' budget, because it has starved all these services which are useful to the people. I just now heard Mr. Rama Rao characterising it as a 'crying over' budget. I think, Sir, none of these names will aptly designate the budget because it can be correctly described only by a combination of all these epithets."

"I am afraid, Sir, the Hon'ble the Finance Member, while professing to pay great regard to, and to a certain extent follow, the great king-maker, Chanakya, has not read his dictum aright. When that author said 'all undertakings depend upon finance', he meant that nothing should be undertaken unless the available finance permitted it. But the Hon'ble Member for Finance would seem to read it thus: 'All finance depends upon our undertakings', meaning thereby that anything may be undertaken and that finance will follow and must be found at any cost. I am sure the adoption of this principle in anticipation of the Reforms has landed us in the present terrible plight. The normal growth of expenditure has become very abnormal during the last two or three years with the result there is a cry for money everywhere to meet our commitments. Without waiting to see the depth of our purse and having abundant faith in its inexhaustible supply, services and salaries and all sorts of allowances have been so generously multiplied, that we find ourselves disillusioned a bit too late. The saddest part of such a policy was that the gazetted services were served first on a lavish scale while the non-gazetted were slighted and left ill-paid. The latter should have been provided for first before the former."

"Sir, it so happens, I do not say as cause and effect, that since the inauguration of the Reforms and the introduction of diarchy and responsible Government, the Central and the Provincial Governments have been budgeting for huge deficits. Has any attention been paid to the real cause of this

[Mr. T. M. Narasimhaচারু]

[6th March 1922]

result and any attempt made to remedy the evil? For, otherwise, there is bound to be 'normal growth' of expenditure in the coming years and the Government will be always budgeting for larger and larger minus balances until its credit is absolutely gone. Consequently the sooner the root-cause is detected and remedied, the better it will be for all concerned.

"In my opinion, Sir, the device of obtaining loans from the Government of India to meet the current expenditure and deficits, is a very poor one and must be condemned at once and whole-heartedly. As with a family, so with the State. Both must collapse, if for their existence they have no other resources left than borrowing. Resort to taxation must be had only when all other means are exhausted. And when necessary, new untapped sources must be found out, instead of going merely on the beaten track by increasing the existing taxes. There must be imagination and resourcefulness in this matter. During the last two years people have been greatly alarmed at the increase in taxes and rates imposed both by the Central and Provincial Governments. Is it advisable at this critical juncture of our country to create discontent by increased taxation? People ask, what next? If we simply tell them that they had better pay up, that their interest is quite safe in our hands and that in return for their payment, the Government guarantee security of life, property and health and comfort, will they be satisfied? This is a time, Sir, eminently suited for trying to conciliate the people and to wean them from ways which are opposed to their best interests. Conciliation and concessions in time cost very much less than surrender in the end. When conciliation and concessions come too late, then it will be very difficult to mend matters.

"Now, Sir, I have no doubt that all will echo my voice of gratitude for the retrenchment that has now been made by the Government under the personal direction of His Excellency the Governor. We are thankful indeed for this and for the promise that is made by the Hon'ble the Finance Member to look to it very soon and very thoroughly. In addition, I may point out that very strict economy ought to be the key-note of the whole budget in the actual working of every department. We do appreciate and feel thankful for the very earnest endeavour made in cutting some appointments and reducing the travelling allowance to a considerable extent. But, with all that, I venture to think that enough has not been done yet in those directions and that other ways of retrenchment have not been thought of and applied. In my opinion the following suggestions may be usefully tried:—

- (1) Reduction in the number of the Executive Council Members and Ministers from 7 to 4 and reduction of their pay.
- (2) Reduction in the number of the High Court Judges from 12 to 9.
- (3) Reduction in the number of districts and District Collectors to 20.
- (4) Reduction in the number of revenue divisions and the divisional officers and also of taluks and tahsildars by one-third.
- (5) Reduction in the number of District Forest Officers' ranges by about 25 per cent.
- (6) Reduction in the police rank and file and also in the Salt and Abkari Department. The assistant inspectors of the latter department should be wholly done away with, and I submit that the Collector should be the person entrusted with the control and supervision of other staff."

6th March 1922]

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"I have no wish to interrupt the thread of the honourable member's suggestions, but he has omitted to state by what percentage he wants the rank and file of the police to be reduced. Do I understand that the rank and file of the police should be altogether abolished?"

Rai Bahadur T. M. NARASIMHACHARLU (*continuing*):—"I said only that the assistant inspectors of the latter department, i.e., the Salt and Abkari Department, should be altogether abolished."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"Exactly, Sir, but what percentage is it proposed to apply to the police?"

Rai Bahadur T. M. NARASIMHACHARLU (*continuing*):—"I have not thought about it, Sir. It is left to the Executive to do it. I have not come to any definite conclusion as to the percentage, and therefore I do not venture to suggest it.

(7) Reduction in the number of Inspectors of Schools and also the Assistant Registrars of Co-operative Societies by at least 25 per cent.

(8) Reduction of several appointments in the Agricultural and Industries Departments. I am not able to say exactly how many appointments should be reduced.

(9) There is already some reduction in the Public Works Department, but I submit that there should be further reduction in that department. While there are few works to be done and there is no money to be spent on Public Works, I submit, Sir, that it is hard on the people that they should be called upon to pay so many officers in this department.

(1) Reduction of pay of all the officers drawing above Rs. 500 by at least one-third of their salaries, except No. (2), that is, the High Court Judges."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"Why except that?"

Rai Bahadur T. M. NARASIMHACHARLU (*continuing*):—"That is my view, Sir.

"Nextly, more honorary agencies may be employed instead of the stipendiary ones now existing. For instance, more honorary magistrates, instead of stipendiary magistrates and more honorary assistant registrars of Co-operative Societies instead of those who now exist as paid agencies, may be employed. I think, Sir, the time has come when we should try by all means possible to encourage the art of administering justice by our own countrymen and that we should do the work without any pay whatsoever. As there are presidents of district and taluk boards available as honorary agents—and I believe they do their duties satisfactorily—I fail to see why honorary agencies in these two departments should not be employed more and more so that the administration of justice may be done more by local honorary agencies than by the paid agencies.

"Thirdly, Sir, the tardy and indifferent manner in which several departments work is the direct cause of increase of work and accumulation of arrears and the cry for and establishment of more hands to cope with the arrears. The police prepare their charge indifferently and the magistrates commit several cases indifferently and very often out of fear of the police.

[Mr. T. M. Narasimhacharlu]

[6th March 1922]

Only a very small percentage end in convictions. If the police and magistrates do their duty properly, what an amount of worry and expense will be saved to the parties and witnesses and also to the State? Fewer magistrates will do then. Sessions courts will save a lot of time which can be devoted to civil work which in its turn means the saving of so many additional and temporary sessions and temporary subordinate judges' courts. What I mean to say is that the magistrates and the police and several other departments also do their work very leisurely. I know, Sir, that in the mufassal the magistrates and judges do not attend court at 11 o'clock. They attend court at their own will and pleasure; that means so much of time wasted. I know, Sir, that the police simply charge cases indiscriminately. They do not dive into the matter; they do not really investigate. As soon as they go to a village on hearing some information, they go to some party, accept as true the evidence of those people there and simply pass it on to the magistrate and they are charged. Look at the result. You find actually very few percentage of convictions. All this is due, Sir, to indifferent work and doing work not as properly as they ought to do. A little exercise of scrutiny, therefore, Sir, on the part of the Government over the indifference and vagaries of the police and the magistrates will save a good deal of money. This is what I call internal economy."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I ask, Sir, who is to do this duty?"

Rai Bahadur T. M. NARASIMHACHARLU (*continuing*):—"The Government, Sir, through their district magistrates. Let the district magistrates, Sir, go for inspection without giving any previous notice. There is the motor-car available. Let them go to any of the mufassal courts at 11 a.m. without telling their subordinates that they are coming. Then they may be able to effect the required change marvellously without any doubt. It is undoubtedly a fact that the Government were sorely beset with trying and serious difficulties during the year, partly on account of the non-co-operation activities and partly on account of the various disturbances in several districts and of the rebellion in Malabar. It is very satisfactory to find that the Government are taking all steps to relieve the distressed and the needy in Malabar. It is also very pleasing to think that the Government have taken the necessary steps in time to control the famine that prevailed in certain parts of the Ceded districts. The Council will not grudge the expenditure incurred in these directions. At the same time, I cannot appreciate the large expenditure proposed to be incurred under Jails and Convict settlements. Many of the unfortunate and deluded persons, known as non-co-operators, ought to have been fined instead of being imprisoned. If the fines are not paid, distress warrants should have been issued. I understand that this policy has been followed in Bombay with excellent results. It got money for the State, saved jail expenditure and produced excellent results. An imprisoned man is made a cheap martyr, while a man who was fined got no such reward, but lost his wherewithal.

"Nor, so far as I know, is there any justification, at any rate hereafter, for maintaining the punitive police in the Cuddapah district for one year. I think, Sir, the authorities imposed the police more out of alarm than upon reasonable grounds. The people and the Government may safely be spared the cost of maintaining the police. In this connexion

6th March 1922]

[Mr. T. M. Narasimhacharlu]

I may mention that the number of police talayaris has been slightly raised, whereas, in my opinion, they ought to have been considerably reduced."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"Is that remark, Sir, applicable only to the Cuddapah district, or to the Presidency as a whole?"

Rai Bahadur T. M. NARASIMHACHARLU (*continuing*):—"To the Presidency as a whole, Sir.

"The reduction in the village establishments, including the village talayaris in the ryotwari villages, will give a saving of Rs. 13 lakhs. It is a pity that this saving was not utilized to raise the pay of the village munsifs and monigars in ryotwari villages. To deny them this bare justice on the ground that the local Legislative Council refused to grant leave to introduce Village Cess Bills bespeaks of want of sympathy and imagination on the part of the Government. The village headmen are the very foundation of the Government and are employed on all kinds of village duties, and are now made to do increased work owing to the reduction in their number, and yet are treated in this manner. It is better that they are made purely honorary and hereditary instead of paying them this miserable pay and breeding discontent at the very fountain-source of the Government.

"Now, Sir, with reference to the provision for elementary education, I think I ought to congratulate the Hon'ble the Minister for having taken the trouble in this crisis to get so much money for providing educational facilities for schools.

"Then about Medical, I have got only one or two words to say. The latest Government Order on the preparation of the budget estimates of the local bodies directs that the latter should provide for increased salaries and allowances of medical officers employed by local bodies. This, I submit, is hard and unjust. The local bodies were not consulted as regards the increase of pay and allowances and have no efficient control over them. If the Government increase their pay and allowances, and also wish to retain control over them, they should bear the increased burden solely and wholly. The present sad financial plight of several taluk boards and municipalities will compel them to close down several of the hospitals and dispensaries. To prevent such a calamity, the Government should come to their rescue and bear half the cost of all medical institutions, both old and new. The provision of five lakhs in the budget may be utilized for this purpose. The introduction of the Unani and Ayurvedic institutions manned by competent physicians is eagerly looked for. It may spread medical relief suited to the people and may pave the way for displacing some of the present costly medical institutions.

"I submit, Sir, in these circumstances, I would not go the length of crying over the budget. There are some aspects, especially in regard to education and also medical expenditure for which Rs. 5 lakhs have been provided for, and I submit we ought to feel thankful to the Government for what they have done. But in the matter of retrenchments, they have not gone far enough, and to this question we ought to direct our attention until we feel that the salaries are in proportion to the amount of service rendered."

The Council then adjourned for lunch at 2 p.m. and reassembled at 2-30 p.m.

[6th March 1922]

Rao Bahadur T. BALAJI RAO NAYUDU:—“While congratulating the Hon'ble the Finance Member for the very skilful and considered manner in which he has drawn up the budget estimate for 1922-1923 and thanking him and the Government for the slight reduction of 23.32 lakhs in the establishment charges, I beg to submit that it is a matter of regret that the budget has to be closed with a deficit of 22.48 lakhs, in spite of the reduction in expenditure on the whole being 54.43 and the increase in receipts is going to be 81.71 lakhs. In spite of our incessant agitation in this House for retrenchment in the establishment charges there are additions made to items of expenditure in some departments over the closing year's amounts which is a good deal more than the amount reduced.

“The following items show where the main increases in the expenditure are:—

	1921-22.	1922-23.	Increase.
Administration—Land Revenue	LAKHS. 43.44	LAKHS. 44.42	LAKHS. 0.98
Survey and Settlement	21.85	22.52	0.67
Settlement Parties	6.35	8.92	2.57
Excise	28.10	29.74	1.64
Finance Secretariat	1.57	2.20	0.63
Administration and Justice	92.53	97.08	4.55
Jails and Convict Settlement	27.46	37.02	9.56
Public Health Establishment	27.15	28.23	1.08
Agricultural Department	15.21	16.59	1.38
Miscellaneous Commissioner of Labour and Industrial Settlement.	6.71	6.62	0.91
Unforeseen charges	14	6.04	6.90
Total	..	..	29.85

“As we are aware the country is quite reluctant to bear any further taxation. We are, however, going to pass the amended Stamp and Court Fees Act ere long. With the recent announcement of the Hon'ble the Indian Finance Member that fresh taxes under many heads are about to be imposed, the country is taken aback as there is nobody who is likely to escape the effects of the intended taxation. This position makes the changes of raising any further taxation in this Province impossible until we can get the public convinced that further taxation is unavoidable by showing to them that we have done all that is possible before we resort to fresh taxation. The Hon'ble the Finance Member has stated that all that can be done towards retrenchment was done and also laid out a theory that every officer represents a definite unit of work which ought to be done. I am unable to accept this theory as there is considerable difference in what each officer is doing or in the need for his continuance. Applying this theory to my own case and the case of the Hon'ble the Finance Minister, as members of this Council, it need not be said that I can very well be dispensed with, whereas the Hon'ble the Finance Minister cannot be. For the reasons given above, I am making certain proposals for further retrenchment and I beseech the House to give me a patient hearing.

“As regards Survey and Settlement provision is made to the extent of 22.52 lakhs as against 21.85 lakhs with an increase of 0.67 lakh. The

6th March 1922]

[Mr. T. Balaji Rao Nayudu]

Survey Department consists of one Director and four Assistant Directors for the head office with a provision of one lakh for temporary establishment in the head office and ten Assistant Directors are provided for the survey parties besides a further provision of one Deputy Director and two Assistant Directors for the zamindari estates.

“The Settlement Department consists of four Settlement officers and nineteen Assistant Settlement officers. There is an increase of five officers over the closing year's number with a provision of 4.13 lakhs extra for temporary establishment. Leaving aside the question of either wholly or partly stopping settlement operations, with the intended legislation of making assessment on ryotwari lands permanent, even as matters now stand in the assessment on lands in Government villages will have to be revised once in 30 years. The resurvey and resettlement operations will have to be extended once in 30 years to each district in rotation as each become ripe for re-settlement. There are 24 districts in the Presidency. If the survey and settlement parties, the former going in advance of the latter take one year for each district, one survey party and one settlement party may be sufficient, and if the operations cannot be completed within one year double the number, i.e., two of each party, should be quite sufficient. It is therefore possible that retrenchment by at least 50 per cent in these two departments can be made in the office and outdoor staff.

“On the recommendation of this Council for the abolition of the Board of Revenue a committee was formed. The result was a reduction of eighteen clerks and a Secretary. The Hon'ble the Finance Member's statement that one post in the Board of Revenue will be abolished when the Government of India take income-tax under their control does not amount to any reduction but is simply a matter of transfer of cost from one Government to another. Though there may be the necessity for keeping on three members, one for the charge of Land Revenue, another for Settlement and Survey, etc., and the third for Salt, Abkari, etc., yet as their functions are to be of a supervising nature there is no necessity for allowing them larger establishments than the other Presidency officers. Therefore the question of gradually curtailing the establishment of Board of Revenue deserves consideration.

“Subdivisional Establishments.—The Hon'ble the Finance Member may be pleased to make it clear to the Council what the reduction in the deputy collectors' cadre actually is? Two deputy collectors and four temporary deputy collectors costing Rs. 42,000 have been provided for on page 35. The number of deputy collectors' cadre is shown to have been reduced from 147 to 103 in the Budget estimate on page 81 but in the statement showing the reduction to be effected under economic campaign only six deputy collectors are shown to have been abolished. Without interfering with the permanent deputy collectors, all the temporary and acting officers may be reverted to their permanent places by not keeping deputy collectors, who are costly officers in any temporary job and abolishing such revenue divisions which were recently created and whose work is avowedly light.

“Administration of Justice.—The increase under this head is 4.53 lakhs. Provision is made for increasing the number of district judges by one costing Rs. 17,000. A lump provision of Rs. 75,300 is made for opening additional district courts at Negapatam, Vellore and Coimbatore. The

[Mr. T. Balaji Rao Nayudu]

[6th March 1922]

total increase under district courts comes up to Rs. 9,000. Considering our present financial condition these additions may be put off to some future date. The number of sub-judges is 49 and the number of district munsifs is 168. In 1915 the number of sub-judges was 36 and that of the district munsifs was 139. Thus there was an increase of 13 sub-judges and 29 district munsifs during the past seven years which makes the average annual increase of courts by 6. The Hon'ble the Finance Member stated that he did not allow the opening of any more courts though the number of suits now pending is over a lakh. The opening of more courts serves only the purpose of increasing litigation and keeping back work in hopes of getting additional courts. I heard it said by some European and Indian officers that in a court where their predecessor had left a lot of arrears and applied for additional courts, they could within six months after their joining, dispose of all arrear work and find the work to be light. The popular belief in my part of the country is that administration of justice in mufassal civil courts is so tardy that it badly affects both the contending parties. The greater portion of Indian officers do more of adjournment work than disposal for the purpose of suiting the convenience of the vakils whom they cannot displease and making parties to compromise so that they may be saved of the trouble of writing depositions and long judgments. If the work of the District Munsifs and Sub-Judges is subjected to such scrutiny by the District Judges as the District Magistrates do in the case of Sub-divisional and Taluk Magistrates, giving the same powers to the former as in the case of the latter, I am sure the work would be much prompter in civil courts and the necessity for at least a portion of the existing temporary courts will disappear.

"Sanitary Engineering Department."—This establishment costs 1.61 lakhs. Besides the Sanitary Engineer there are two Deputy Sanitary Engineers and four Assistant Sanitary Engineers. Their chief business seems to be to approve of schemes and supervise the sanitary works which are undertaken by local boards and municipalities. The nature of the work to be looked after by them is in no way superior to that of the regular Public Works Department and the officers of this department are not superior in their knowledge to the Public Works Department officers. It is desirable to do away with the whole department or merging it in the regular Public Works Department. If that is not possible, two Deputy Sanitary Engineers, one for the northern districts and another for the southern districts, with one assistant each will be quite adequate to do this branch of work and the rest of the department may be done away with.

"Public Health."—A sum of Rs. 27.79 lakhs is provided against 26.88 of the current year which means an increase of Rs. 91,000. Besides the Sanitary Commissioner, provision is made for five Assistant Directors of Public Health against three of the current year. I have known the work done by this department for many years and I am of sincere opinion that this department is quite unnecessary and the amount spent on it can better be utilized by being granted for the improvement of public health and sanitation. At present their duties seem to be to check the work of vaccinators and deputy inspectors of vaccination and to look after sanitary arrangements at fairs and festivals. There are the presidents of the local boards and municipal chairmen as well as the District Medical and Sanitary officers to do this branch of work. The Assistant Directors are neither better qualified nor more knowing of the work and the local needs than the District

6th March 1922]

[Mr. T. Balaji Rao Nayudu]

Medical and Sanitary Officers. The dispensing with the staff of Assistant Directors deserves serious consideration. The Sanitary Commissioner with a small office staff will be quite enough to look after important matters and supervise the work of the local bodies and District Medical and Sanitary officers in matters relating to public health and sanitation.

"Co-operative Department."—Provision is made for 23 Assistant Registrars against 22 of the closing year. The Hon'ble the Finance Member stated that a number of Deputy Collectors have been replaced by officers of lower grades, but in the budget estimate it is shown that only six out of 23 have been replaced on Rs. 250 per mensem while 17 Deputy Collectors on Rs. 300 to 850 still hold on with duty allowances amounting to Rs. 23,952. If these 17 officers are also replaced, the savings will be Rs. 73,800. The work of officers of this department is as congenial as and lighter than that of the Revenue Divisional officers and Tahsildars and there is therefore no justification whatever for giving them any duty allowance which comes up to Rs. 23,952. With the Registrar as Presidency officer and one officer of the Tahsildar's grade on Rs. 250 with the usual travelling allowance for each district it will be quite enough to carry on the administration in addition to the Honorary Assistant Registrars who are coming in to work gratuitously.

"Commissioner of Labour."—This establishment is provided with a total cost of 5.02 lakhs. Of this amount, 3.31 lakhs is the lump provision allowed for the betterment of the depressed classes, while 1.71 lakhs, i.e., more than one-third goes for the establishment charges. Though I do not agree with some of my colleagues that the Commissioner of Labour should be done away with, yet, I think there is no justification for keeping on one Personal Assistant and three Assistant Commissioners costing Rs. 26,140, and two Deputy Tahsildars, 26 Revenue Inspectors, four Deputy Surveyors, costing Rs. 28,332 or in all Rs. 54,462. This amount may be saved and added to the funds required for meeting the wants of the depressed classes by dispensing with these subordinate officers and getting the work done by the ordinary Tahsildars and Divisional officers, without whose interference and the supervision of the District Collectors, the special officers cannot possibly do anything. It cannot be said that the Revenue Divisional officers and Tahsildars are now overworked as they have been relieved of their local fund and magisterial duties respectively.

"Forest."—The expenditure under this branch is 49.27 lakhs against an income of 54.09 lakhs and the establishment charges come up to 15.49 lakhs. Provision is made for one Chief Conservator, six Conservators and 40 Deputy and Assistant Conservators costing 4.66 lakhs against 3.14 lakhs. There is an increase of two Conservators and two Deputy and Assistant Conservators. Until recently there were only three Conservators, 24 Deputy Conservators, five Assistants and seven Extra Assistants making a total of 39 officers. Even in last year, there were only one Chief Conservator, seven Conservators and 32 Deputy and Assistant Conservators making a total of 40 officers, with 22 places of Assistant Conservators though sanctioned being left vacant. Now the number has been raised from 42 to 47. It is desirable that the increase of seven officers should be done away with."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"I shall be much obliged, Sir, if the honourable member will tell me exactly where this increase of seven officers is found."

[6th March 1922]

Rao Bahadur T. BALAJI RAO NAYUDU (*continuing*):—"The honourable member will find it, Sir, if he refers to pages 54, 56 and 58 of the Budget Estimate.

"In the Irrigation Budget Estimate, under 13, Working Charges, Part II, a provision of 1.53 lakhs for field operations and printing aysaut maps in the Karur division and another sum of 2.50 lakhs for block levels in the Vennar division have been provided for. These two items, costing 4.3 lakhs, do not seem to be of such an urgent nature as to be met in this financial year which is working with a minus balance. These items may therefore be put off to year after next.

"If the excess items of expenditure specified in paragraph 2 supra are done away with, and if at least some of the items of curtailment proposed above are adopted by the Hon'ble the Finance Member and this House, the Budget Estimate for 1922-1923 need not be closed with any minus balance and there would also be a good surplus which can be utilized for raising the salaries of the village establishment in both Government and zamindari villages and for granting funds required for extending elementary education, both of which have been entirely neglected and are the pressing needs of the country."

Mr. R. APPASWAMI NAYUDU :—"Mr. President, Sir, we are all in possession of the budget which has been presented by the Hon'ble the Finance Member the other day. In his opening speech he has at length quoted from one of the king-makers, Kautilya, otherwise known as Chanakya of ancient days, who, in his book of Arthashastra, has stated that the success of a Government depends upon favourable surroundings and circumstances. It is a great pleasure, Sir, that the Hon'ble the Finance Member has taken much pains in going through the writings of ancient sages and quoting from them at length. I only wish, Sir, that the present day sages also come forward and advise the people and the Government alike as to the practical methods to successfully carry on the administration of the province.

"Sir, this year's budget has shown a great deficit. How to get over this is the question. Last year, when we discussed over the subject, we thought that we would be in a position to save much this year to carry out the reforms. But, Sir, what do we find now? Instead of an angel smiling before us with plenty and peace, a giant and ugly monster is staring at us with misery and want. We are confronted with a serious situation. The situation now is very serious and not only should we try our best to devise means to get over it, but we must try also to make it hopeful and brightful so as to carry on our reforms. Sir, to this end we should all try our best to work.

"Sir, let me examine why there should be a deficit in this year's budget over that of last year's budget. Between the presentation of last year's budget and the presentation of this year's budget, much of our revenue has fallen and our expenditure has grown apace. Sir, the excise income has fallen by 75 lakhs and the troubles in Malabar, in Madras around the mill area, and in Guntur and some other places have cost us very much. These are the causes that led to the deficit in this year's Budget. Who is responsible for this fall in our revenue and who is responsible for this large and unexpected expenditure? Why should the poor tax-payer be made to bear the burden of taxation for the sins of others. Sir, it is they that are at, the

6th March 1922]

[Mr. R. Appaswami Nayudu]

bottom of the mischief, and it is they that are responsible for such a state of affairs and they must be made to bear the burden and to make good the loss sustained by the State owing to their mischievous tendencies and irresponsible actions. Sir, I think that the Government should levy a punitive tax upon these people, so that they may be scared away from doing mischief.

Unless some such thing is done neither life nor property will be safe.

3 p.m.

"In regard to getting over the deficit three means are open to us: that we should try to get relief from the contribution to the Imperial Government; that we should try to effect a retrenchment; and that we should have recourse to indirect taxation. As regards contribution to the Imperial Government we can hope for a relief at least next year. If I speak of retrenchment I do not mean the retrenchment in the salary of a few clerks or peons and muchis, nor the reduction in the petty allowances and contingencies. I do want a thorough overhauling of every department with a view to effecting a radical retrenchment. Retrenchment should be effected in every village, in every taluk, in every district, and in every department of the higher administration. In order to thoroughly investigate every avenue of retrenchment in every department we should appoint some committees in the districts; there are the representatives of the people in this Council who can be safely appointed to these District Committees as also some members of the district boards and two or three officials or non-officials. They should be made to roam over the whole range of the administration with a searching scrutiny and suggest ways and means to reduce expenditure without in any way affecting the efficiency of administration.

"If the retrenchment which could be suggested by this committee cannot cover the deficit, we can have recourse to indirect taxation. There are also proposals to levy a higher rate of tax on court fees and stamps and also of enhancement of the registration fees. No doubt this is an indirect taxation, and except the enhancement of the registration-fees these do not affect the poor people much. But indirect taxation can be levied on products of commercial value to fill the Provincial exchequer. Sir, if even by indirect taxation we are not in a position to replenish our coffers, then the Government may levy direct taxation. Imposing direct taxation on land is not an easy thing, and the Government must be very cautious in imposing direct taxation upon incomes, lest we should embitter the minds of the ryots and strengthen the hands of the non-co-operators preaching a crusade against the Government. Only when all other resources of the Government have failed, and when the activities of the Government have to be suspended owing to lack of funds, then, as a last resource, the Government may try to levy direct taxation on land and not otherwise.

"Sir, these are the resources through which we should try to stem the tide of the present grave situation. Now, Sir, let me pass on to the budget proper and endeavour to show what are the departments wherein retrenchment can be advocated and what are the other departments in which you will have to incur greater expenditure than is provided for in the budget. For example, let me take the most important of all revenues—I mean the land revenue which is one of the largest and the most inelastic of all revenues. Income from that department is about 6½ crores and how much do we spend in getting and maintaining this income? Sir, it is nearly 25 per

[Mr. R. Appaswami Nayudu] [6th March 1922]

cent of the income that we are spending upon this establishment. This, in my opinion, is too large a sum and can be reduced to a certain extent. In my opinion there are too many Deputy Collectors in the department and their staff is simply appalling. Then again there is the Survey and Revenue Settlement, the maintaining cost of which is really too high. There is a general cry all over that there should be reduction in this department. Then again the pay of the vettis has increased to the colossal sum of about 15 lakhs only last year. In this year's budget there is a reduction six lakhs and odd in this department. In my opinion there should not be reduction in the staff but their pay should be reduced. Their pay is over and above their work. They do not perform any appreciable work except during tax-collecting days. In the rest of the period they are performing the private work of the other village officials or allowed to have their own way. Their pay may be cut down to its original level. Then again there is the forest department; considering the extensive land reserved as forest areas and the amount spent on it, the income from that source is not satisfactory. There is much room for reforms to be undertaken in that department with a view to reduce the expenditure. In the administration of justice also retrenchment can be effected. The salaries of the higher officers are already too high. Even in the process-service department there is too much staff which may safely be reduced. The Police department gets the lion's share of the expenses. No doubt circumstances necessitate such heavy expenditure, but nevertheless my opinion is that the cadre of sub-inspectors should be totally abolished; since it was introduced newly."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"May I ask to whom the work of the sub-inspectors should be passed on?"

Mr. R. APPASWAMI NAYUDU (*continuing*):—"They are newly introduced, and they can be abolished and their work may be entrusted to station-house officers."

"I believe the police talayaris also can be abolished. Considering the political situation, I think, that the funds which will be saved by the abolition of the sub-inspectors and the police talayaris may well be utilized for the introduction of new police stations throughout the Madras Presidency. We can have not less than 15 lakhs of rupees, and with this we can introduce not less than 300 police stations. Then, Sir, we come to the other department in which retrenchment should be made. There is a consensus of opinion both inside this Council and outside it that the Labour department should go. Some retrenchment could also be made in the item of 'Civil Works under Public Works Officers.'"

"These are some of the departments in which retrenchment could be made; I will now come to some departments where we can incur additional expenditure. There is Education. Liberal grants should be made for primary and secondary education. Instruction in scientific and technical subjects should be very freely given. In my opinion the District Educational Council is rather a burden on the tax-payer and it should be abolished; the sum thus saved may be given to primary schools and for the enhancement of the salaries of the primary school-masters. Then again there is medicine. We will have to pay for the construction and maintenance of more hospitals and dispensaries throughout the mufassal stations. Liberal grants may be made to encourage ayurvedic, siddha and unani

[6th March 1922] [Mr. R. Appaswami Nayudu]

systems so that the poorer classes of people might benefit. There should be special hospitals maintained for the treatment of eye diseases, leprosy, consumption and diabetes. Considering the appalling infant mortality in this Presidency institutions should be established for the purpose of training midwives. The department of Agriculture is another department where more money could be safely spent. India is a land mainly agricultural and the amount spent on the agriculture department is not money wasted. There is already the Agricultural College and Research Institute at Coimbatore which is of great benefit to the agricultural population. Another agricultural college should be established in the north so that the Andhra agriculturists might benefit. The establishment of more agricultural stations and demonstration farms will be a step in the right direction. The demonstration farms are doing useful work. Had it not been for the useful work rendered by this department the improvements in black cotton soils would not have attained such eminence as it has attained at present. I only wish that some more demonstration farms are introduced in different centres so as to make experiments in commercial products such as sugarcane, indigo, tobacco, chillies, etc., and show their commercial value and usefulness with a view to cultivate them in large areas. Then again cattle breeding stations should be maintained by the Government, one in the north and the other in the south, so as to rear good bulls and cows, the former to be sent to the mufassal for covering purposes and the latter for the purpose of milking. Then again this is a desideratum of agriculture that in this land of agriculture the Government should maintain some big gardens with a view to rearing useful and important fruit trees. The Department of Industries also should be helped; there is a vast scope of India becoming industrially great if only the Government gives aid to industries by taking in hand some industrial undertaking themselves. There is suitable material in the land for the manufacture of matches and paper. The Government should work out factories to show how remunerative an industry can be and then hand them over to private individuals who would take up such industries only if they find them remunerative. Thus there is much room for improvement under industries."

"Then again, Sir, liberal grants should be made for the maintenance and construction of roads. The local boards are pleading poverty for the construction of new roads. In black cotton soils, especially, want of good roads is very keenly felt. It ought to be the lookout of the Hon'ble the Minister for Local Self-Government to see that such grants are made for the constructions of new roads in black cotton soils thereby relieving the poor agriculturists."

"Then, there is irrigation. Anything spent on irrigation is remunerative. How many wild rivers are running waste to the sea and how if their courses are turned and made to run through villages, in the words of an optimist, the land will be flowing with milk and honey. I have also a scheme of mine as regards a wild river named 'Keeriyar' which runs waste in the Western Ghats near Puliangudi in the Tinnevely district. Considering the present financial stringency, I am not pressing this scheme."

"I have already shown that there are some departments in which retrenchment can be made and there are some others on which we have to incur additional expenditure. Now we are faced with a heavy deficit and how to tide it over is the question. The Government have egregiously blundered in

[Mr. R. Appaswami Nayudu] [6th March 1922]

giving effect to the recommendations of the Financial Relations Committee at the psychological moment—I mean at a time when the reforms were ushered in. Last year, we have been presented with a blank sheet; now this year, we are presented with a minus sheet. It devolves upon us—the Members of the Government as well as the representatives of the rate-payers—to change this gloomy aspect into that of a bright future. Members of Government should view things not only from the Government's point of view but also from the standpoint of ratepayers. In my opinion, the members of the Government should represent as much the views of the people as they represent those of the Government and the members of the Legislative Council should represent the views of the Government as much as they represent those of the people. Sir, viewed in this light, I am sure, that there will be co-operation in work; and when there is co-operation I daresay we will get over the deficit. It is my earnest desire and also my pious hope that we should try to work out to this end."

Mr. C. VENKATA RANGA REDDI:—"Mr. President, I cannot blame either the Hon'ble the Finance Member or the Government on this most unsatisfactory budget. This state of affairs is mostly due to the diarchic system of Government under which the responsibility should be shared by the two halves of the Government. The divided responsibility it is that is the cause of this muddle."

"Even before the Reforms, the Indian administration was too expensive for the means and resources of the Indian people. But after the Reforms, with our Executive Councillors, Ministers, officers of all sorts, with large salaries and larger new departments and establishments, the great growing fear of many has been realized that our administration has become more and more expensive. The reformed Government has been pressing more heavily upon the people than the unreformed one, expensive though the other one also undoubtedly was."

"Social, economic and educational improvements will be taken up and can be taken up only after the purely administrative requirements are attended to. These latter are eating up all—and more than all—the available money. To meet these requirements alone, additional taxation is being resorted to. I see no improvement—social and economic—vouchsafed for the masses. The local boards and municipalities are not capable of doing anything on account of their slender financial resources. The local boards have not got funds enough to improve the rural sanitation and they are not now in a position even to give sufficient supply of drinking water for rural areas. The position of the boards and municipalities has become worse than ever it was before pre-reform days."

"Well, Sir, may I ask whether anywhere else in the world the superior services are so overpaid and the subordinate services so underpaid as are the services in this country? And with all that and after the criticisms in this Council last year, have the Government made any serious attempt to reduce expenditure? The promise of Government last year that they would try and reduce expenditure by 20 per cent in all departments is still unredeemed. One full year has elapsed and the pruning knife has not been successfully introduced right through. A few poor clerks here and a few still poorer peons there and a number of village officers and talayaris and nirgantis have no doubt been sent home. To my mind it appears that many unnecessary offices and officers are still retained. When the Government has made an

[6th March 1922] [Mr. C. Venkata Ranga Reddi]

honest attempt at retrenchment in wasteful expenditure in connexion with higher services, it will then only have earned a right of hearing as to its plea of lack of funds. Unless the Government effects retrenchment and practises economy in all directions, the Members of this Council cannot whole-heartedly support them in their proposals for new taxation. Unless and until some higher offices are abolished and the number of higher officers is reduced, it is not possible to do anything substantial in the matter of retrenchment."

"Taking the Police department, Sir, I must say that the number of gazetted officers and imperial officers is abnormally high in that department. I would suggest that all the posts of personal assistants should be done away with, without in any way impairing the efficiency of the police. In that way the number of deputy superintendents can be reduced and a lot of saving can be effected. In addition to the permanent staff of deputy superintendents, provision has been made for five temporary deputy superintendents in the next year's budget. That item may be cut off. The posts of deputy inspectors-general of police may be abolished altogether. Their functions are merely the functions of a post office. If it is considered that there should be an intermediate officer between the district superintendent and the inspector-general, their number may be reduced to two."

"Then, again, Sir, take the case of deputy collectors. The posts of personal assistants may be abolished altogether in every district. I should think, Sir, that there need not be more than four divisions in each district. Till recently, there were only three or four divisional officers in each district and they were discharging their duties properly."

"Take, Sir, the Salt department. We have got in this department five sets of officers: (1) the Sub-Inspectors, (2) the Assistant Inspectors, (3) the Inspectors, (4) the Assistant Commissioners, and (5) the Deputy Commissioners, besides menials. One really wonders whether it is at all necessary to have five sets of officers. I would suggest the abolition of Assistant Inspectors and Assistant Commissioners altogether and I am certain that it will not impair the efficiency of the department. As if there are not enough of officers in the department, provision has been made in the next year's budget for 28 temporary assistant inspectors and 84 sub-inspectors. The members of this House will do well not to vote for this item. I should like to have an explanation for the provision from the honourable member in charge."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I reply, Sir, that this is a provision which is made every year? The temporary officers are employed on seasonal duties, the salt officers in the salt season and the abkari officers in the palmyra season."

Mr. C. VENKATA RANGA REDDI (*continuing*):—"The district forest officers have been abnormally increased during recent years and I would suggest their reduction. The conservators of forests are merely post offices like the deputy inspectors-general of police and I should think those posts might be abolished. Not being satisfied with the officers we have already, the Government have made provision for two more conservators and two more deputy and assistant conservators in the next year's budget."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"May I say at once, Sir, that the provision for the two Conservators' posts was discussed at the budget of last year and they have been in existence for nearly a year? There has been no fresh addition this year."

[6th March 1922]

Mr. C. VENKATA RANGA REDDI (*continuing*):—"In the Public Works Department the offices of superintending engineers are mere post offices and they may be abolished altogether. The executive engineers are themselves highly paid officers and I do not see any reason why there should be an intermediate officer between them and the Chief Engineer. There is not much money to be spent either on buildings or on irrigation works, and we have got a superfluity of officers with no work to do. I ask what is the good of having officers with absolutely no work? Why not abolish some posts of subdivisional officers and other officers of inferior grades?"

The Hon'ble Rao Bahadur A. P. PATRO (*interrupting*):—"All these offices that are referred to are permanent appointments. The appointment of the superintending engineer is made by the Secretary of State. We have tried our best to abolish one circle, and the total saving is six lakhs of rupees. It is impossible that the Public Works Department could be retrenched any further in the matter of establishments."

Mr. C. VENKATA RANGA REDDI (*continuing*):—"According to the budget estimate for 1922-23, for spending an amount of little more than 55 lakhs on original works and repairs, the Government are having an establishment costing little less than 20 lakhs. According to the revised estimate for 1921-22 for spending an amount of little over 67 lakhs, 26½ lakhs are being spent on establishment. Twenty per cent is ordinarily allowed for establishment charges in the Local Fund Department. Government must take steps to cut down the abnormal expenditure."

"From the point of view of the common villager, let us see whether the Government have done anything for the amelioration of the masses. Have any serious steps been taken by the Government to increase the very modest Census standard of literacy of 6 per cent? Without themselves contributing anything for free education the Government have given power to local bodies to declare education free provided the local self-governing institutions are able to bear the whole of that burden. Compulsory education has not yet been introduced in any part of the Presidency."

"Rural sanitation is in the same condition as it was prior to reform days. Though the bulk of the taxes are contributed by the rural populations they are looked upon with a step-motherly affection by the Government. The Government have done precious little to reduce drinking. They have not framed any definite policy to achieve that end. Of course, the non-co-operation movement has succeeded in reducing the abkari revenue, though it has not at all succeeded in reducing drinking. What they want is to embarrass the Government and they have succeeded. What we want is not the reduction of abkari revenue alone but the reduction of drink as well."

"The Forest department is being worked with the same rigor as before. In spite of a number of resolutions in this Council, nothing very tangible has been done to work the forest laws with less rigor. There are a number of forests, which without any loss either to the State or to the people could be disafforested, but under some pretext or other they have not been. Grazing fees have not been reduced and proper facilities have not been given to the ryots for getting wood for agricultural implements and for getting fuel."

"Death-rate has not been reduced and the people are living in the same insanitary dwellings as before."

6th March 1922] [Mr. C. Venkata Ranga Reddi]

"Though there is the Labour department, nothing has been done to improve the condition of labourers. On the other hand, the only occasion on which the department should have shown that it was capable of doing something good for the labourers, it sided the capitalists and created dissensions in the labour camp. The sooner it is abolished the better for the Government as well as the people."

3-30 p.m. "Proper facilities have not been given to ryots for getting wood for agricultural implements."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"I understand the honourable member is speaking about the Forest department, but cannot hear a word of what he is saying."

The Hon'ble the PRESIDENT:—"The Hon'ble the Home Member complains that he does not hear what the honourable member Mr. Venkata Ranga Reddiyar is saying about the Forest department. It is not unlikely that the honourable member himself is in the same difficulty in regard to what the Hon'ble the Home Member says. They are at two ends of the hall. I have also a similar complaint to make. I think it will be convenient if members who are at the corners of the hall will speak up a bit a little more loudly than they now do."

Mr. C. VENKATA RANGA REDDI (*continuing*):—"Again, Sir, no serious attempt has been made by Government to combat famines in the Ceded districts. For the last two or three years, the unfortunate people of those districts are having famine every year. No irrigation scheme worth the name has been thought of for those districts to save these unfortunate people from death and starvation. The Hon'ble the Revenue Member is reported to have said at Bellary that he would do something substantial for those districts before he lays down the reins of his office. Nobody knows how he will manage to get any money for the purpose unless it be by retrenchment and economy. But the Government as a whole do not seriously seem to have thought of either retrenchment nor economy as is evident from the budget presented to this House by the Hon'ble the Finance Member."

"Nowhere in any civilized country is there so much of starvation side by side with such appalling waste of public money by Government for so many unnecessary things, unnecessary officers and offices as in India. I would plead, Sir, for the reduction of the salaries of the Governor, the Executive Councillors and Ministers. At the same time, Sir, I must say that the salary of the Ministers should not be one pie less than that of the Executive Councillors. The Government would do well to reduce the number of Executive Councillorships to two and transfer some more subjects to the Ministers."

"As regards village officers, in spite of the resolution of this Council no provision has been made in the budget for any increase of pay to the village headman. From the very beginning the Government have been lending a deaf ear to the requests of these officers. At one time it was said that they were honorary officers and that what was paid to them was only an honorarium. Knowing full well that the Bills for levying village cesses for paying Government brought forward two Bills for levying village cesses for paying the salary of the village officers. Now they say that they cannot provide for increased salary to village headmen. This will certainly create a good deal of heart-burning. The Government would do well to give these hard-worked and responsible officers the increased salary which is long overdue."

[Mr. C. Venkata Ranga Reddi] [6th March 1922]

"Then, Sir, as regards allowances to the elementary school masters Government have provided Rs. 2 for the elementary school teachers in the revised budget on condition that the local boards concerned also would pay the other Rs. 2 from their general resources and not from the education tax. This is certainly very unfair to the teachers and also to the local boards concerned. What does it matter to the Government whether the local boards pay the money from out of their general resources or from their education tax? Again, Sir, what does it matter to Government whether the local boards concerned pay the other Rs. 2 or not? Why not the Government pay these Rs. 2 and be done with the matter? If the local bodies have got resources they will certainly pay. Grants to local authorities under section 37 of the Elementary Education Act have been provided only in the budget for 1922-23 but not in the revised budget estimate for 1921-22. The Government ought to have provided in the revised budget the grants to such local boards. The Government must fulfil that promise and give the local boards their due."

Mr. A. M. MACDOUGALL:—"Mr. President, I make no apology for inflicting myself on the Council because the Government in allotting three days for the discussion of the budget presumably expect every councillor to speak. This time last year I congratulated the Hon'ble the Finance Member on being able to budget for a very small deficit with the hope that it might be turned into a surplus before the end of year. Even now there is a little room for congratulation owing to the fact that a week or ten days ago he expected a deficit of 144 lakhs. Fortunately he is now budgeting only for a deficit of 105 lakhs. We are glad, Mr. President, even for this small reduction in the deficit."

"The Hon'ble the Finance Member in his memorandum went to ancient history of 23 centuries ago for his reasons of good government of a country. I only wish he had dived a little deeper into the Arthasastra and found how the great King-maker had dealt with revolutionaries in his times (Laughter). If he had done so, we would not have been discussing a deficit to-day. I would go further and say if he had dealt with the revolutionaries in the manner suggested there, the land-tax would have been collected without the aid of troopers and the Malabar rebellion would not have broken out."

"In all countries, Chancellors of the Exchequer say revenue must balance expenditure. I have yet to hear one say that expenditure must balance revenue and I offer the suggestion to the Hon'ble the Finance Member for the future. There is a time that comes to all countries when taxation becomes greater than the people can bear. That time, I am afraid, is approaching, not only in Madras, but throughout India. The reason is the burden becomes so great the people cease to purchase the goods that are taxed. The proposed increase in Imperial duties is going to hit my own trade very heavily. Owing to increased duties last year, trade declined heavily so that the increased duties did not produce the revenue expected. I speak of my own trade particularly, but have no doubt all other trades are affected in the same manner. I have had no training in budget framing nor have I had the time to go deeply into the figures of the present one and select any group of figures for attack. I intend therefore to confine myself to a few general remarks."

"The department which interests many people in this Presidency is the Department of Industries. I regret to say the department has been more or

6th March 1922]

[Mr. A. M. MacDougall]

less the step-child of the Government. One proof of this is the great lack of continuity in the personnel of the department. There has been, I believe, five different Directors of Industries in as many years. I ask the Hon'ble the Minister for Development how can it be possible to have a successful department if he is continually changing its head. If when the department was created the Government had had sufficient foresight to offer the post of the Director of Industries to a young, virile and energetic official and made the emoluments sufficiently attractive, it would have enabled one to accept and continue in it. If this had been done, it is more than likely this department would not have been in the position it is to-day."

"I regret to learn from a report issued recently there has been a loss for the year on the working of the Soap Institute at Calicut and Government advise that steps should be taken to improve the situation either by reducing the working expenses or increasing the retail price of the soap. The working expenses evidently require explanation as I find the working expenses for 1919-20 were Rs. 48,074-8-1 for an outturn of Rs. 2,41,713-14-6, in 1920-21 they were Rs. 45,704-3-10 for Rs. 1,17,625-2-2. I understand Government intend spending further large sums in enlarging the institute. Before doing so, I think they should pause and consider whether the institute is worth spending more money on."

"The Hon'ble the Finance Member mentioned in his memorandum the Government intended launching a scheme for vocational education. I have always heard, said and read that western education in this country had been more or less a failure. Vocational education is essentially a product of the west and was it wise on the part of the Government to graft this system on the east? Vocational education as far as I understand—I am only a lay-man in the matter—is to give children a training in school in the use of tools, etc., with a view to their being more useful if they entered a workshop later. That, Sir, is very good for the industrial countries of the west where when a boy leaves school he goes straight to a workshop to learn a trade. This is not a country, especially the Madras Presidency, where such things can be expected. I have heard it said that if vocational training is introduced all our troubles will disappear. That, Sir, I am afraid, is looking too far ahead. I am sure vocational education in this country will lead to a dead end unless my friend the Hon'ble the Minister for Education can show otherwise."

The Hon'ble Rao Bahadur A. P. PATRO (*interrupting*):—"Sir, I do not know whether the honourable member is confounding vocational education with technical education and industrial education. Last year at the time of his budget speech I had the good fortune to correct him."

Mr. A. M. MACDOUGALL (*continuing*):—"Only one more remark I wish to make, Sir, regarding the Forest Department. I am pleased to see the Government realize the amount of wealth there is in the forests of the Presidency and that they are endeavouring to exploit it. I read recently a very interesting document published by the department and I am sure what the Government intend to do is productive work and money spent on it is money well spent. From the revenue recovered the Government may in the future relieve the tax-payer a part of his present burden or utilize it for other good purposes."

[6th March 1922]

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ Sir, I shall now make, 3-45 p.m. a few remarks on some general aspects of the budget leaving a detailed consideration of various proposals for retrenchment to the stage at which the House votes upon various grants. We have met on this occasion one year after the inauguration of the Reforms and our work in this Council is being carefully watched and judged by the outside public. One of the tests by which we would have to be judged is as to how we would emerge from the present financial condition of this Province considered along with the financial condition of the whole of India at the present time. In giving consideration to our financial condition it is impossible to ignore the effect of the financial proposals made in the Imperial Legislative Assembly to cover up a deficit of 31½ crores of rupees. They have bearing upon our condition because we, in common with the rest of India, are bound to bear our share in the new taxation proposals which have been, and are likely to be, inaugurated. It is now evident that the people of this Presidency, along with others in India, rich and poor alike, will be called upon to bear taxes even for the ordinary necessities of life, such as salt, kerosene oil, matches and other similar objects, apart from being called upon to pay increased postal rates and enhanced railway fares. It is with that information and that knowledge that we have to pay consideration to the Budget which has been presented to this House and to the way in which the deficit is proposed to be covered up or met. I must, in the first place, state that we are somewhat handicapped in reviewing the budget, owing to some variations in the figures between those given in the speech of the Finance Member and those in the statements presented by the Finance Secretary to Members of this House. It would no doubt have been better and more satisfactory if these variations in figures could have been rectified. I have necessarily to refer to some of the figures contained in the statement prepared by the Finance Secretary, which I find are at variance with the figures embodied in the speech in several particulars. I find a variation in the Budget estimate of the revenue for the year 1921-22 which is given as 1,670·89 and 1,633 lakhs respectively, and also in the revised estimates for that year (1,561·85 and 1,526 lakhs respectively). I also find in the case of the expenditure for 1921-22 the Finance Member was pleased to tell us it was 1,748 lakhs whereas the figure 1,719·19 lakhs was mentioned in the statement furnished. And in dealing with the estimates for the year 1922-23, I find that the expenditure is put down as 1,664·62 lakhs according to the statement, whereas in the speech it was mentioned as 1,774 lakhs. The income for the year 1922-23 was provided at 1,612·14 lakhs according to the statement, whereas in the speech we find that about 1,564 lakhs is mentioned. Probably these variations would be rectified in due course of time. Therefore, before I refer to the figures in the statement, it is better I make this remark so that the Hon'ble the Finance Member may not be taken by surprise if the figures I give are found to be at variance with those mentioned in his speech. The most important period we have to consider in dealing with the Budget is from the year 1919-20, when Government embarked upon a policy of budgeting for a deficit. Time was when this Government was budgeting for a surplus, and very properly, complaints were made for such large accumulations of balances which have placed this Province in an embarrassing position. It was from the year 1919-20 that we have been deliberately budgeting for a deficit, but the position now is more acute than ever before. In 1919-20 we budgeted for 4·36 lakhs deficit

6th March 1922] [Mr. A. S. Krishna Rao Pantulu]

but in that year we had an opening balance of 210·29 lakhs out of which that deficit could be met. For 1920-21 we budgeted for a deficit of about 147·30 lakhs but we had an opening balance of 205·93 lakhs from which it could be made up. But our troubles and difficulties began with the year 1921-22 when we had to meet a deficit from borrowed money. We had an opening balance of only 58 lakhs, and the deficit was about 105·50 lakhs. The Hon'ble the Finance Member was pleased to tell us that we had to borrow on the whole 110 lakhs—”

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*) :—“ May I say, Sir, that that borrowing was not for current expenses but for remunerative loans? ”

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*) :—“ I am only speaking, Sir, of the general condition to which we have been drifting. ”

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*) :—“ May I also say, Sir, that borrowing for remunerative expenditure, that is, borrowing to lend again, is not creating a deficit? ”

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*) :—“ That I should submit, Sir, does not at all improve the position taken up by the Hon'ble the Finance Member. It will make matters worse if we necessarily have to budget for a deficit of about 105·50 lakhs. ”

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*) :—“ May I again repeat, Sir, that that includes money which we borrowed for the purpose of lending to agriculturists and others for various purposes for which we have been borrowing all along? ”

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*) :—“ I quite realize, Sir, what the Hon'ble the Finance Member refers to. As he himself stated in his speech, he refers to some sums of money lent for remunerative purposes. He also pointed out that out of the 110 lakhs 55·75 lakhs represented loans for remunerative purposes and 21 lakhs were spent from loan funds on works of permanent utility and famine relief while 9·5 lakhs represented the instalment due to the Government of India of the repayment of the provincial loan account. What I refer to, notwithstanding his statement, is that the fact that we have had to budget for a deficit continuously and that we have had at the same time to borrow money for purposes of administration is not a position which we can view with any feeling of satisfaction. It is only that aspect of it that I wish to refer to. ”

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*) :—“ Do I understand the honourable member to say that, if we borrow for the purpose of lending to agriculturists and that the sum borrowed exceeds our available surplus, he considers that an improper financial policy or improper budgeting, even though the amount borrowed is to be recovered in full from the persons to whom it is lent again? ”

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*) :—“ If all that we have borrowed is to be recovered, I have no objection to it at all; but as I shall show, it is not the case. Let us at the same time realize how we have gone on increasing the cost of civil administration. It will be found that so far as this is concerned, in 1919-20 the cost of civil administration was 458·20 lakhs of rupees and in 1920-21 it increased to 524·82 lakhs, the increase having been to the extent of 71·62 lakhs. In 1921-22 it was 667·75 lakhs

[Mr. A. S. Krishna Rao Pantulu]

[6th March 1922]

and again for the budget of 1922-23 it is put at 681.23 lakhs. It will be found from these figures that in the year to come we have budgeted for an increase of expenditure under civil administration to the extent of 13.48 lakhs. If this means—

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I ask, Sir, to what head the honourable gentleman is referring?"

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*):—"I invite the attention of the Hon'ble the Finance Member to the budget estimates presented to the Council, pages 2 and 3. You find on page 3 that the expenditure in 1920-21 was 594.83 lakhs. Then, deducting the revenue, which is about 70 lakhs, it comes to 524.82 lakhs. Coming to the budget figures for 1922-23 it is put as 734.97 lakhs. Under the head of revenue budgeted under civil administration for 1922-23, you find 53.74 lakhs; and deducting this amount from the expenditure, the balance comes to 681.23 lakhs. If you take the revised estimates for 1921-22 similarly, the expenditure (revised estimate) is shown as 718.34 lakhs and revenue as 50.59 lakhs. Deducting the latter figure from the former, the balance comes to about 668 lakhs. I was about to state that this figure is at variance with the figures given by the Hon'ble the Finance Member in his speech, that is 620 lakhs."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"620 lakhs is the figure which represents expenditure on salaries, Sir."

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*):—"Sir, it will therefore be found that the total of the expenditure under civil administration for 1922-23 comes to 681.23 lakhs against 667.75 lakhs which represents the revised estimate for 1921-22. This shows an increase of 13.48 lakhs. Let us also realize that according to the statement given by the Hon'ble the Finance Member in his speech and the statement presented to the Council showing the reduction to be effected under the economy campaign we have tried to reduce it to the extent of 23.32 lakhs. Therefore, if this economy has been effected in the budget for 1922-23 it means that under ordinary circumstances the expenditure provided for would have been even more, that is 13.48 lakhs plus 23.32 lakhs or 36.80 lakhs. This shows that the expenditure which under ordinary circumstances and without the retrenchment effected by the economy campaign should have been provided for at 36.80 lakhs for 1922-23 under civil administration, and that owing to the reduction of expenditure by 23.32 lakhs, the budget only shows that the expenditure under civil administration has increased by 13.48 lakhs."

"I would now request the House to consider whether the cost of civil administration which covers an amount of 681.23 lakhs is not extravagant and prohibitive if we consider the whole amount of expenditure and revenue of this province. It shows that more than 50 per cent of the normal income of this province is spent on civil administration. And this must be considered to be highly expensive. Apart from this—"

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I once again ask the honourable gentleman what he includes under the heads of civil administration? Does he include only General administration and Land Revenue?"

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*):—"So far as this is concerned, I would take all items of administration excluding those specified in the statement. I find in the statement specific details given under the

6th March 1922] [Mr. A. S. Krishna Rao Pantulu]

head. It includes various items from General Administration and excludes other items so specified up to contributions and assignments to the Central Government."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"I only wish to make it quite clear that it includes Education, Medical relief, Public Health, Agriculture and Industries."

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*):—"Even then, I regret I cannot agree with the Hon'ble the Finance Member, because the figures would show that most of it includes expenditure towards salaries as I shall presently show. I do not refer expressly to the revenue at all. So far I do not mean to suggest that it extends to the Revenue Department. As far as that particular head is concerned, it has not been suggested that it is the Department of Revenue that is included therein. Even as regards the Land Revenue Department, it has been shown under two heads Land Revenue and General Administration."

The Hon'ble Sir LIONEL DAVIDSON:—"I think the honourable member Mr. Krishna Rao has misunderstood the question of my colleague. He desired to ascertain whether Mr. Krishna Rao was aware what sub-heads are taken into account under the general category of 'Civil Administration'. The total expenditure shown under that head includes all outlay on subjects such as Education, Medical, Public Health, Agriculture and Industry."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I only wish to point out that the Hon'ble Sir Lionel Davidson might have had a little more patience. That was exactly what I wanted to point out the difference between the two. The expenditure under Land Revenue has been shown under two heads. It covers a high percentage of revenue realized and it is made up of items shown under two heads. The General Administration is item 22 and the sub-head is 22E. Honourable members might rest assured that I have fully verified the figures. I am quite aware of that fact, but Sir Lionel Davidson could have waited for a few more minutes instead of interrupting like this. And in view of the fact that I have been interrupted more than twice, I request that I might be allowed a few more minutes to finish."

"I wish to say at this stage that the cost under Civil Administration is abnormally high in the last two years without due regard to the revenues of the province, and I only request the House to consider whether they can give their assent to this budget when the country cannot possibly bear such cost of administration. That is the only point I would impress now."

"Before I go to other departments where retrenchment has been suggested or is going to be suggested, I wish to take a different view in so far as it does not provide for some very urgent requirements of the country. I shall deal with the question of retrenchment later on; but I would state at the same time and press it upon the attention of the Government that some provision ought to be made for necessary urgent schemes. The Financial rules preclude us from making motions to press for such items later. A careful perusal of the budget has shown that due provision has not been made for the extension of irrigation. I wish at present to lay special emphasis upon that aspect because, whatever may be the result of the efforts of the Agricultural Department in charge of the Minister, whatever divergences of opinion we may have, as to the beneficial results of the

[Mr. A. S. Krishna Rao Pantulu] [6th March 1922]

experiments which are being carried on by his officers and whatever opinions we may express as to the desirability or undesirability of employing a large body of experts without any useful results being obtained of their labours or investigations, there is no doubt that the average Indian agriculturist would be amply satisfied if you only give him further facilities of irrigation. Judged by that test, I wish the House to consider whether all that should have been done in the matter has been done. After making these remarks, I would press it upon the attention of the Council to consider whether the provision for irrigation works carried out from borrowed capital and also of a productive character has been anything satisfactory. It will be found that, notwithstanding all the anxiety of my friend the Revenue Member to push through irrigation projects, nothing substantial has really been done. I am particularly reminded of the memorable speech of the Revenue Member with regard to large scheme of irrigation projects. I request the attention of my friends to pages 76-77 of the budget: 'The decrease in the revised estimate is mainly due to surrenders from the grants to the Gōdāvari delta system, the Divi pumping system, the Lower Coleroon ancient system and the Cauvery delta system. For 1922-23 the administrative department put forward a demand for 17.81, but the figure was reduced to 9.82.' The provision made for productive irrigation works is 11.72 lakhs and in the revised estimate itself it was reduced by nearly 3.67 lakhs; and in the budget estimate no increase is provided for except to a small extent, the provision being 9.82. The remarks made regarding the irrigation works are in fact causing much disappointment, in so far as sufficient advance has not been made in that respect. For towards a demand by the department for Rs. 17.81 lakhs only Rs. 9.82 was sanctioned. There was ample opportunity for providing more funds for the purpose. I, Sir, am one in thinking that this is a matter in which additional provision should have been made. Then with regard to the Minor Irrigation works under civil officers (pages 38-39), it will be found there that the provision is highly disappointing. We find the provision made in 1921-22 is eight lakhs only; and in the budget for 1922-23 it has been further reduced. The remarks are more important in this connexion. 'The departmental budget estimate for 1922-23 aggregated 10.34 lakhs; but as a result of the retrenchment policy the figure was reduced to 7.59, the chief reductions being .42 under original works, .20 under maintenance and repairs, .11 under temporary establishment, .18 under travelling allowance and .02 under contingencies.' Then with regard to the works under the Public Works Department, we find the same process of curtailment so far as the works are concerned. The provision for all works, Major or Minor, is cut down. Then again, the Tank Restoration Works present a doleful and melancholy tale. Those who realize their importance to the fullest degree, and who have repeatedly been pressing upon the attention of the Government the necessity of carrying out those works on a large scale, have been utterly disappointed. I wish to ask whether the Council would be satisfied if retrenchment is carried out in all possible directions to the extent of prejudicing agriculturists. If steps are not taken for improving the irrigation works in this country, the people would not be satisfied.

"Then we come to the question of Education. No doubt some provision has been made for the purpose of opening some schools and a provision has also been made of 2½ lakhs for making grants to local authorities. But if

6th March 1922] [Mr. A. S. Krishna Rao Pantulu]

we realize that we have all along been advocating a large scheme of free and compulsory education we must confess that the provision is extremely inadequate."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"Do I understand the honourable member to be urging an increase under Civil Administration?"

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*):—"I put it, Sir, that so far as the provision for elementary education is concerned and notwithstanding all that has been said by the member in charge, further provision should be made. In the matter of Education, I believe, it has been accepted to be the policy of this House to further the cause of free and compulsory education at the earliest opportunity."

"Again, Sir, when we come to the Medical Department, I do not agree with those who have stated that they are satisfied with the increased provision. The provision whereby the local bodies are asked to contribute towards the heavy cost of enhanced salaries of medical officers must naturally tell upon their slender resources. Even though some additional relief has been granted, the small benefit is taken away—"

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I point out, Sir, that the additional provision is quite sufficient to cover the increased cost on account of medical officers?"

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continuing*):—"That is from the stand point of the Finance Member. I cannot agree with him there. I know several local boards have found it necessary to close some dispensaries for want of adequate provision. Until such help is forthcoming by the satisfactory provision of at least 50 per cent, local boards should be permitted to adopt other methods such as the introduction of Ayurvedic and Unani systems of medicine in the dispensaries, so that they can run them on more cheaply."

"These are some of the more important points which I submit to the consideration of the House. For want of time I shall have to dwell in detail upon questions of retrenchment at the time of voting of grants. I would now only press one or two questions upon the attention of this Council. It is said that the proposed retrenchment of pay in the case of those drawing 500 and upwards is not possible to be given effect to. But may I not say that unless you make a beginning somewhere, it is not possible to appreciate this objection so often put forward?"

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I ask, Sir, with what officers the honourable members would have me begin?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I rise to a point of order whether what the member that has just sat down has spoken is really a personal explanation. I would like to know whether one honourable member can go on interrupting another like this?"

The Hon'ble Sir CHARLES TODHUNTER:—"Sir, if I may be permitted to explain the personal application of the question, it is this. I have fully explained in my budget speech that we cannot give effect to the proposal to reduce pay on making appointments on Rs. 500 and upwards, because new appointments on a salary as high as that are only made in very special cases. When the honourable member with a full knowledge of that explanation, repeats the same proposal as a general proposition, I submit I am entitled to ask him what his proposal really means."

[6th March 1922]

The Hon'ble the PRESIDENT:—"Order, order. The only grounds justifying an interruption would ordinarily be a personal explanation or to correct an obvious mistake. I may mention at the same time that a debate like this cannot proceed satisfactorily unless there is certain amount of elasticity unless questions are occasionally allowed to be put for eliciting information. The honourable member, Mr. Ramachandra Rao, can hardly contemplate a total disallowance of such questions. May I also point out that, if a particular member feels that he has been unfairly interrupted, the remedy is in his hands? He need not take note of the interruption. But where he chooses to answer, there really exists no ground of complaint, and it is for the interrupted member to object more than for any other honourable member to do so.

"It is far from my intention to suggest that the honourable member, Mr. Ramachandra Rao, is out of order in raising the point.
4-15 p.m.

But if I were to rule that no interruption of any kind should be made by any honourable member in another honourable member's speech, that no application for information should be made, that no question should be put so as to elicit further information, the chances are that our debates would greatly deteriorate. As I have already indicated, if at any time the honourable member, Mr. Krishna Rao, felt that he was being interrupted unreasonably, the remedy was in his own hands."

Rao Bahadur A. S. KRISHNA RAO PANTULU (continuing):—"Sir, all that I wish to say is that, although I very willingly allowed myself to be interrupted, I want your permission to take a little more time on account of the interruption."

The Hon'ble the PRESIDENT (interrupting):—"I fear the honourable member is not aware of the fact that the bell has rung not once but twice. He has been already given an additional five minutes over that allowed and he is now in the process of having a second additional five minutes. But I have no objection to the honourable member finishing his speech."

Rao Bahadur A. S. KRISHNA RAO PANTULU (continuing):—"As has been pointed out by you, I also felt that it was better to have the facts elucidated and that was the view I took. I never felt the interruption at all.

"Now, Sir, the Hon'ble the Finance Member stated in justification of his position—though such a justification is not required—that I made the statement in full knowledge of the facts placed by him. I may refer him to his speech. He stated: 'That proposal, as I have already submitted to the Council, is not one to which effect can be given, because new appointments on Rs. 500 and upwards are made only to certain special posts, while the effect of the proposal in the case of promotions would be actually to penalise the officers promoted. The other definite proposal was to levy a tax of 10 per cent upon all officers in superior service. This is a proposal which the Council have the power of carrying in so far as it concerns the voted appointments. The total cost of voted appointments in the Imperial and Provincial services is 70 lakhs of rupees. Therefore the financial effect of the proposal would be a saving of 7 lakhs.' I wish to point out to this Council that we must not be led away by the statements of the Finance Member contained in those sentences. He has told us that if we were to give effect to the proposal which was accepted by the House almost unanimously, it will be penalising the officer who was likely to be promoted. I demur

6th March 1922] [Mr. A. S. Krishna Rao Pantulu]

from the position. For, this House is satisfied that we have already provided those officers with very large increases of salary; and the whole discussion here has proceeded on the assumption that they have already been given increases of salary which in several cases were far in excess of the necessities of the situation. Because it was felt that it would not be possible to reduce those salaries, it was suggested that when the time came to give further increases in the matter of promotions we might cry halt and stop where they are. I would suggest that if you are ever to have any scheme of retrenchment and wish to adopt that scheme, you must cry halt at the present high rate of increases; and if you do not accept this proposition you can never dream of having retrenchment in the matter of salaries. I would suggest that this Council ought not to be carried away by the fear that we are penalising those officers. We only expect them, Indians as they are, to sympathise with us when the country is objecting to any scheme of taxation; we expect them to realize that the country is protesting against such abnormal increases of salaries; and we also expect all Indian officers to co-operate with us and accept gladly the position which has been taken.

"The other statement made by the Hon'ble the Finance Member is: 'The total cost of voted appointments in the Imperial and Provincial services is 70 lakhs. Therefore the financial effect of the proposal would be a saving of 7 lakhs.' Whether it is 7 lakhs or 2 lakhs, I think the Council ought to accept the principle and give it a start. It may be in the case of voted appointments to-day, and it may be in the case of non-voted appointments to-morrow. I would expect even those officers whose appointments are non-votable to realize that the country is in one voice urging for reduction in expenditure and that this Council has committed itself to that policy in no unmistakable terms. If the Council resolves to give effect to it in the case of voted appointments and to the extent to which this Council has power to do so and if the members of the Executive Council and others holding non-voted appointments deliberately refuse to accept public opinion in the country, the time will come under the pressure of this Council when they will themselves review their position. We need not be afraid of those considerations; but if we take the steps that we have already resolved upon to effect retrenchment in the case of voted appointments, we hope that those Indian officers will realize and co-operate with us in this matter. May we not hope that other Indian officers in non-voted appointments and those who are not Indians will similarly realize that it is their duty also, when the whole country is asking for retrenchment, that they should willingly co-operate with us? I therefore think that there is no room for the fear expressed in the two statements made by the Hon'ble the Finance Member and that this Council would do very well to adopt measures of retrenchment which will have the effect of introducing a new principle even at the risk of some sacrifice on the part of Indian officials."

Mr. T. C. SRINIVASA AYYANGAR:—"Sir, the budget was gloomy enough last year and it is gloomier still this year, and the Hon'ble the Finance Member wound up his speech by saying that he looked to the future with great misgivings. The budget which was presented here is of a piece with the budgets which were presented in many other Councils in India, including the Central Government budget. What does it show? It shows that the

[Mr. T. C. Srinivasa Ayyangar] [6th March 1922]

revenue has decreased considerably, expenditure has increased considerably and that the normal sources of revenue could not be relied upon to adequately finance the expenditure. There is one striking contrast between the circumstances attending this Presidency and those attending the neighbouring provinces of Bengal and Bombay. Whereas the two additional taxes, that is the increase in court fees as well as in stamps, afford Bengal and Bombay not only sufficient revenue to cover up their deficits, but also to yield some surplus, this Province, in spite of the two taxes, has not been able even to make up the deficit. That shows that our Presidency is very poor and cannot afford to raise sufficient revenue by additional taxation to pay up money to maintain the services which are required. Then what should be done? Many honourable members have spoken suggesting ways and means as to how to meet this very sad plight. I do not think it necessary to tread the same ground covered by my honourable friends, but what I would suggest is that it is time that not merely should we examine sources of retrenchment or find means of economy according to the policy on which we are proceeding, but we should, if necessary, revise the policy in respect of certain departments at least. It would no doubt be unpalatable when we say that the Development department should be enquired into. But from the remarks made by some honourable members it is evident that the working of some of these departments deserves to be enquired into to see whether they are working on right lines, and, if they are working on right lines, whether they have yielded sufficient result; whether there are defects such as my honourable friend Mr. MacDougall pointed out, and whether it is worth while going on with some of those departments. Now, similarly, in certain other departments also it will be necessary to see whether the existing policy cannot be changed and thereby we cannot find funds. Now, let us take, for instance, the system of the payment of the three kinds of village officers in proprietary estates. The burden of paying them was undertaken by the Provincial Government about ten or eleven years ago and that was due to the policy enunciated by the Government of India. Now, during the discussion on the Bill to amend the Madras Act II of 1894, it was widely heard from many members, including proprietors of estates, that the Government made a mistake in taking away those officers from their control and enfranchising the service inams and undertaking to pay the said village officers. These village officers deserve to be paid better than the miserable sum they are paid, as they are called upon to do some sort of magisterial and police and civil judges' duties, not to mention revenue duties to the Government and the proprietors. In certain estates they were paid by a fraction of the produce of the soil. In such estates, it is possible to restore the old *mamool swathanthram* (payment by a fraction of the produce to the village officers). This would give the officers very decent emolument and the Government will be relieved from a burden. Those proprietors would not be unwilling to pay the officers the *swathanthram* if the small additional sum of *peishkash*, which they were called upon to pay ten years ago, be remitted. I can say from two very big estates that a reversion to the original system, wherever possible, would be welcomed by the officers who would thereby get more and by the proprietors who in that system would get a more efficient and reliable set of village officers. The Government also would be a gainer as it would be relieved of the expenditure of a much larger sum of money as their salary than the amount of the additional *peishkash* they receive.

[Mr. T. C. Srinivasa Ayyangar]
6th March 1922]

"Now, going to another point, what is the cause of this enormous increase of expenditure? My honourable friend, Mr. Krishna Rao, pointed out that in the matter of the salaries of services, the increase has been steadily growing. Sir, the Government machinery is not an end in itself. It is but a means to a great end; that end is to serve the cause of the public and to promote the prosperity of the country. What is the stage in which the country is, so that this well-oiled, well-manned Governmental machinery can work? Now, whether it is by this Government or by the Central Government, or by the local boards and municipalities, for the last one year we have been noticing this financial stringency and proposals of taxation. No doubt this Council did not vote for any taxation last year, but the Bills which were passed prior to the advent of this Council enabled the local boards and municipalities to revise their rates, to add to their rates and licensing fees so much so in some cases the rates were doubled and certain licensing fees were newly introduced and there has been an increase in direct or indirect taxation. Now the Central Government's schedule of new taxes about which we read in the papers shows that taxation is everywhere; whether you want to purchase a match box or a bottle of kerosene oil, or a gallon of petrol for your motor-car, or write a letter to your friend, everywhere you see the hand of Government in its powerful aspect of tax imposition. Now, we are also going to add two more, namely, the court fees and stamps. What is the result? If a man wants to sell his property, he has to pay something more for stamps, or if he has a quarrel with his neighbour who shifts the boundaries of his land, he has to go to the court and pay an enhanced court fee. Recently the *batta* payable to witnesses has been increased."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"I want to tell the honourable member that, under the stress of economy, the provision for increase of *batta* payable to witnesses has been cut out."

Mr. T. C. SRINIVASA AYYANGAR (*continuing*):—"I am referring to the witness *batta* in civil courts payable by the private parties in ordinary suits. Rates have been increased. 4-30 p.m.

The cost of obtaining justice has increased. My honourable friend Mr. Balaji Rao Nayudu drew a graphic picture of law's delays. But he is wrong in stating that the delay is caused by the adjournments obtained entirely by the solicitations of the vakils. The number of cases has increased and numerous adjournments are made. In spite of the explanation which the officers and the supervising authorities in civil courts may give, still the matter is worth considering and going into to see why cases should drag on a weary length for years, and to consider whether in some cases it may not be due to the fact that certain of the judicial officers who are posted to certain distant localities are unacquainted with the peculiar conditions and so take time for dispensing justice. It would be advantageous to have a system of grouping several districts in which similar conditions and habits and manners prevail for interchange and transfer of officers, as much as possible, within the same or allied group, so that officers having knowledge of the local conditions may dispense justice promptly. It is quite evident that in these days the winner in a heavy litigation seldom profits, but the loser is certainly ruined. There is a further question for consideration both for remedying law's delays and for getting a little more money into the coffers of Government; whether or not the law's delays, the prolonged arguments and the long time taken to write judgments is due to the multiplicity

[Mr. T. C. Srinivasa Ayyangar] [6th March 1922]

of the Law Reports. There is a great deal of law reporting in official and unofficial reports. It would be too much to claim for every decision which is reported something profound. The public will be all the wiser and find it all the more profitable if those which are really profound find their place in the reports rather than every one of the decisions. Assuming that all these judgments are really profound, why should not the Government make a profit out of them by having a strict monopoly of reporting? It is proper that the official reports are improved and the official report alone should come forth without the non-official ones. If from the decisions of the High Court, only those which deserve to be published be published, the reports will be valuable not only to the profession and the mufassal courts but also to the Government in adding to its revenue. I think it is a matter which the Hon'ble the Law Member may profitably give his attention to.

"Sir, one may go into many other departments in this way. In some of the south-eastern districts of the Presidency, there are many classes of people who pursue their hereditary avocation connected with coast trading and with trade with Ceylon. Most of these are now in a bad plight, and what is it due to? It is widely felt, and I believe there is some foundation, that it is on account of the quarantine regulations of the Ceylon Government and the closure of the northern ports in Ceylon to the trade between the coast towns of three districts—Tanjore, Ramnad and Tinnevely. It is clear that the dhony owners' business declined. These things call for attention. Whether you tax or whether the Imperial Government taxes or the local boards tax, the men to pay are the same people. Unless you improve their pursuits, unless you improve their opportunities of earning and of their ability to pay the taxes, it will be no good. The reasons given for the new taxes may be true, but to the man who is called upon to pay repeatedly, these arguments will not appeal and he will still question why we are successively imposing additional burdens upon him. My friend Mr. Krishna Rao pointed out that very useful schemes, which if carried out will add to the prosperity of the people, by adding to the acreage of cultivation, are held ever because for want of money. People will say, especially after the reforms have been introduced: 'Our own men have come to occupy official position in this Council and are also at the head of Government and after all what have they done?' There is a great deal of force in the suggestion made by my friend, Mr. Rama Rao, that it is time to consider whether the administration of this Presidency requires a cabinet of seven members. What was it that enabled three members once upon a time to carry on the administration? Why should there be a cabinet of seven members now? Is there any proposal to reduce the size of the Executive Council to two? If that is so, the proposal ought to be encouraged and strengthened and the proper authorities moved in order to approve it. A Council of two and a Ministry of two will make an excellent administration, and if in addition the Ministers themselves will come forward with a voluntary proposal to reduce their salaries, it would be an excellent thing because an example is much more than a precept, and unless they do it the taxation will go very hard with the people. Sir, it is not very cheerful to go into the details of the budget. Those of us who were associated with the Hon'ble the Finance Member during the whole of the year and who know how greatly he has given his time and attention to retrench and

6th March 1922] [Mr. T. C. Srinivasa Ayyangar]

economise, cannot withhold from him a measure of that grateful recognition that is really his due for all that he did. He can only effect the economies within the existing policies. To alter any policy does not lie with him alone; it will be with the entire Cabinet. Much will depend upon whether at the top of this top-heavy administration they are able to make some striking reductions. Sir, that will go a considerable way towards reconciling the people with the taxes which, I submit, would otherwise be extremely unpopular."

Mr. S. SOMASUNDARAM PILLAI:—"Mr. President, considering all the circumstances, the budget is a fairly satisfactory one. By that, I do not mean that there is no room for improvement. There are three principles suggested to meet the deficit with which we are faced. They are, development of the resources at our command, economy and borrowing. Taking the first suggestion, there are only three departments which pay us substantially, viz., agriculture, excise and stamps. These are the very same departments which have been attacked by the non-co-operators. While on the one hand they induce the people not to pay their land tax, they, on the other, picket the toddy shops and diminish the revenue from Excise. As for the revenue from Stamps, the non-co-operators advocate boycott of civil courts. They are thus in every way trying their best to reduce the income of the State. We are, however, fighting against these odds as best as we can and it is no doubt very difficult to adjust the budget in these circumstances. In the Forest Department, no doubt the income is small, for while the expenditure amounts to 50.09 lakhs the income derived is 54.18 lakhs which amounts to about 9 per cent on the outlay. Excepting the fact that the department has got a number of officers and experts, to me it seems there is no benefit derived. But I admit that it is necessary none the less to maintain the Department, for in course of time it is bound to do us immense good. As regards the department of Industries, the department is labouring for long without bringing any good in the end, the officials are themselves conceiving much more than they produce in the end. It may be said, of course, that it is in an infant stage. It is said that much money is invested in the purchase of machinery and we hope that in course of time the department will be a paying one.

"Then, Sir, the most important source of revenue is commerce. Commercially we are very backward and the people are to blame to a certain extent for it and not the Government. There is a woeiful lack of enterprising spirit amongst us and if we only come together, the Government may come out to help. Commercial improvement will be the best way of improving the financial condition.

"As regards retrenchment, I think we have done excellently well and if we go on at this rate, in course of time we would have saved much. Many people seem to be dissatisfied with what the Government have done by way of retrenchment. The Government have done much; for instance out of the total number of gazetted officers 60 have been removed and with them all their subordinate clerks and other establishments and from the non-gazetted about 565 have been curtailed. Some people are of opinion that we must go still further. We have allowed the department to grow unwieldy and all at once it cannot be curtailed, for by doing so, we will bring the Government to a standstill. Retrenchment in establishment must proceed slowly and advisedly.

[Mr. S. Somasundaram Pillai]

[6th March 1922]

I think the people who pressed further retrenchment meant only to suggest a gradual reduction. As regards the reduction in the village staff, the Government have done wisely and rightly. There are even in small villages about four vettis who do nothing but attend to the karnam and the munsif and it seems as though these people were created for the convenience of the village officers. Regarding the Police department, I think retrenchment there is undesirable so long as the present state of unrest continues amidst us.

"There was much talk about the village officers. I do not find the necessity for increasing their pay. Most of the village munsifs are very respectable people and they do not depend upon their salary. Are we to degrade them to the position of a paid official and to make them depend upon their salary for their maintenance? I think we should not. As regards the karnams, they are a set of flourishing gentlemen in the villages. When the proposal for increasing their pay was before this House I opposed it for this very reason that they do not feel the necessity for an increase. The Government have wisely enough introduced a Bill to find funds for giving effect to the proposal which met with approval in this House, but the Bill was rejected by this House. All this shows, Sir, that we are suggesting more expenditure of the revenues which are not sought to be augmented. It is apparently a very bad policy and rightly the Hon'ble the Finance Member has refused to pay the village officers the increments allowed to be given by this House.

"Then there is some amount of criticism directed against the Bills to increase court-fees as well as general stamps. Some people say 4-45 p.m. that the Government are resolved to levy all sorts of taxes which affect the poor people and have given up the idea of taxing amusements which mostly affect the well-to-do and which are very necessary according to some honourable members. There is no use of finding fault with the Government for increasing court-fees and stamps and, as I have already said, they have paid a good deal of attention on the question of retrenchment.

"As regards education, of course, a fairly good amount is provided as far as primary education is concerned, but as for higher education the extent of the amount to be spent on it should be left in the hands of the Government, because it is higher education that breeds so much trouble. (Laughter.) Of course it is quite necessary that the Government should have an eye upon the encouragement of higher education, but they should not think of wasting all the money upon it. Primary education will produce true loyalty; it will bring more wealth to India and make the people more industrious and more useful to the country.

"There is another question and that is as regards the Labour department. Some people seem to think that the appointment of the Labour Commissioner is a waste of Government money and that the department is a burden upon the Government; but, I say that the money which you spend on the Labour department is worth four times its value. Of course it may not return in cash, but it supports that class of people who are most loyal to the Government, who are the children of the soil and who are ever devoted to the British Government. Such people will stick up to the Government till the last moment. It is such sort of people that require protection, and if you do not protect them, you do not protect the country. And, what is the condition in which they are? They are in the most backward and depressed

[6th March 1922]

[Mr. S. Somasundaram Pillai]

condition. Go to a mufassal station and see in what state they are. In these days you get cheap kinds of cloth. They are given merely a piece of cloth and are asked to do every kind of work cheerfully. They have no water to drink and are really suffering from innumerable disabilities. But some of our friends said that really there is not much difficulty for them. A man who has always been kept in jail may like to go back to jail and may not like to come out of it. He cannot understand the value of freedom. So, on the whole, the Labour Commissioner is a most important officer as a protector of the depressed classes.

"As regards other items of the labour question some people are under the mistaken impression that it is on account of the Labour Commissioner that all the trouble in Puliyaantope arose. It is not at all so. It is quite necessary that there should be a commissioner especially in these so-called labour union days in India. For, the union such as we now have is really only an imitation; it is in an infant stage; it is not properly organized and there is no proper man to manage it. It is in the hands of those who ill-advise and mislead them; it is, to speak the truth, in the hands of the non-co-operators. They give them all sorts of ill-advice against the Government and against the people. It is they that set the caste Hindus against Parayas. The duty of labour unions is to protect people who really want to work and who have nothing to depend upon. These labour unions are apt to go wrong and until they are better equipped and organized, it is quite necessary that there should be a Labour Commissioner. If there is not to be a Labour Commissioner, then labour will drown itself. Some honourable members said that they would join the capitalists against the employees. It is all nonsense. It is the duty of the Labour Commissioner to protect people who are willing to work. These depressed classes are quite willing to work, while the caste Hindus are against it. That is the secret why all these complaints are set up against the Labour Commissioner. Sir, on the whole, it is wrong to abolish the Labour Commissioner. The moment you take away the Labour Commissioner, there will be great danger not only to that community, but to the country and also to the Government.

"There is a tendency here in this House to separate ourselves from each other. The Hon'ble Sir Charles Todhunter, the Hon'ble Sir Lionel Davidson, the Hon'ble Mr. Habib-ul-lah Sahib are all one with us. Why do you think that they are different people from ourselves. There is this spirit of antagonism pervading here. We have a tendency always to find fault with the Government. It must not be our aim to simply find fault with it. On the contrary, we must all co-operate with the Government and see how best to improve it. We must of course point out the defects and mistakes to the Government. We must all sit and consider together. That should be our idea. What I say is, on the whole, in spite of some defects, the financial budget has been very carefully and considerately prepared and presented. In that view I most cordially congratulate the Hon'ble the Finance Member. That is my second point.

"The third point is as regards borrowing. This is very nice. We may borrow either from the Government of India, or, if possible, from the Government of England. Because, once in 1893 when I gave evidence before the Royal Opium Commission, Lord Brassey said: 'How are you going to make up for the loss caused by abolishing opium trade?' 'There is the English Exchequer', I said, because in a speech of Mr. Gladstone, it was

[Mr. S. Somasundaram Pillai]

[6th March 1922]

suggested like this. So I say that if it is not possible to go to the English Government, let us go to the India Government who take away the lion's share from us. It is they that caused us all this suffering: so let them lend us money. Some people are under the impression that it is always better to show a deficit budget. They think that it is always safe to show ourselves as insolvents, because then there would not be much trouble. But that is not good policy. Of course additional taxation should not always be resorted to, but we must try our best to develop our resources, such as commerce and agriculture. In agriculture of course there are so many experts and there are very many scientists, but no agriculturist seems to have been benefited by the presence of these experts and scientists. I see a list of names printed here and these names are very difficult to be understood. All that I say is, we want no sort of literature. That is a very much mistaken impression."

(At this stage—4-55 p.m.—the bell was sounded to indicate that the honourable member's time limit was over.)

The Hon'ble the PRESIDENT:—"Order, order. The honourable member will kindly resume his seat."

Mr. S. SOMASUNDARAM PILLAI:—"I have already finished, Sir."
(Laughter.)

The House then adjourned at 5 p.m. to meet again at 11 a.m. on Tuesday the 7th March 1922.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Tuesday, the 7th March 1922, 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.]

Section 164 of the Estates Land Act of 1908.

1343 Q.—Sriman BISWANATH DAS Mahasayo: Will the Hon'ble the Law Member be pleased to state whether, where one-fourth or half the ryots of a village apply under section 164 (1) (a) (iv) of the Estates Land Act of 1908, it is necessary that they should deposit 8 annas per acre as per rules under section 164 for all the ryots of the village?

A.—The Honourable Member's attention is drawn to rule 5 (3) of the rules notified on 1st April 1910 under section 215 of the Act under which the deposit is calculated on the estimated extent of the estate or part thereof in respect of which the application is made.

Mappilla prisoners confined in Bellary.

1344 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Law Member be pleased to state with reference to the Mappilla prisoners confined in Bellary—

(i) the number of prisoners received in the Bellary camp from time to time and the nature of the arrangements made for their lodging, boarding and medical inspection, including segregation and disinfection after admission;

(ii) (a) the number of persons reported sick daily,
(b) the number admitted as in-patients,
(c) the chief diseases for which they are being admitted,
(d) the rate of mortality among them, and
(e) the total mortality since the camp was opened, with the chief causes thereof;

(iii) the medical staff sanctioned for the camp hospital and the disciplinary authority under whom the said staff is working and whether the medical officers concerned maintain a sanitary diary and whether the original or a copy of such diary is sent to the Sanitary Commissioner or the Surgeon-General with the Government of Madras for information;

(iv) whether the present arrangements for clothing, bedding, dieting, lodging and hospital equipments are satisfactory; and, if they are not, in what respects they are not so, and how long it would be before the arrangements are improved and made satisfactory; and

(v) whether the prisoners have complained of cruel treatment at the hands of the camp staff, whether such complaints were inquired into, and, if

[7th March 1922]

So, with what result; and if there were cases of ill-treatment, what was the effect thereof on the prisoners concerned and what action was taken against the officer or officers responsible for the ill-treatment?

A.—(i) A. Convicts commenced to arrive on 17th October and the monthly totals are as follows:—

October	628
November	1,275
December	1,321
January	807
1st to 16th February	536

Total .. 4,567

B. The first 2,500 convicts to arrive were lodged in the temporary sheds taken over from the Military Department. Arrivals since then have been accommodated in tents.

C. The usual jail arrangements for boarding are in force and the rules of the Jail Manual are adhered to.

D. All convicts are medically inspected at the time of admission to jail.

E. All new arrivals are segregated for eight days.

F. Convicts are bathed on admission to jail. No further disinfection of the persons of the convicts is possible in the camp jail.

(ii) (a) 65.01 (Daily average of both in-patients—47.18 and out-patients—17.16).

(b) 1,974 in-patients since camp started.

(c) Infective enteritis and dysentery, chicken-pox and influenza.

(d) 0.09 (on average strength in jail).

(e) 190 deaths (dysentery, infective enteritis, influenza and pneumonia).

(iii) (a) One medical officer, ten sub-assistant surgeons and four compounders.

The question of sanctioning further hands is under consideration.

(b) The staff works under the Jail Superintendent.

(c) The medical officer maintains a daily journal and this is submitted to the Inspector-General of Prisons monthly.

Page 3 of the monthly sick return contains the medical officer's opinion of the sanitary conditions of the camp and this is forwarded to the Surgeon-General monthly.

(iv) The present arrangements for clothing, bedding, dieting, lodging and hospital equipments are satisfactory. Additional arrangements are being considered in view of the approaching hot weather.

(v) No prisoner has complained of cruel treatment at the hands of the camp staff.

Mr. K. PRABHAKARAN TAMPAN:—“Am I to understand that these prisoners are sitting quiet without any employment?”

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—“We are devising employment; we cannot create employment in a minute.”

7th March 1922]

Mr. A. RANGANATHA MUDALIYAR:—“(ii) (a) The sickness and the rate of mortality appear to be very heavy in that jail. May I know if any special arrangements have been taken at least now to combat the mortality?”

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—“Everything that is possible is being done. We have sent a special officer. It must be remembered that there are 4,000 and odd prisoners, three times that of an ordinarily first-class Central Jail. We have sent in an Assistant Surgeon from the Guindy Institute with a travelling laboratory. We are giving as much medical assistance as is required. We have sent the Surgeon-General and the Inspector-General of Prisons to investigate the question of contamination.”

Mr. A. RANGANATHA MUDALIYAR:—“With reference to sub-clause (iv) it is said that the present arrangements for clothing, bedding, dieting, lodging and hospital equipments are satisfactory. I wish to know if these were satisfactory from the beginning?”

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—“They have always been as satisfactory as they could be made.”

Mr. A. RANGANATHA MUDALIYAR:—“Have there been non-official visitors to this jail? I mean private individuals.”

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—“I do not know what is meant by private individuals. Non-officials are private individuals.”

Mr. A. RANGANATHA MUDALIYAR:—“I mean those who are not appointed as non-official visitors. How many of these have visited the jail since the last four months?”

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—“I can't say.”

Manufacture of salt.

1345 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Member for Finance be pleased to state—

(1) when generally the season for the manufacture of salt begins and ends every year, for how long during this period was the Ennore bar not open, during the year 1918, and when it was re-opened by the department;

(2) the total length of the channels in the Ennore circle for supply of brine to salt pans, the amount usually allotted for clearing silt for a length of one mile and the average quantity in cubic feet of the silt estimated to be cleared in that length;

(3) the coolie wages obtaining in or about the years 1895, 1919 and 1920, respectively, with reference, if possible, to the estimates prepared or the rates paid in departmental execution of the works during or about the said years;

(4) whether recently licensees were required to scrape salt in one inch brine in crystallizers; whether, if so, previous and timely intimation of the proposed change was given to the licensees; whether the omission to do so, if any, resulted in loss to the licensees; and whether, finally, as a result of the protest on the part of the licensees, the Government reverted to the earlier system of scraping salt in half an inch brine;

[7th March 1922]

(5) the respective methods by which the weight of salt is estimated before transport and is finally calculated when it is passed into store at the depot; and

(6) whether there are any, and, if so, what objections to the grant of temporary receipts for estimated quantities of salt at the time of transport, subject to verification at the depot?

- 4.—(1) The season for the manufacture of salt varies in different parts of the Presidency. Speaking very generally it begins about the middle of January and closes about the middle of July or August. In the year 1918, the Ennore bar closed on the 19th June and was opened on the 9th July.
- (2) The total length of the channels in the Ennore circle for supply of brine to salt pans is $2\frac{5}{8}$ miles. The amount usually allotted for clearing silt works out on an average to Rs. 800 a mile. The average quantity of silt estimated to be cleared in that length varies from 25,000 to 28,000 c.ft.
- (3) Information is not available as to the coolie wages obtaining in or about the year 1895. In the years 1919 and 1920 male coolies were paid at the rate of 6 annas per head and female coolies 4 annas per head.
- (4) Orders were issued in September 1919 directing that the licensees should be required to scrape salt in one inch brine. These orders were duly communicated to the licensees who, however, did nothing to give effect to them. As considerable difficulty was experienced in carrying out the orders, they were modified in April 1920. The licensees sustained no loss.
- (5) Salt is loaded from the factories into boats by means of baskets of approximately uniform size, each basket holding roughly three quarters of a maund of salt. The quantity loaded in each boat is worked out from the number of baskets. At the depot, the salt is weighed into store. In the last two years only 15 per cent of the salt brought in boats was weighed, the weight of the balance being determined by rule of three, but this method has now been abandoned as not being sufficiently accurate.
- (6) Any licensee who so desires is permitted to sign the register in which the quantities transported are recorded from day to day and he can, if he so desires, obtain a certified extract for any particular day. No general system of giving receipts would be practicable, because it is the exception for licensees to attend at the time of transport.

Mr. A. RANGANATHA MUDALIYAR :—“ In answer to clause (6) it is stated that no general system of giving receipts would be practicable, because it is the exception for licensees to attend at the time of transport. Is there any objection to the receipts being given to the agents of the licensees or on behalf of the licensees?”

The Hon'ble Sir CHARLES TODHUNTER :—“ My experience is that nobody comes on behalf of the licensees. I went there once personally to enquire into some of the grievances of the licensees' association and none of them turned up in response to my notice.”

7th March 1922]

II

DISCUSSION ON THE BUDGET—cont.

The general discussion on the budget was then resumed.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ Our experience here is only for a few months. But we have created two mamools. One is to attack the non-co-operator in the course of every subject practically and the other is to congratulate the Hon'ble the Finance Member. I do not propose to follow the first mamool because in abusing the non-co-operators we forget that we are giving them a position and status which we very often deny them. We say very often that they do not exist except in a very small limited proportion, and then we proceed to say that Government are put to great troubles on account of their action. I do not propose to deal with the non-co-operators because we have to deal with them as they are and try to remedy the evils of non-co-operation if there be any instead of simply abusing them. As to the other point of congratulating the Hon'ble the Finance Member I do that much more heartily than anybody else (Laughter). First of all we have to congratulate him for the moral courage he has shown in withstanding the onslaughts of the various heads of departments and curtailing their bills to increase the expenditure budget by about a crore of rupees. That is certainly very creditable in these pressing days. Secondly, it certainly requires a good deal of moral courage for any Financial Member in this 20th century to refer to anybody of 23 centuries ago. I take it that it is a great thing in favour of Indians to say that in spite of the present civilization we should be able to have a quotation by the Finance Member himself of events that existed 23 centuries ago. That shows that even in ancient India there was something good, and therefore with the help of the British Government and with the help of the modern European civilization there is something good to be found in Indians. I hope this will help us a good deal if this fact is recognised in curtailing our expenditure. It is fitting that the Hon'ble Member in charge of Finance has sat a lot under mid-night lamp and fan to pick up the quotations from Kautilya and probably he would have done well if he had referred to a little more pre-historic book, Sukraneethi, of the famous Sukracharya, where he would find many more useful suggestions. Taking this book of Kautilya the maker of kings, I would appeal to the Finance Member to make a critical study of the book and a little more usefully too and instruct his subordinates to read and study the same. A precedent has been started for suggesting some new sources of income. Of course we are not dealing with questions of order, and I bow to Mr. Ramachandra Rao when he says that it is not our duty to suggest sources of income. I may be pardoned if I make a reference to Kautilya and say that whenever there is a new year's day or the King's birthday the tongues of many of us water. The old king-maker knew what it was and mentions a taxation on titles. I do not mean to say, Sir, that disloyal people should be given titles. I only say that the loyal people may be given titles and asked to prove their loyalty further by helping the bankrupt Government by way of gifts if necessary compulsorily. I do not say, however, that all title hunters or title seekers should be given titles for money. I only say that title deservers should be asked to pay some money when the Government realised that they deserve the titles. Supposing it is agreed that the title holder should help the Government compulsorily

[Mr. C. V. Venkataramana Ayyangar] [7th March 1922]

by liberal donations, the titles should be recognised every year and the payments continued every year. According to Kautilya again the help of the merchants like Sir P. Tyagaraya Chetti and lawyers too, might be invoked by taxation. There is one other source, the taxation of prostitutes, and what is more there is the taxation of drinkers. The Hon'ble the Finance Member referred to the old author in saying that even in those days drinking was going on. Therefore there is the challenge thrown on our face. But the old author had very good idea of the drinkers. He gave licenses for drinking only to people of good conduct. Before a man was given a drink he must produce a license. Such licenses were given by superintendents of drinking. Moreover there were other restrictions in those days, and there is no objection to follow every word of Kautilya only if it is followed entirely. For instance no intoxicant was allowed to be taken away from the shop. As I said no one was generally allowed to drink unless the superintendent gave him a certificate that he was of a very good character. Probably then there will be a good income from licenses to drinkers. These few words of mine will help, Sir, the Hon'ble the Finance Member to find out new sources of income next year. Kautilya has been referred to by several of my friends, and I will quote Kautilya myself. The Hon'ble the Finance Member referred to the cutting down of the establishment. According to him no more than one-fourth of the revenue should be spent upon establishments. Apart from all questions of percentages and other things it was a very good principle laid down 23 centuries ago that not more than 25 per cent of the income should be spent upon the various establishments. But, alas, what do we find here? Out of 13 crores $6\frac{1}{2}$ crores are spent upon establishment, and then the budget is cast on our face with that weight. So we want retrenchment. Dealing with this question of retrenchment it has been over and over stated that there should be more retrenchment. We can only say that there should be more retrenchment. We have no complaint against any particular bureaucracy, ancient or modern, white or brown or mixed as we have. All of them want pay, prestige, and patronage. If we analyse budget after budget in every country and in every Government we will only see that these things are there. We all know that personally the Hon'ble the Finance Member is very sympathetic towards us. In addition to the congratulations I have got full sympathy towards him. As the lawyer who abuses the client inside his chamber for his weak case and supports the same in the public court, the Hon'ble the Finance Member is cutting down in his own office the bills of the department heads but supports them in the open Council. Therefore personally our sympathy should go with him, although we must criticise the Government as a whole so far as this budget has been given to us. So far as this question of retrenchment is concerned the Hon'ble the Finance Member has given great details and even without the exception of Mr. S. Somasundaram Pillai there has not been one member in this House who has not said one word against the budget.

"It may be against trade taxation, it may be against forest taxation. 11-15 a.m. Whatever it may be, the Hon'ble the Finance Member and his colleagues in the front bench must have noticed that our cry has been practically unanimous and we have been all crying hoarse for retrenchment.

"Only one word more by way of appeal to the honourable members of this House. It may be that our resolutions about retrenchment have been thrown

7th March 1922] [Mr. C. V. Venkataramana Ayyangar]

to the winds; it may be that resolutions after resolutions that have been carried by us might have been thrown out by the Government with some explanation or other. It may be that some of the items in the budget are votable and a large number of them non-votable which we cannot touch. But I appeal to the House to do one thing; and that is to cut down establishments of the various officers whose salaries are non-votable. Take, for instance, six Conservators of Forests. It may be that we cannot move for the reduction or abolition of any of these posts. But we may reduce or omit altogether the provision for the six managers, six accountants and forty-two clerks, etc., and so on provided for these six conservators. We can reduce the travelling allowance and then leave the officers to work without travelling allowance and without establishments. We can thus show our power if we are united.

"Again we see how in spite of the reduction, the salaries have gone high. We will tell the Government that we will not be satisfied until a non-official committee of this Council is appointed to report whether any expenditure on salaries, etc., can be cut off. We know that in England the Geddes' Committee was appointed, and it came out with a report that 90 millions should be cut off, and the Government have now, after the publication of the report, stated that 66 millions had been curtailed already, and a notification has been issued that there would be no fresh recruitment at all. It is said here that permanent appointments cannot be taken away. But if the recruitment both to the higher and lower grades is stopped, we can find ourselves in a better position before the next year begins or in a very short time. Let us take an illustration. Take the case of sub-collectors and assistant collectors. There were 76 of them costing nearly $3\frac{1}{2}$ lakhs. Now there are 50 of them, and yet the provision made for them is $5\frac{1}{2}$ lakhs.

"We are all very glad and we must congratulate ourselves that instead of one Indian Member, we have now got five Indians in the Cabinet. What is the result? If we are able to show it by the record of legislation in this House, there have been six Bills introduced, two of them relating to repression and four for additional taxation. Who is responsible for those? The Hon'ble Minister in charge of Local Self-Government is the author of the first Bill in this responsible Government."

The Hon'ble Mr. P. RAMARAYANINGAR (interrupting):—"May I know, Sir, what the Bill is which he refers to?"

Mr. C. V. VENKATARAMANA AYYANGAR (continuing):—"Oh, yes. It is the Oath of Allegiance Bill. So far as the taxation Bills are concerned, the two Indian Members have come out with them. That is the result of the Reforms so far as the Indians in the Cabinet are concerned. I do not blame them. I am only blaming the scheme. The Hon'ble the Minister in charge of Registration and Education is responsible for additional taxation to the extent of over 7 lakhs under Registration and he did it so cleverly that we were not given an opportunity of saying even a word on that matter."

"Taking the Development Department, we are spending 16 lakhs under Industries. Out of this, $4\frac{1}{2}$ lakhs are to be spent for the establishment of the Director himself, and another $4\frac{1}{2}$ lakhs for Fisheries soaps, etc. etc.; while only $1\frac{1}{2}$ lakhs are given for experiments and we do not know what these experiments are. Then let us take the Agricultural Department which is in charge of the same Minister. I give the figures roughly. Out of about 16

[Mr. C. V. Venkataramana Ayyangar] [7th March 1922]

lakhs provided, 4½ lakhs are spent on the Agricultural College and Research Institute with so many experts, and 4½ lakhs on deputy and assistant directors of agriculture. I am glad that all this is spent near Coimbatore in addition to 2 lakhs spent on buildings."

The Hon'ble Bai Bahadur K. VENKATA REDDI NAYUDU (*interrupting*):—"The honourable member is perhaps not aware that there was a grant of 5 lakhs of rupees from the Government of India towards the cost of the buildings."

Mr. C. V. VENKATARAMANA AYYANGAR (*continuing*):—"I am aware of it, Sir. I said that 9 lakhs out of 16 was being spent for the College and Institute and for deputy and assistant directors. I appeal to the Hon'ble the Minister to see whether it is necessary to have a Director of Industries on Rs. 3,000 a month and a Director of Agriculture on Rs. 2,000 a month. I simply say all this to show that so far as many of these items are concerned, we can really show retrenchment."

"Only one word of warning, Sir. In spite of the carefulness of the Hon'ble the Finance Member and other officers under him, there is always a tendency, just to meet our objections, to show an increase in revenues and a reduction in expenditure unduly. This I said last year. There is a difference of nearly 150 lakhs between the two items in the figures of the current year."

(At this stage the bell was rung to indicate that the honourable member had exhausted his time-limit.)

Mr. C. V. VENKATARAMANA AYYANGAR:—"May I have a minute more, Sir, to wind up my speech?"

The Hon'ble the PRESIDENT:—"I much regret I cannot allow any more time, as I have already given notice that the time-limit will be rigorously enforced."

Sriman SASI BHUSHANA RATH Mahasayo:—"Sir, I could have very well understood the significance of quoting Chanakya in connexion with the policy of dealing with the revolutionary movement, for it would have been then apt to quote Chanakya's great theory 'Catha Cathya vada Acharet'—'Meet wickedness by wickedness alone', which would in the case of the non-co-operators mean probably 'repression for mischief.' But to bring in Kautilya to support theories of Government or canons of *Arthashastra* is not only quite out of date but also misleading. The word 'kautilya' as an abstract noun means 'cunningness'. I do not know how Chanakya came to be known by this name. But looking at Chanakya's ways of administration and theories of Government in the days of Chandragupta, one could aptly style him Kautilya. I am sorry that our beloved Finance Member should compare himself with Kautilya, the Cunning—"

The Hon'ble Sir CHARLES TODD HUNTER (*interrupting*):—"May I say, Sir, that what I did was to quote the circumstances which Kautilya regarded as conducive to financial prosperity? I neither based my budget on him nor did I dare to compare myself with him."

Sriman SASI BHUSHANA RATH Mahasayo (*continuing*):—"I know, Sir, the Hon'ble the Finance Member is not cunning. He has dexterously presented his budget; that is all. I dare say he is not cunning."

7th March 1922]

[Mr. Sasi Bhushana Rath]

"Sir, coming to the subject proper, I beg to submit that the budget is not a mere jumble of figures giving out the revenue and expenditure of the province. Behind these figures one could read the policy of the Government, rather the policy with which each department of activity is carried on. Viewing from this standpoint, let us see if there is anything special about the budget which we are discussing to-day. Has there been any change of policy anywhere, or is it only a reproduction of the last year's budget, of the course with a change in the figures? To me it appears that in spite of the Reforms, in spite of the famous declaration of the 20th August 1917, the policy of this Government has not changed a bit. The old Government, the Government of the pre-reform days, continues intact. There is absolutely nothing to show that the angle of vision has changed. There is nothing to show that though we are placed on the road to responsible Government, we have marched any appreciable length along that route. There is nothing to show that there is an attempt at the greater and more increasing association of Indians in the administration of the country. I venture to say we have not moved an inch forward. We are absolutely where we were."

"Sir, at the time of the presentation of the last year's budget, the Hon'ble the Finance Member had said in so many words that, owing to the Ministers having taken up their duties newly, the continuity of policy underlying several departments of administration had not been broken. Let us see, after a year's working, if there is any change of policy in the administration under the new dispensation."

"I see none of it. Even in the Transferred departments presided over by the representatives of the people there seems to be no new policy, no new development and no new advance towards the goal. In the matter of the Reserved departments in the working of which the Executive is responsible not to this Council, but to the Government of India and eventually to the Secretary of State, I can understand that there is stagnation. But in the activities of the Transferred departments—departments transferred to the people—I regret to find no change of policy. Neither towards the spread of primary education, the development of agriculture and industries, nor in the direction of the improvement of public health and in the training of people in the art of self-government has there been any new step taken or new advance made. To the credit of the Hon'ble the Minister of Education there is the item of vocational education for which some provision is made in the budget. But the members of this Council and the public outside do not know what the nature of this vocational education is going to be. In the absence of a definite scheme, it is difficult to say what this new proposal means or how far it will satisfy the needs of this province. In the matter of Excise, the Minister does not seem to have propounded any new theory or shown any change of policy. While the whole country clamours for a policy of prohibition, our Minister seems to be clinging tight to the favourite policy of the Government of the pre-reform days—the policy of 'maximum of revenue and minimum of consumption'—a policy which has been condemned wholesale not only by the sentiment of the public, but by its own stultifying results. As a champion of the old Congress politics, as a worker in the cause of temperance, whose work among the Reddis and Kalingies in one year in Ganjam had reduced recently the consumption of liquor by nearly 30,000 gallons, I would earnestly appeal to

[Mr. Sasi Bhushana Rath]

[7th March 1922]

the Hon'ble the Minister to make an attempt, at once sincere and bold, to propound a policy which will satisfy the needs and aspirations of the people and drive away the demon of drink once and for ever from this country.

"The Hon'ble the Minister of Education, while he was discussing the last year's budget—not from the front benches of course,—spoke vehemently in support of indianization of services. While speaking on the subject of increase in the number of school inspectors, he made a peroration which still rings in my ears and said that in the interests of efficiency, in the interests of economy and in the interests of this country it was necessary to indianize the educational services. Now that some power is devolved on him, I venture to ask what he has attempted and what he has achieved in that direction. If able and tactful men like the present Minister of Education are not able to effect any change in the system, cannot one with safety predict that, after all, the reforms are not going to favour the country with the much-hoped for maxima they were intended to bring? It is not given to us to know what obstacles lie in the way of our Ministers. It may be that they are absolutely helpless in certain matters. We ought to know their policy, their hopes and aspirations, their difficulties and disappointments, for otherwise how can we reach the goal which is pointed out to us by the reforms in which we have wittingly or unwittingly pinned our faith and through which we seek our deliverance?

"While on the subject of the Minister of Education I shall not refrain from mentioning this fact, as disclosed in the budget, that he has done more work with the pruning knife than his Colleagues, not to speak of the Members of the Executive Council. In this matter he deserves our congratulations, in that he has stopped further recruitments of Indian Educational Service men from England, or at least has held the scheme in abeyance and in that he has cut down some expenditure in the Public Works Department aptly styled the Public Waste Department.

"But when we turn to the Department of Development, what a doleful tale of woe that we hear? The Development Department has not yet justified the very name it bears. The same old policy of trusting in the experts for the improvement of agriculture, the same old theories and the same old methods appear to guide him in his work. No scheme of replacing the European experts at least at some distant date by Indian experts who, by their greater acquaintance of Indian conditions, will be able to achieve better results is forthcoming. The department has somehow or other not been popular up to now. It has not been able to reach the masses. We have heard last year about the achievements of this department from the mouth of the Hon'ble the Minister of Development. We have heard him speak of the great efficiency and wealth-producing virtue of single-seed plantation. On subsequent inquiry I learnt that this method was neither new to, nor unpractised by, the agriculturists of this province. European methods of agriculture and new and untried implements will be of no avail in this country where the people are poor and unequipped with scientific frame of mind. First of all the needs of the ryot have to be studied, which, I think, has not been done so far thoroughly.

"In industrial development of the province nothing has been done or nothing new achieved. The vigour which the department once showed and

7th March 1922]

[Mr. Sasi Bhushana Rath]

the power of initiative which the department once displayed in the good old days when Sir Alfred Chatterton was the presiding deity is now lacking and lacking miserably. Be the cause what it may, whether owing to constant change in the personnel of the Director or to the invariable change of policy which such change involves, whether owing to the lack of initiative or the absence of proper perspective, the fact all the same stares us in the face that proportionate to the cost involved in the upkeep and maintenance of this department, the province and its people have got nothing from the Government to be proud of or to mention with certain amount of consolation. The only institution worth mentioning which it has under its control is the Calicut Soap Factory which involves us in huge expenditure and brings us little by way of profits. You have all heard the criticisms levelled against it by a European member of this Council who must be credited with knowledge of trade and manufacture. What has been done to change this state of affairs? What has been done, Sir, I ask, to revive the indigenous cottage industries of this province? What has been done by way of opening new industries or giving out new ideas for improving the existing ones? There is great scope for the sugar industry in this province. Beyond experiments in sugarcane plantation, what has been done to give a stimulus to improve-ments in sugar manufacture? What attempts have been made, I ask again, to manufacture paper as a by-product from megasse, the refuse of sugarcane? I have got fine samples of paper made in England, through the courtesy of the department of industries, from this very megasse. What was done to follow up this successful experiment is a matter about which the public are kept in the dark. Probably the matter stopped there and the lack of initiative to which I have been referring is responsible for this inaction and indifference. What a great future there is for the paper industry in this province with plenty of megasse, bamboo, jungle-grass and other raw materials is perhaps unknown to the department. The once flourishing tanning industry of this province is at a standstill. Of course the department cannot alter world-conditions, but I ask, cannot anything be done to induce the manufacture of leather articles for use in India? If the half-tanned kid trade has fallen owing to slum in trade, cannot better tanning methods be employed and glaze kid and articles from glaze kid manufactured on a large scale? These are some of the matters which I press on the attention of our ingenious Minister of Development.

"Sir, I now turn to the activities of the departments over which the Hon'ble the Minister of Local Self-Government presides. Our Minister is responsible for the public health of this province. He is expected to keep this vast population of 45 millions in good health. Let us examine the efficiency and adequacy of the agencies available for this purpose. The majority of the population do not appreciate the western system of medicine and rules of sanitation. The masses still rely on their own indigenous systems. Even among the English-educated people there has arisen in recent years a regard and respect for the Kaviraji and Unani systems of medicine. I do not want to institute comparison of the two systems, indigenous and foreign, for comparisons are sometimes odious. What I wish to impress upon the House is that the foreign system touches only the fringe of the vast population. With your elaborate agency you are able only to treat 75 lakhs of people as Mr. U. Rama Rao explained yesterday. Your

[Mr. Sasi Bhushana Rath]

[7th March 1922]

system is more costly, your medicines are costly, your agency is inadequate, and more than all the masses have not shown any appreciation for your system. Under these circumstances, does it not behove the Minister for Public Health to revise the whole policy of medical relief? In spite of the want of State encouragement and patronage, the indigenous system has survived. The people have faith in its efficacy. Even now there exists an agency in every village in the mufassal, may be in the old-fashioned vaidyas and hakims. Do these advantages of a system in which there is popular faith, which is cheap and which has an agency, at once cheap and near at hand—do these advantages count for nothing in a matter concerning the public health of the province? A committee has been appointed to investigate into the possibilities of the indigenous system, but such half-hearted and halting measures will not be of any great use."

The Hon'ble Mr. P. RAMAIAH (interrupting) :—" May I take it that the honourable member does not want that we should investigate these systems? "

Sriman SASI BHUSHANA RATH Mahasayo (continuing) :—" I do not say that the committee should not be appointed, but I say that greater effort should be made in this matter of introducing the Kaviraji system. The people are using it without any hesitation. The very fact that these systems are already in vogue shows that further investigation is unnecessary.

" Again there is no encouragement given to capable Indians in the Medical Department. The indianization of services in this department is more important than in any other department. European doctors come as raw men, stay in this country and gain experience only to retire at the end of their services and proceed to their country to give, so to say, the benefit of their great experience to their country and not to India. Viewed from this view-point, it will be seen how necessary it is to improve and encourage the Indian element in the department as a principle and a policy.

" In the department of Local Self-Government the local bodies expect a more liberal treatment at the hands of the Minister. Their desire to have elected representatives to preside over the local bodies should not be deferred for the sake of merely keeping the power to appoint the Ministers' own men. If you yet believe in the efficacy of nomination, by all means do so in the case of boards which have not unanimously desired for election. Even there it is necessary to act steadily and promptly. The sight of keeping Ganjam and Kistna District Boards without presidents for nearly half a year in each case is sickening and does not show strength of mind or earnestness of purpose on the part of the Hon'ble the Minister even in the nomination of his own men.

" Sir, I do not review all this in any spirit of criticism, nor do I speak of these by way of complaint. My only object in drawing attention to these points is that our Ministers should come out with a policy and programme of their own. If they have difficulties and impediments in their way, the Council should be made cognizant of such matters. The first batch of our Ministers are really the prop on which the great edifice of responsible Government is to rest. They have a party to back them. They have every facility so far as one could see from outside, to carry their programmes into effect. Under such circumstances, am I wrong if I bewail the want of a programme in their hands? Am I casting any reflection on their ability and

7th March 1922]

[Mr. Sasi Bhushana Rath]

capacity, Sir, when I bemoan the absence of any definite and defined policy to guide and direct them? I hope my remarks will be viewed in the spirit in which I offer them.

" I will not weary the Council long with the survey of policy in all the departments which belong to the reserved part of the Government. I see that half of the Government has not been influenced to any large extent by the opinions of this Council nor by its recommendations. When we say ' You have not done rightly here or acted straightly there,' we are asked to come out with an alternative scheme, for have we not seen how we are asked to offer a scheme, if there be any, in substitution of the incremental time-scale system now in vogue? It is for the Government to devise ways and means. We would suggest alternatives and give detailed and definite schemes if and when we shouldered the responsibility of the Government ourselves. However, I shall not labour the point further.

" The Chamberlain of this Government said that the Government had to give up many schemes of usefulness for want of funds, has cried halt to some others for want of money. But I wish to ask why they have been so eager to spend money on the Agency scheme from the normal revenues of this province? Is it justifiable to launch such undertakings when we are faced with a situation bristling with financial difficulties without definite schemes and ideas with regard to their ultimate cost.

11.45 a.m. " The present Agency district is formed of nine taluks of Vizagapatam, five taluks of Gōdāvari and three taluks of Ganjam. Thus the Vizagapatam district has contributed half of the Agency district, and consequently it was considerably lightened as to become unfit to be in charge of a highly-paid district officer as Collector (who draws Rs. 2,500 to 3,000) with practically the work of a division. The following extra staff already sanctioned for the new district costs annually Rs. 1,20,000. Add to this the expenditure for a Judicial Commissioner, which is to be newly created, i.e., Rs. 25,000."

The Hon'ble Sir LIONEL DAVIDSON (interrupting) :—" The honourable member referred to the ' following extra staff ' ; but has not proceeded to indicate what the staff was."

The Hon'ble the PRESIDENT :—" The honourable member is nearing his time limit, and he must be left to finish his speech."

Sriman SASI BHUSHANA RATH Mahasayo (continuing) :—" I think the Agency scheme is a costly one. The Government have not said anything about the total cost of the Agency scheme. It is not known how the province will be benefited by commercial enterprises in tracts the proprietary right of which belongs to the estates. It can be at best a speculation to calculate profits on forests and electrical power in waterfalls which for the most part lie in the estates. The forests may be exploited by the existing Forest Department. Exploitation of minerals, etc., and forest conservation and other items can be carried out by private enterprise or the Forest Department. It is beyond comprehension why a separate district at enormous cost, both recurring and non-recurring, is required for the execution of the programme of development which largely depends upon private enterprise."

[7th March 1922]

Mr. B. MUNISWAMI NAYUDU :—“ Sir, with regard to the budget there are one or two facts which I want to touch upon. In February last, when introducing the taxation bills, it was pointed out that the budget will end with a deficit of 144 lakhs for 1922-23, and it was proposed that 76 lakhs should be covered by the taxation bills by way of amending the Court Fees and Stamp Acts, and 30 lakhs were proposed to be raised by way of raising cesses. So far as these bills are concerned, this Council rejected the Cesses Bills. In the present budget, there is however absolutely no provision made to increase the pay of the village officers. It was pointed out then that the question of payment to the village officers should not be put off any longer. But in spite of that it has not been provided for, as it were, in a retaliatory spirit. Sir, there are certain items in the budget now presented which are not in the nature of recurring charges on account of their extraordinary nature. For instance, a sum of 9.57 lakhs is provided under the head of Jails. It is stated in the memorandum submitted by the Hon'ble the Finance Member that this amount is provided because of additional expenditure to meet dietary charges for the maintenance of Mappilla prisoners. It cannot be said to be a provision in the nature of a recurring expenditure. It is a provision of an extraordinary nature and must disappear as soon as the Mappilla rebellion subsided.”

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—“ May I ask if the honourable member supposes that we are going to release all the convicted prisoners as soon as the rebellion stops?”

Mr. B. MUNISWAMI NAYUDU (*continuing*):—“ So far as that is concerned, it is of an extraordinary nature and will disappear in the course of two or three years by expiry of terms of imprisonment. This expenditure ought not to be treated as a recurring expenditure chargeable to revenue. There is another expenditure by way of 6 lakhs under ‘No. 47, Miscellaneous.’ And this is intended for emergencies in regard to Malabar where new developments are constantly arising. In the last budget we provided one lakh, and, so far as the revised budget is concerned, we do not find any expenditure therefrom. If these two items are taken they may come to 15 lakhs.

“ After all, we want only 32 lakhs for payment to the village officers, 17 lakhs in ryotwari areas and 15 lakhs in the zamindari areas.

“ So far as the travelling allowances are concerned, the Hon'ble the Finance Member said that the total bill would come to 73 lakhs and that he has provided 10 lakhs less in the present year. If only our proposals are carried out, it will result in a reduction of 25 per cent and will give us a saving of 8 lakhs more. It should be possible to find out other ways of retrenchment for the balance. The village officers could not be told to wait till better times come.

“ Then, Sir, there is another point which I want to draw attention to. I was one of those who approved of the taxation bills. I ask why 76 lakhs thus provided for should be set apart for covering deficits and not for paying the village officers. I submit that as this income is of a recurring nature accruing year after year, 32 lakhs must be provided out of it, and the remaining only set apart for wiping out the deficit. If not, the Council should refuse sanction to even these 76 lakhs. The village officers are in the lowest rung of the ladder. It will not be possible to assent to any

[7th March 1922]

[Mr. B. Muniswami Nayudu]

urther taxation. I need not dilate upon the necessity of providing for these village officers. As suggested in the memorandum, some attempt could be made to cut down the salaries of high-paid officials by 10 per cent.

“ Then, Sir, in Bombay I find the talatis are paid Rs. 20 and there was provision for 4 lakhs more. This is what I find in the Bombay Legislative Council Debate of 1st March 1921: A large amount of responsibility is in their hands, the collection of revenue, all the various returns that Government is continually asking for and which honourable members of this Council call for; and it seems likely that in the years to come the number of these returns will go on increasing. If we want our administration to be efficient, to be really up to date, this class of public servants must be properly paid, and I think the grant proposed of 4 lakhs of rupees is the very minimum required for the purpose in view. I do not think that in these days of high prices nobody really knows whether and when these high prices are coming down to any appreciable extent—Rs. 25 a month is the lowest minimum that we can pay to public servants—and I do not wish that this most useful class of public servants who are after all most efficient should be starved. It may be safely affirmed that if for any reason the Commissioners, the Collectors or even mamlatdars decide to go on strike, the administration of the Presidency will go on provided the talatis remain at their posts, but I do not believe that the administration will be at all efficient if this humblest class of servants go on strike.

“ I say that if these village officers do not stick to their offices, the administration of this Presidency will be impossible. If we neglect them, their discontent will be increasing year after year, and if they take into their heads to strike, the Government and the country must come to a standstill. So it is our duty to make them more contented, and until we do that there is no safety to the country. And in the face of the new movement, namely, the non-co-operation movement, it is all the more necessary that we must keep them a contented lot. The Hon'ble the Revenue Member should see to it. The items of expenditure above mentioned, being in the nature of extraordinary expenditure, have to be met by raising debt if necessary.

“ As regards the budget, I am sorry that so far as the Judicial Department is concerned, it has not been found possible to cut down expenditure. There are as many as 20 temporary sub-judges and 24 temporary district munsifs. It should certainly be possible at a time of heavy deficit to reduce this large number of temporary sub-judges and district munsifs. I hope that Government would make up their minds to abolish many of these temporary courts. Finally, I would request Government to provide for these poor-paid village officers, thus making it possible for us wholeheartedly to support the proposals for taxation. I submit that if Government do not see their way to provide for them, it will be our duty—at any rate, my duty—to oppose every one of these taxation bills.”

Mr. A. P. SAIYID IBRAHIM RAVUTTAR :—“ Mr. President, Sir, in the last paragraph of ‘The Traveller,’ the famous poem of 12 noon. Mr. Oliver Goldsmith, I find the following first two lines

which are worth mentioning here :—
‘ Vain, very vain my weary search to find
That bliss which centres in the mind’

[Mr. A. P. Saiyid Ibrahim Ravuttar] [7th March 1922]

"We will find similar happiness which is in store for us if the expenditure is curtailed in the administration of this Presidency.

"Sir, it is a matter for sad disappointment that the Central Government has not condescended to release the Madras Government from the strained financial difficulties which are experienced since the opening of the Reformed Councils. The net result of the Reformed Councils is nothing but endless taxation to which the innocent tax-payer is subjected. The Central Government, by its refusal, seems to have taught a lesson to the Madras Government, so that the latter may not embark upon the new avenues of expenditure which has hitherto been met on an extraordinary scale. Unless and until the expenditure is curtailed, there is no positive ray of hope for the Provincial Government to fill up the gap, i.e., the deficit of the budget.

"Coming to Public Works Department, Sir, it would be advisable at this stage to stop the proposed new palatial building, without hindering the construction of works which are in progress, and for which I find ample provision has been made."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"I should like to be informed what buildings the honourable member is referring to."

Mr. A. P. SAIYID IBRAHIM RAVUTTAR (*continuing*):—"In these days of financial difficulties it would be a great saving if the Government cancels the increase of pay allowed to the subordinate executive officers in the Public Works Department.

"Last year, Sir, the Government had accepted the resolution moved by me to raise the status of the Islamiah Secondary school into a High school at Trichinopoly. The Muhammadan public is very anxious to see effect is given to this resolution. But, strange to say, no provision is made in the budget presented by the Hon'ble the Finance Member (page 138, budget). Assuming that this may be due to want of funds, it is surprising to note that, in page 140 of the budget, ample provision is made to the extent of Rs. 1,05,663 against Rs. 68,000 in the previous year for the salaries of Superintendents, Head Mistresses, Masters and Teachers; and again, in the establishment charges of the same page, there is an excess of Rs. 1,623 provided for clerks and peons. Under the head of contingencies, I find Rs. 18,270 is provided as against Rs. 13,100.

"I do quite understand that the Hon'ble the Finance Member has spared no pains in preparing the budget and has satisfactorily discharged his arduous and onerous task. From a perusal of the budget, it appears that the Hon'ble the Finance Member has not properly entered into the field of retrenchment. In page 57 of the budget, provision is made for 242 clerks against 72 clerks in Forest Department. The cost of adding this establishment comes to Rs. 23,002.

"The Hon'ble the Finance Member has cautioned us that this House would face the budget with a deficit of 144 lakhs of rupees for the official year. One-half of the amount has been made good by introducing new legislation in revising the Court Fees Act and the Stamp Act. The other half may also be fairly met, if the Hon'ble the Finance Member uses the pruning knife in all the departments from top to bottom without impairing

7th March 1922] [Mr. A. P. Saiyid Ibrahim Ravuttar]

their efficiency and administration. It strikes me that only by way of retrenchment in expenditure that the other half of the budget deficit can be levelled.

"Taking into consideration the Civil Veterinary department, the general complaint from all quarters is that officers, i.e., inspectors, superintendents, and veterinary assistants have now adopted a new system of touring for at least 20 days in a month whether there is work or no work, and that this department is not kept up-to-date to meet the modern requirements. To curtail the expenditure it is absolutely necessary that the appointment of the Imperial Service officers should be limited to as small a number as possible. Again the too much touring of this department is not only expensive, but also leads to serious inefficiency of work inasmuch as the reports of the sudden outbreaks of epidemics do not reach them in time; and their services are not obtained until it is too late. By cutting short the tours of these officers to the necessary degree, the Government would be able to save a good deal of public money.

"If the Hon'ble the Finance Member calls upon any officer of the machinery to submit an abstract stating his present salary, batta, travelling allowances, double first-class, and compare the same with the outturn of work in each case, he will come to know how much of the public money is being wasted in a frivolous fashion under the imposing title of tour. In most cases the travelling allowance exceeds the regular pay of officers. Such a state of affairs is quite anomalous and deplorable in the interests of the public finance. I beg to submit, Sir, that a fixed travelling allowance along with the monthly salary and a limited number of days on tour, as in Bombay, will reduce the abnormal expenditure incurred through travelling allowance to reasonable limits in all departments.

"Coming to the Fisheries department, I find that the expenditure is again swelling and the receipts are dwindling. I do not see any reason why the Government should lavishly spend again and again when they actually experience loss in the department. In these days of financial stringency expansion of the work in the departments which are not paying must be immediately stopped. Even in this department the travelling allowance is top heavy.

"The present policy of the Government is to observe strict economy and abolish superfluous posts and offices. But in the Registration department quite the reverse is the case. I should like to point out one or two instances. The services of the personal assistant to the Inspector-General of Registration is a wasteful luxury. The Inspector-General can go through all the records in person, and it is through the latter that the departmental orders and routine papers are passed. This brings a net saving of Rs. 7,000. The services of the Inspector specially deputed to prevent corruption may be dispensed with, and his work may be devolved on the District Registrar, who can discharge the same more efficiently, being conversant with the local conditions of the district. The Inspector, the creation of whose post has after all produced no good result, gets a monthly salary of Rs. 350, allowance Rs. 50. His travelling allowance is Rs. 350. It comes to Rs. 1,175 including the establishment charges of Rs. 400 or Rs. 14,100 per annum. Here we have an officer getting a travelling allowance equal to his salary. Again I have to make special mention in this connexion that the frequent

[Mr. A. P. Saiyid Ibrahim Ravuttar] [7th March 1922]

tourings of the deputy registrars to visit the sub-offices under their jurisdiction and the transfer of the sub-registrars from one corner of the presidency to the other involve unnecessary expenditure. This is quite contrary to the policy pursued by the Government at present.

"Turning to the Department of Industries, ample provision is made for five assistant directors who simply spend their time in experimental works, such as superintending, pumping, boring operations, and the maintenance of industrial installations. Even under this head the expenditure is top-heavy.

"The expenditure incurred by the institution of assistant registrars of co-operative societies on the revenue divisional officers' grade is highly expensive both with regard to their salary and their travelling allowance. We have got here an instance for the proverb 'the game is not worth the candle'. The assistant registrar who is always on tour has a travelling allowance far exceeding his salary and produces after all no personal work. Again, he is not one professionally qualified for the various kinds of works of the co-operative societies. One found inefficient in the general administration business is posted to this department. So, retrenchment in this branch can be effected in the following ways:—

"(1) By the abolition of the assistant registrars' posts of deputy collectors' grade and instituting officers of a lesser grade, i.e., a tahsildar with a fixed allowance which should under no circumstances exceed the salary.

"(2) The abolition of paid assistant registrars' posts altogether and having in their stead honorary, local, and industrially experienced men with decent travelling allowances for limited areas.

"With the usual congratulations to the Hon'ble the Finance Member for his presentation of the budget, I resume my seat."

Sriman BISWANATH DAS Mahasaya:—"Mr. President, Sir, the moderate opinion in India and especially in this presidency undertook to work out the Reforms Act on the faith that the ability and fitness of Indians for higher responsibility shall have to be practically demonstrated. Yesterday, His Excellency the Governor was pleased to observe the wonderful progress we have made and the strict adherence we have kept to parliamentary procedure and practice. Being trained up in parliamentary practice, it is very natural for us, Sir, to demand parliamentary responsibility from the Executive. The Hon'ble Mr. M. S. Das in his budget debate has said: 'My twelve months' experience as Minister for Local Self-Government has convinced me that the incumbent to this office should be elected by the members of this Council.' If this is true of himself, it is true of his colleague. If such a step of advance is felt in the province of Bihar and Orissa, it is still more anxiously felt in Madras. It therefore follows that the Ministers should be our elected representatives in the Cabinet and the Executive Councillors should very soon merge themselves in the Ministry.

"Our thanks are due to the Hon'ble the Finance Member for his lucid speech and the explanatory notes he was pleased to append to it. Still further he takes us with him when he quotes the great Indian Machiavelli, Kautilya to support his policy of taxation; the inadvisability of reducing many appointments and the justification for the sale of liquor. However much antiquated the principles of Arthasastra may be, peace, prosperity

7th March 1922]

[Mr. Biswanath Das]

and happiness it brought on the people during the reign of Maurya kings are still facts of history. The Hon'ble the Finance Member having quoted from Arthasastra should have at least followed the great Kautilya in those principles.

"Thus in page 54 of the Arthasastra it is stated: 'He (the king) shall protect agriculture from the molestation of the oppressive fines, free labour, taxes, etc.'

"In page 147 he again states: 'Those who are well known and are of pure character may take liquor out of shops. Likewise those who are too extravagant and spend beyond their income shall be arrested.' I wish the Finance Member had accepted these principles of that great Indian politician of the B.C.

"With your permission, Sir, I would again draw his attention to the chapter on 'Justice', where he speaks of free justice without any mention of court fees or stamp duties. To me it seems, that we contradict ourselves by quoting Kautilya so long as we make our law courts a source of income, so long as we refuse to separate the judiciary from the executive, so long as we refuse to introduce the system of trial by jury and so long as we have no excuse policy of our own except the policy of indiscriminate sale to get the maximum income.

"His Excellency the Governor, we were informed, is personally attending to the work of retrenchment and has called upon all officers to submit proposals as to how they should work with a reduction of 20 per cent in establishment. Great were our expectations in this move of His Excellency. The Hon'ble the Finance Member now informs us that all retrenchments being effected only brings us a saving of 23·31 lakhs. Let us see how far.—"

The Hon'ble Sir CHARLES TODHUNTER (interrupting):—"May I say, Sir, that that 23·31 lakhs was the saving on establishments alone?"

Sriman BISWANATH DAS Mahasaya (continuing):—"I said the same thing. Let us see how far the Government have gone. If the pay of all officers engaged in the collection of taxes comes to Rs. 6·20 crores, 20 per cent reduction would have brought us a net saving of Rs. 1·20 crores."

The Hon'ble Sir CHARLES TODHUNTER (interrupting):—"May I say, Sir, that the 6 crores and 20 lakhs represent the whole of the establishment of the presidency, not the establishment engaged in the collection of taxes."

Sriman BISWANATH DAS Mahasaya (continuing):—"In page 6 it is given as the pay of the officers and establishment engaged in the collection of taxes."

The Hon'ble Sir CHARLES TODHUNTER (interrupting):—"May I read the passage, Sir, with your permission? I take it that the honourable member is speaking with reference to the figures given at the top of page 6 of the budget. The passage runs: 'The total amount spent upon all the services in salaries and allowances is 620 lakhs.'"

Sriman BISWANATH DAS Mahasaya (continuing):—"I certainly refer to that, Sir. The total cost of establishment spent on services are given in Budget Estimate, page 3."

[7th March 1922]

The Hon'ble the PRESIDENT :—"The honourable member Mr. Das said that the 620 lakhs was the amount spent upon establishment engaged in the collection of taxes: the correction by the Hon'ble the Finance Member is, that that is the pay of all establishments, not establishments engaged only in collection."

Sriman BISWANATH DAS Mahasaya :—"In page 3 of the Budget Estimate it is stated that 7.34 crores represent all the establishment expenses. I am sorry, Sir, I am losing my time."

The Hon'ble the PRESIDENT :—"I think the honourable member need not further explain now. He may go on with his speech."

Sriman BISWANATH DAS Mahasaya :—"But the retrenchment effected 12-15 p.m. brings us only 4 per cent of the cost of the whole establishment, its noticeable feature being the abolition of the posts of 4,675 peons, attenders, etc., whose annual salary would cover the pay of an Executive Councillor, and those of 7,174 members of the village establishment which will cover the pay of a member of the Board of Revenue. Along with this retrenchment, some new posts such as, one post of forest engineer, five posts of deputy superintendents of police, a district and sessions judge for the Agency and such others are newly created. The Government will have to justify the creation of these new posts before it asks us for grants. The posts created are of the Indian Service and the Government fully know that the Provincial Legislature cannot trench on these appointments without the sanction of the Secretary of State. One feels himself convinced that the Government cannot think of further retrenchment. In Bengal, Bihar and Orissa committees of Legislative Council are appointed to submit proposals for retrenchment. Let us therefore be benefited by their example and appoint a committee of this House either to scrutinize the papers submitted by various heads of departments in response to the 20 per cent reduction or to examine thoroughly the various departments of the Government and, like the Geddes' Committee of Parliament, finally advise the Government on the policy of retrenchment. Such a committee is also necessary to propose simplification of such laws, rules or orders which at present make the proceedings long and costly. The following may be taken as illustrative examples :—

"1. A hereditary village officer has now the option of preferring three appeals, thus creating work even for the members of the Board of Revenue.

"2. Under the Local Boards Manual, the District Medical and Sanitary Officer is required to inspect any plot of land before a school building is erected on it. This could be done easily and at a less cost by the local bodies with their medical officers.

"3. Under the Local Boards Manual any estimates of a building above Rs. 5,000 are scrutinized by the superintending engineer which should have ended with the district board engineer. Such a scrutiny is unnecessarily costly as very often these estimates, after scrutiny, are given up for want of funds.

"Having spoken so much on retrenchment, I offer a few remarks on the activities of the following departments :—

"Education.—This year's budget provides practically nothing for the advancement of education. It gets 160.64 lakhs in place of 154.18 lakhs

[7th March 1922]

[Mr. Biswanath Das]

last year. To a casual observer it seems as if the department got 6.46 lakhs more than last year. From page 53 of the memorandum it is clear that the six lakhs represent the unspent balance budgeted last year as contributions to local boards under section 37 of the Elementary Education Act and 1.56 lakhs as the saving in the provision of six lakhs budgeted last year for new schools which could not be utilized. Much of the so-called increased budgeted amount of 6.46 lakhs only represents the re-allotted amount from last year's budget. The Hon'ble the Minister thus got little money in this year's budget. If 15 per cent of the population represent school-going children the entire school-going children in the Presidency is 63.33 lakhs. Of this number only 17.99 lakhs receive education. In other words, about 28 per cent of children of school-going age, or 2.3 per cent of the total population, receive elementary education. I leave the House to think and decide if this is at all a desirable state of progress. The educational rules prescribe a certain design of the building and a fixed number of square feet for each student. This, I submit, is a great hindrance to the expansion of elementary education as in many places the idea of starting new schools is given up for want of proper accommodation.

"Local Self-Government.—Since the inauguration of the Reforms the fate of the local bodies has gone from bad to worse. The Hon'ble the Minister, unlike Ministers of other provinces, has launched on a scheme of centralization, keeping all external and internal control over them, even though a good deal of freedom was promised in the Montford report. At page 194 the illustrious authors of the report recommend the system of elected non-official presidents, and I ask the Hon'ble the Minister, with all humility, as to how many district boards he has conceded the franchise of electing their presidents ever since he took the portfolio? He would force the local bodies to take a loan of his medical officers, and when this is done, he would force his scale of pay; thus the local bodies are now asked to pay Rs. 136 in place of Rs. 75 they were paying a few months back. Look at the distress of these local bodies which are kept practically starved ever since the inception of the Reforms. This system of centralization, need I say, Sir, defeats its own end. The Government may have in view making of institutions costly and hence wide extension of medical aid impossible. His good Surgeon-General then comes upon these local bodies with sudden and costly transfers which far exceed their budgeted amounts in travelling allowances for these medical officers.

"Development.—This department is treated like a foundling child. The office of the Director of Industries has been made the refuge for stop-gap civilians. It is high time that the Hon'ble the Minister should have, instead of a civilian, an industrial expert who can advise him with a first-hand knowledge of the various branches of development. I do not know how far it is advisable for him to employ experts of a temperate climate in a tropical country for agricultural research where even the repairs to the irrigation tanks are denied to the ryots. The question of using machinery is too much for the poor ryot in his chronic state of poverty. No scholarship has been provided to train up men of this country to replace the alien and costly experts in due course of time.

"Irrigation.—One feels pained to see that little attention is paid to irrigation in a country which, according to experts, is 'essentially agricultural' always depending on seasonal rains. During the last budget debate,

[Mr. Biswanath Das]

[7th March 1922]

the Hon'ble the Revenue Member gave us an undertaking that he would give us a programme of irrigation works. I believe that this House has a right to demand an account of his promised activities on irrigation. Irrigation, besides being remunerative, brings profit to the Government and contentment to the peasantry. Money spent on major works is generally met out of the Loans Account. We are, therefore, at a loss to understand why this beneficial activity is allowed to drag on a miserable existence. One feels pained to see that the whole of the discretionary grants to Collectors, etc., should have been enhanced and activities such as tank restoration schemes and estimates under repairs should have been mercilessly reduced."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I ask if the honourable member would give us his authority for saying that the discretionary grants to Collectors have been enhanced. On the other hand, they have been reduced."

Sriman BISWANATH DAS Mahasayo (*continuing*):—"I am sorry, Sir, if it is a mistake. Then coming to the head of Police, the budget under this head seems to be a progressive one from 192-01 lakhs last year to 192-26 lakhs this year, that is about a ninth of our total income. The promise of abolishing the posts of sub-inspectors as readers still remains as a promise."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"The promise has been carried out, Sir."

Sriman BISWANATH DAS Mahasayo (*continuing*):—"But not at least in my district, Sir." (*Laughter.*)

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"Orders have already been issued on the subject."

Sriman BISWANATH DAS Mahasayo (*continuing*):—"The posts of inspectors of police may be abolished, and the district superintendents with the help of one or two assistants may be called upon to manage the police administration in the districts. My personal discussion with many people of this department make me believe that the abolition of these posts would in no way affect its efficiency. The office of the prosecuting inspectors and sub-inspectors, besides adding enormously to the cost of the administration, in no way relieve the work of the station-house sub-inspectors. In sessions cases their presence is ornamental, for the public prosecutor conducts the case and the concerned station sub-inspector gives him all instructions. Sir, our police budget is a very heavy item and proportionately far exceeds the budgets of Bihar and Orissa, Bengal and the United Provinces where the non-co-operation activities are of a threatening nature. Thus, for every thousand of its population the Bihar and Orissa Government spends Rs. 200, the United Provinces spend Rs. 306, Bengal spends Rs. 320 while the Madras Government spends a liberal sum of Rs. 454."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"May I ask the honourable member what the unit is upon which this figure of Rs. 454 is arrived at?"

Sriman BISWANATH DAS Mahasayo (*continuing*):—"The unit is 1,000 of the population. I should think, Sir, the Government have very little justification to spend so much when other provinces like the United Provinces, Bengal, and Bihar and Orissa are spending much less."

7th March 1922]

[Mr. Biswanath Das]

"Thus have I shown that there is nothing in this year's budget to call it a 'people's budget'. It remains for me to repeat that it is a failure—failure because there is no provision for the advancement of primary education, extended schemes of irrigation, schemes which would have added to the moral and material prosperity of the children of the soil."

Mr. O. TANIKACHALA CHETTIYAR:—"Mr. President, Sir, a budget discussion is an occasion for taking stock of what has been achieved during the year coming to a close and of laying down a programme of what should be done in the year to come to compare the promises contained in the budget statement of 1921-22 with the performances during the year and to compare the hopes held out in the budget statement with the realization of such hopes. In so doing I may just refer to a quotation from a newspaper writer which the Hon'ble the Finance Member made in his last budget speech—

"Neither this nor any other province could possibly afford to pay adequate wages to their present establishment. In view of the rise in the cost of living, demanding in turn a substantial increase in the cost of personnel, Government must do whatever other business concern has done, overhaul its administrative machinery with a view to economising labour, securing a higher individual output, and thereby finding compensation for the much higher cost. Economy cannot begin and end with the reduction of a few clerks and pattawallahs. It must go right through the machine."

"In the last budget speech the Hon'ble the Finance Member stated:—
"The first task of the year will be the overhauling of the administrative machine with a view to economy and exploration of possibilities of increasing resources."

12-30 p.m.

"The latter has no doubt been done and the result is—
The Court Fees (Amending) Act.
The Stamp (Amending) Act.
Tax on Amusements Bill,
The Village Officers Cess Bill.
The Proprietary Village Officers Cess Bill.
Proposals to tax tobacco and betel cultivation."

"How far has the former work of overhauling the administrative machine been done? Except retrenchment in Public Works Department to 18 per cent in no other departments retrenchment on any extensive scale or economy right through the administrative machine has been effected. I am aware, Sir, of the reduction of 30 posts in the Public Works Department, of 30 other posts in all other departments—in all 60 posts in gazetted services. This is not cutting right through the machinery."

"The Hon'ble the Finance Member last year deprecated cutting down menials and pattahwallahs but what is the retrenchment effected—except the cutting away of pattahwallahs and menials to the extent of 5.42 from the Reserve Police, .05 police muchis or 5.50 in all and 6.16 vettis, village officers. Scrutinising the figures for reduction:

"Sixty gazetted officers give 5.29 lakhs.

"Five hundred and sixty-five non-gazetted officers 4.11 lakhs.

"Four thousand seven hundred and sixty-five inferior servants and constables give 7.08 which includes 5.42—.05 above referred to.

"Seven thousand one hundred and seventy-four village staff—6.84 which includes 6.16 vettis."

[Mr. O. Tanikachala Chettiya] [7th March 1922]

"Now, Sir, would not the reduction of higher paid officers give us substantial saving instead of the larger number of miserably paid low class officials such as peons, vettis etc. Let me examine the nature of retrenchment in the Public Works department from the financial point of view, whether it is substantial or otherwise.

"Eighteen per cent is stated to be the reduction. For 1921-22—

	Rs.
Budget estimate	53,36,059
Revised estimate	51,40,000

"For 1922-23 the budget estimate is 48,38,000 (Public Works Department budget, page 23). The difference as we find is three lakhs retrenchment (page 9 of the Finance Member's statement). But 18 per cent of 51 lakhs is 9 lakhs. What has then become of the difference between 9 lakhs and 3 lakhs saved, i.e., 6 lakhs, can it be that it represents the increased salary paid under the time scale to the remaining 82 per cent? While 18 per cent is reduced 3 lakhs out of 9 lakhs represent 6 per cent only as the reduction available, the remaining 12 per cent is absorbed in increase of pay, and at this rate salaries double themselves in the course of eight years. This brings us to the subject of increase of salaries of all the services. In 1901-02 total salaries paid were 255.01 lakhs and in 1921-22 they were 614.01 lakhs. Before the war broke out salaries were two crores less than in 1921-22 or 400 lakhs (page 13 of the budget statement of the Finance Member for 1921-22). If we double salaries in eight years as indicated by my figures regarding the Public Works Department how shall we meet these annual increases? Our sources of revenue are less expanding than the Imperial revenues. In several cases they shrink rapidly as in excise. Turning to budget figures for the current year: from the anticipated expenditure of 1,774 lakhs deduct 348 lakhs and the balance 1,426 lakhs represents the net provincial expenditure. Then from the income from existing sources 1,564 lakhs, deduct 348 lakhs which give 1,216½ lakhs which is the net provincial income. And if you deduct 104 lakhs to be met from remunerative loans from 1,426 lakhs the result 1,322 lakhs represents the net expenditure from Provincial revenues. Thus the excess of expenditure over income is 105½ lakhs. Paragraph 21 of the Finance Member's statement gives particulars of increase in expenses by 34.06 lakhs, but reductions have also been made to the extent of 23.32 lakhs and there is an excess of expenditure over the income by at least 100 lakhs or 95 lakhs. Is not this increase or a substantial portion of it the result of increase of salaries due to incremental or time scale of salaries? The Finance Member says in paragraph 9 at page 16 that the scales were introduced by orders from the Secretary of State in consultation with the Government of India and the Local Government as a result of recommendations of the Public Service Commission. May I ask, Sir, are not the scales now in force very much more than those recommended by the Public Service Commission especially in the case of gazetted officers? Did the Public Service Commission concern itself with the financial capabilities of the tax-payer or the financial resources of the province in coming to their conclusions or recommendations? They were only concerned with the requirements or

7th March 1922] [Mr. O. Tanikachala Chettiya]

representations of the services and their recommendations were not qualified or limited by considerations of the length or contents of the public purse. Were the terms of the discussion between the local Government and the Government of India and the Secretary of State made known to the public or the representatives of the tax-payers until the scales were sanctioned and brought into force? Or, does the sanction of the Secretary of State make these terms unalterable like the laws of the Medes and the Persians and are they settled facts which under no circumstances could be unsettled even at least when it can be shown that these scales drive the people and the State to the very brink of bankruptcy? Is all the talk of responsible Government granted to us a shadowy nothing and have we no voice in the determination of the salaries we shall disburse to the servants of the State?

"During the year coming to a close several resolutions for the reduction of salaries and retrenchment were passed by the Council; but very few or none have been given effect to. The Finance Member in effect says that by these proposals the Council is knocking its head against a blank or stone-wall. Is it suggested that the services are so stone-hearted that they would not submit to any reduction of salaries even though their refusal would subject the millions of tax-payers to heavy liability and to additional tax? The refusal to give effect to the resolutions of this honourable House to reduce salaries of officers is justified on the following grounds:

"If salaries are cut down all round the services are reduced to a position of inferiority to the rest of India. This excuse sounds like the answer given by the insolvent when he is examined as to why he ran into debt. He incurred debt to marry his daughter on a grand style imitating his rich neighbour and by this means he came to grief. Is the maxim or truth 'Out your coat according to your cloth' not to be found in the Financial Code of the Madras Government? Then again it is stated to give effect to a levy of 10 per cent on officers in superior service is possible in voted appointments. But the saving thus effected is only 7 lakhs. Is the saving worth having against the discontent which this reduction would cause in the services? May I not ask, Sir, if 7 lakhs is a negligible quantity when we think of additional taxation on such subjects as amusement calculated to bring only 3 lakhs revenue? Is the discontent among the people subjected to additional taxation to be neglected or ignored, because of the discontent reduction might cause to the services?

"Resolutions of the Council to do away with several allowances have not been given effect to. As if to satisfy the unyielding children of this Legislative Council who find these allowances bitter pills to swallow, the Hon'ble the Finance Member announces that these allowances will disappear as such and sugar-coated pills more easily swallowed by these disconsolate children will be soon supplied under the name of 'special' pay under fundamental rules to be soon brought into force. I for one welcome this announcement not because of the sugar-coating on the pill but because of the consideration of the 'special pay' will be the appropriate occasion when the time-scale of pay sanctioned by the Secretary of State without the representatives of the people being consulted, without previous publication of the intended scale for public criticism can be thrown into the melting pot and a new scale can be evolved consistent with the financial resources of the province and the

[Mr. O. Tanikachala Chettiayar]

[7th March 1922]

capacity to bear the burden on the part of that beast of burden called the tax-payer and may I suggest that in the meantime and until the proposed revision of salaries or time-scale of salaries takes place all increments under the existing scale may be withheld or suspended? This to some extent may afford relief to the tax-payer who is subjected to fresh taxes by the local Government and still heavy taxes by the Imperial Government.

"Turning now from the consideration of the increased scale of salaries allowances of all kinds and the reduction in the scale, in what other ways could economy be effected? So early as in August 1921 the Council resolved that the number of Executive Councillors be reduced. There has been sufficient interval for the Secretary of State to consider this recommendation. Why in a Council which previously consisted of three seven are necessary now, three Ministers and four Executive Councillors, is not known? Would not the non-filling of each vacancy as it arises effect a saving of Rs. 64,000 besides travelling allowances of at least a lakh in each case?

"Suggestions have been made by honourable members indicating the lines on which retrenchment may be effected while supporting several of them I wish to draw special attention to the forest administration of this Presidency. Sir, from the Financial Statement made by the Finance Member last year one gained the impression that the forest was a steadily increasing source of revenue or profit to the Government. The figures were: for 1891-92 16.83 lakhs, for 1901-02 25.18 lakhs, for 1911-12 41.35 lakhs and for 1921-22 58.86 lakhs. This is one side of the picture representing the total revenue. There is yet another side which reveals the truth about forest administration. It is contained in page 14 of the book supplied to honourable members by the courtesy of Government. It contains particulars of amounts expended and the revenue realized and surplus or profit made every year. This picture shows that while in 1891-92 the expenditure was 12.84, the profits were 4.10 lakhs. In 1901-02 for an expenditure of 17.06 the profit was 8.37 lakhs; in 1911-12 as against an expenditure of 34.15 the profits were 7.54 lakhs; in 1920-21 the expenditure was 45.30 and the profits were 8.51 lakhs. Now turning to the Finance Secretary's note for 1921-22 as against an expenditure of 56.65, profits were 2.21. For 1922-23 the budget estimate is 50.13 and profit 3.96. That is to say that while we spend about 50 lakhs we hope to get nearly 4 lakhs, whereas during the current year while we spent 53 lakhs we lost 3.95 lakhs. These figures tell a dismal tale of the failure of the forest administration as a business concern. While over 50 lakhs have annually been spent, the profits were only 3 to 4 lakhs which is as much as one can get if he put so much money in Government promissory notes or on deposit in a bank.

"In certain years of the war, profits were high and they were mostly due to sale of tanning bark which were by orders of Government directed to be used only for tanning hides required for war purposes and not for curing sheep or goat skins and could not be exported. For the cultivation of bark the department had no special trouble.

"The accompanying figures for Madras and the sister Presidencies disclose a most deplorable waste of public funds so far as our Presidency is concerned. In the United Provinces, the Punjab and Burma the revenue is nearly five times the expenditure on establishment. In Bombay and Bengal it is three times and in Madras alone it is less than twice.

[7th March 1922]

[Mr. O. Tanikachala Chettiayar]

Forest Department.

Province.	Revenue.	Fines and forfeitures.	Expenditure on establishment.
	RS.	RS.	RS.
Madras	58,86,000	2,04,000	30,84,000
Bombay	92,00,000	25,000	29,60,000
Bengal	22,99,000	4,000	6,58,000
United Provinces	1,11,04,000	21,300	19,08,800
Punjab	50,00,000	5,000	9,93,000
Burma	2,05,00,000	19,000	40,68,000

"Sir, in this green book, to which I referred and which I take it is intended to induce honourable members to see the immense possibilities of profit by forest exploitation, it is said on page 11 as to one forest that it is a gold mine only waiting development. It will develop more under scientific management. The language reminds one of the prospectuses issued by company promoters who offer their concern for public subscription. These possibilities are described as being veritable Eldorados. Sir, from what I have said above, based on figures furnished in Government reports, the Madras Presidency forests far from being gold mines are bottomless pits into which money once thrown cannot be recovered. What is the explanation? We have an over-organized department, suffering from a plethora of officers and officials; there is one Chief Conservator; the number of Conservators has been raised from four to six; the Deputy Conservators who were only 27 in 1920-21 were increased to 38 last year and in the current year the number has risen to 40. It is said that during the year coming to a close the Secretary of State has sanctioned a cadre of 61 Deputy and Assistant Conservators and is recruiting to make up that number. Is the Madras Presidency a dumping ground for forcing on it a large number of forest officers without consulting the requirements of the Presidency or the wishes of its representatives in the Legislative Council? Is it not the truth that what may be available as profit or net income is reduced by the immense staff employed which is increasing year by year?

"Sir, in regard to the machinery for the Russellkonda saw-mills about which we heard so much last year, it is stated in page 18 of this book that the estimates were exceeded by about 100 per cent, 4 per cent due to increased freight, 55 per cent due to increased cost of manufacture and 31 per cent due to fall in exchange. Was not this purchase made under expert advice and how were these extraordinary variations in estimates brought about?

"In times of prosperity when there is surplus funds available it may be pardonable to indulge in a little speculation or flutter in shares as they call it. While gambling is permissible for a rich man, it is a crime in the case of a debtor or one who is on the verge of bankruptcy. The country cannot afford and ought not to indulge in expensive experiments in forest exploitation with so little certainty as to profits and with a past record of failures from the financial point of view in our forest administration. The figures from the sister presidencies to which I have referred also carry with them a severe criticism and condemnation of our forest policy. Our revenue of

[Mr. O. Tanikachala Chettiyar]

[7th March 1922]

Rs. 58,86,900 includes Rs. 2,04,000 from fines and forfeitures for forest offences such as grazing, etc., while in Bombay with a revenue of Rs. 92 lakhs Rs. 25,000 is the amount of fines and forfeitures; in Bengal with a revenue of about Rs. 23 lakhs, only Rs. 4,000 is the amount of fines, etc.; in the United Provinces with a revenue of Rs. 111 lakhs, Rs. 21,300 is the amount of fines; in the Punjab Rs. 5 lakhs is the revenue and Rs. 5,000 is the amount of fines; and in Burma whose revenue is Rs. 205 lakhs, Rs. 19,000 is the amount of fines, etc. In the face of these figures can the charge made by the villager and the ryot that our forest administration is unsympathetic and sometimes cruel be said to be without foundation?"

Mr. C. W. E. Cotton:—"If I rise, Sir, to intervene in the discussion at this stage, it is not because I have found in the dictionary an epithet more appropriate than any suggested by previous speakers to describe the new budget, but to correct some misapprehensions which the debate has disclosed with regard to the work of the Department of Industries, which Mr. MacDougall described yesterday as a step-child of Government. I would rather say that in these times of great financial stringency all the spending departments have been treated as step-children.

"I want to address this House chiefly in connexion with the management of manufacturing institutions owned by Government, which have passed beyond the experimental stage, because the principal criticisms of previous speakers have been directed against them. Mr. MacDougall characterized the soap institute as a failure and this was endorsed by Mr. Sasi Bushana Rath. What are the facts? In the four years ending with 31st March 1920, the net profits of the concern after providing for all overhead charges (including in 1919-20 a portion of the Director's travelling allowance) have amounted to Rs. 92,795, and if there was a loss of Rs. 14,000 last year, how many industrial undertakings run by business people in India yielded a profit in their trading in 1920-21? Mr. MacDougall complained that more money was now being sunk on experiments with soap. The position is that at long last the construction has begun of a well-designed factory with laboratory and offices attached in which it will be possible to manufacture soap much more conveniently and efficiently than in the rented buildings, never intended for a soap factory, in which the work of manufacture is now being carried on. Mr. MacDougall was in error in supposing that it had been found impossible to get students to join the institute. The difficulty has been in the present building to accommodate one-fifth of those who have applied to undergo a course of training. I had recently, with regret, to say that it was impossible to find room for students proposed to be sent by the departments of two other provinces, and even after, as I contemplate, restricting admission when the new factory is built to persons who satisfy me that they have the capital to start soap factories of their own, or are likely to secure employment as works managers to projected factories, I have little doubt that there will always be a substantial waiting list. Again, our Soap Chemist, Mr. A. K. Menon, is at present in the United Kingdom, employing part of his leave, in bringing his knowledge up to date and learning amongst other things the art of glycerine recovery which, if introduced at Calicut, will considerably cheapen the cost of our soaps. Soon after he returns manufacture should begin in the new institute, and I would urge members of this House to wait until the results of a year's working under more favourable

7th March 1922]

[Mr. C. W. E. Cotton]

conditions, including I trust, general trade improvement, before passing a final judgment on this branch of the department's work. I cannot hold out much hope that the accounts for the year just closing will show any credit balance, but with the appointment of a Business Manager at the beginning of January, there has been a distinct improvement noticeable in the volumes of our sales, except in the Andhra country, where non-co-operators—it seems impossible to keep non-co-operation out of one's speeches—regard the fact that the soap comes from a Government institution more than outweighs any merit it may deserve on the ground that it is pure, that it is swadeshi, and that it contains nothing but vegetable fats. You can imagine also how important were the effects of the outbreak of the Mappilla rebellion on our sales. Owing to the breaches made in the line to Calicut, it was impossible for some weeks to move any large consignments eastward, and in times like the present when everyone is affected by the high cost of living, the large numbers of inexpensive soap substitutes, which a bountiful nature offers to the inhabitants of this Presidency have proved to many of our former constituents an irresistible alternative. I have deferred to the last a reference to the quantity of cheap, highly adulterated soap of which the early success of our soap works has encouraged the manufacture. I regard the competition of these soaps with comparative equanimity. In the words of Abraham Lincoln 'you can fool all the people for some time, and some people all the time, but you cannot fool all the people all the time.' The discovery that the soaps are full of *chunam* and other fillings of impurities which make the face smart or bring out a rash on the hands, will eventually drive them out of general use, and then the factories which make pure soap, even if they charge a little more for it, will come into their own. Even those who regard the future less optimistically than I do will, I hope, at least agree that the present is the most unfavourable moment to cut our losses and get out. But if you consider that I have made out a case for going on with the Soap Institute, you must not grudge money on the expenditure side, if the demand for soap improves, to ensure an increased output. You must understand that, putting the cost of materials on one side, our overhead charges are practically constant, and therefore, if we can anticipate 300 or 400 tons of soap being disposed in a year instead of about 250 tons as at present, we are justified in spending more money on making it, for up to a certain point the profit increases with each additional ton made. When I was last at Calicut I went very carefully into the cost of manufacture with the Business Manager and I found that if our sales improved, we could reduce our prices and yet make a higher profit than is at present possible.

"So much for soap. Our other pre-occupations at the moment in the direction of pioneering industries are the Glue Factory at Washermanpet, the Fruit Preserving Institute at Coonoor, and the Minor Industries Laboratory now at Coonoor, but shortly to be transferred to Madras, in which ink, vinegar and adhesives will be manufactured. As regards these, I may say generally that the auguries are favourable. Mr. K. C. Srinivasan though he belongs now to the Audit Department, has, through the kindness of the Auditor-General, been allowed to act as Consulting Chemist to supervise the manufacture of glue according to the method which he has perfected. Glue, as good as most imported glue, is now being turned out at Washermanpet, but it is one thing to make good glue, and another to sell it. The demand

[Mr. C. W. E. Cotton]

[7th March 1922]

in this Presidency is not sufficient to keep a factory working one day a week, and it is no easy thing to find markets in other parts of India or abroad to absorb the output.

"As regards jam-making, we have been fortunate enough to secure the services of a lady manager who knows all about it, and who spent last year at Home and on the Riviera perfecting her knowledge of preserves, crystallising fruit, etc. Our difficulty in Coonoor will be not to make good jam but rather to ensure a regular supply of fruit suitable for conversion into jam at all seasons of the year. Sir Frederick Nicholson has succeeded, after elaborate experiments, in producing ink as good as any foreign ink, and we hope to be in a position to put this on the market as soon as we have arranged for a sufficient and regular supply of glass bottles. The manufacture of vinegar and adhesives is not so forward, but the latest indications are that the transfer of the former to Madras will be distinctly advantageous.

"With all these responsibilities on our hands, all of you will, I hope, appreciate my reluctance not to listen to the voice of the charmer in the person of Mr. Appalaswami Nayudu and others who want the department to embark on fresh industries, such as the manufacture of paper, matches and glass. I think that in the present state of the finances of this Presidency we should rather endeavour to concentrate on what we have already set our hands to, and if they succeed, to dispose of them as the Aluminium Factory, the Chrome Leather Works and the Pencil factory were disposed of to private capitalists, before we take up any fresh lines of work. I say, 'if they succeed', for Government holds no more than the private capitalist the secret of successful trading. If the Council approves of the policy which the Department of Industries has, with an interval due to Lord Morley's orders been pursuing for about 15 years, then you must be prepared for reverses as well as successes, but it will always be open to you at any time, however sanguine I or the Development department may be in respect of any particular venture, to say that more good money is not to be thrown after bad, in the attempt to convert a failure into a commercial proposition.

"I should explain to those gentlemen who have not yet had time to read the last Administration Report of the department very carefully, that the accounts of the Soap Institute are audited annually by a leading firm of Chartered Accountants in Madras, and there is no question of manipulating the figures to make the results appear more favourable than they really are.

"In fact we debit to overhead charges items which would not be set against profits if the concern was run by a private company.

The same system of audit will be applied in due course to the Glue factory, the Jam factory and the Minor Industries Laboratory and if therefore any of these shows a considerable profit, it will be in the last degree discouraging to the department and to industrial development generally in this Presidency, if private enterprise does not come forward to take over the concern. When one is faced by demands for fresh experiments while at the same time objection is taken to the amount which is proposed to be spent on experiments now being conducted, then I feel inclined to compare myself to a gentleman who to amuse his friends has agreed to take part in a sack race and then is criticised for not making better use of his legs.

[Mr. C. W. E. Cotton]

7th March 1922]

"One word more, Sir, and I have done. It is not correct that as my honourable friend Mr. Venkataramana Ayyangar stated that over four lakhs is spent on the Director of Industries' Office, for that figure includes the territorial staff of Assistant Directors or Assistant Industrial Engineers. It also includes a sum of Rs. 1,00,000 under contingencies, a large portion of which is covered by expenditure on industrial workshops where boring sets are made and repaired and a lot of work done for other departments such as the department of Agriculture, against which there are credits on the receipt side."

Mr. S. ARPUDASWAMI UDAYAR :—"Mr. President, Sir, I wish that the Hon'ble the Finance Member had at some stage in his early career been connected with an aided school or college. For, then, he would have pleaded for such institutions in his report with at least some of the warmth and eloquence with which he has defended the Government servants. Many members here have congratulated the Hon'ble the Finance Member on the boldness with which he has provided for elementary education even in this lean year. I heartily join in the chorus of congratulation. If the Reforms, Sir, are to work satisfactorily, if the masses are to take an intelligent interest in the working of the reforms and exercise their privileges as voters and citizens, if they are to play the role of citizens in their respective councils, beginning with the village panchayats with credit to themselves and with honour to their country, if they are to take care of themselves, to protect themselves against epidemics, to know what medicines they should take and when they should take them, to understand the value of cleanliness and to be liberated from the dependence upon others even in reading and writing and knowing the contents of a letter or understanding the contents of a simple document, a promissory note or a lease or a mortgage deed, if they are to be weaned from evil habits such as drinking or gambling and made to think of the things of the intellect, certainly, Sir, we must do everything in our power for the spread of elementary education. It is therefore a matter of congratulation that even in this lean year the Hon'ble the Finance Member has made a provision to enable the local boards to continue their contributions to the elementary school teachers and also to keep up the promise made by Government to add rupee for rupee to the cess collected by local bodies. It is only prayed that the same sympathy may be extended to aided schools and colleges. All these institutions deserve well of the people of this country and deserve well of the Government which they have relieved of the major portion of their task of spreading higher education. They have been the pioneers of higher education and have spread the blessings of higher education far and wide in this Presidency. The present budget is not very liberal in the teaching grants allowed to them. From the information tabled by the Hon'ble the Minister for Education, I find that, with the exception of one college, the teaching grants for all other colleges have been reduced. The grant to the Christian College is reduced from Rs. 42,000 to Rs. 33,600, St. Joseph's College from Rs. 12,000 to 9,600, S.P.G. College from Rs. 9,185 to Rs. 7,300, A.M. College, Madurai, Rs. 11,840 to Rs. 9,600, South Kanara St. Aloysius' College Rs. 11,082 to Rs. 8,920, Findlay College Rs. 2,743 to Rs. 2,200. Sir, the Hon'ble the Finance Member has told us that a part of the expenditure which has to be met is the result of the recommendations made by the provincial salaries commission, being the increments with which this Government has been saddled in

[Mr. S. Arpudaswami Udayar] [7th March 1922]

consequence of their recommendations. Certainly these recommendations were made by the provincial salaries commission because of the rise in prices, and the increased cost of living. These institutions, Sir, have been placed on starvation wages. I would ask whether the increased cost of living, whether the high prices, whether these adverse economic influences do not make themselves felt in the Indian homes. The Indian parent has to find the fees at the standard rate which the boys have to pay for higher education. Do not these economic influences make themselves felt also in the aided schools and colleges where the staff clamour for increments. And as regards the staff, I may assure the House that there is not among them one man too many and as such the maximum amount of work is turned out by the staff with the minimum of privileges in the shape of furloughs or privilege leaves, and other prospects of pension and other advantages which are possessed by members of the teaching profession in Government Colleges. And, Sir, are not these economic conditions, these depressing influences, also felt by the manager and principals of these institutions. When they find that the cost of building materials has gone up, when the cost of stationery, of books and chemicals, the prices of all these have gone up, at a time when they are put to the greatest difficulty to make both ends meet, it is very regrettable that the pruning knife has unfortunately been pushed too far, so far indeed as to threaten the very existence of many of these institutions. And at a time, Sir, when these institutions have been placed on starvation wages, I find a statement at page 52 of the Financial Statement which lays the axe at the very root of these institutions. We are told: 'All building and equipment grants to aided colleges and secondary and special schools have been suspended.' Now, Sir, the inference is clear, the presumption is justifiable, that these institutions have been left in a state of suspended animation. The honourable member in another paragraph speaks of the normal growth of a department. May I ask the House, Sir, whether there is not such a thing as the normal growth of an institution? Evidently the Finance Member has in his mind that well-known biological principle that for a living, healthy organism there must be growth or development. It must go on assimilating and developing. So, then, Sir, we have these institutions that must certainly have scope for that legitimate expansion or development which forms part of a natural normal life. Where there is interference with the power of assimilation or growth or development of the living organism, it dies or disappears. So then, Sir, I pray that the House may consider whether it is not very necessary not only for efficiency but for the maintenance of existing facilities that all these aided institutions should be allowed that scope for expansion and growth. We have spoken of the necessity for the development of elementary education. Evidently a large number of pupils will pass from these elementary schools to secondary institutions, and we find every year more schools springing up, and still the cry is far more, and three-fourths of the students who are eligible for a University course leave the schools and pass into colleges, and three-fifths of the work of higher education is certainly done by aided institutions. When these students claim admission into these institutions: are the colleges to close their doors, are all the students to be turned into the streets? The Hon'ble Member for Finance has himself a sentence where he says: 'You cannot suddenly reduce the expenditure, say, on hospitals and schools by a figure like that without turning away patients and scholars.' Therefore when they seek admission, it means that

7th March 1922] [Mr. S. Arpudaswami Udayar]

the heads of institutions should provide more accommodation, go in for better equipment, and how are they to do that if you leave them in a state of suspended animation? And again, Sir, we are told that retrenchment is not quite possible, but a perusal of the literature that is supplied to us shows that it may be possible to introduce some more economy. I have here, Sir, a Government Order numbered 1737, dated 5th December 1921—Report of the College of Engineering, Madras. In the first paragraph relating to 'Staff' it is stated thus:

'Mr. W. H. James, the Principal, proceeded on furlough for 16 months in continuation of the summer vacation of 1920, and Mr. H. B. Matthews, Professor of Higher Electrical Engineering, was placed in charge of the College till 5th July 1920, when I returned after the expiry of my leave and was appointed Acting Principal.'

'2. Mr. H. W. Barker was on privilege leave out of India for three months in continuation of the summer vacation and was permitted to resign his appointment with effect from 4th October 1920.'

'3. The post of Professor of Civil Engineering remained vacant the whole of the year under report.'

'4. Mr. H. B. Matthews, Professor of Higher Electrical Engineering, proceeded Home on combined leave for six months from 13th February 1921 on account of ill-health, and no one has yet been appointed to fill the vacancy.'

'5. The Professorship of Mechanical Engineering has been vacant since July 17th, 1919, the date of the commencement of my furlough.'

'Later on the report continues:

'The post of Professor of Technical Chemistry remained vacant the whole of the year.'

'At page 11 of the report it is stated:

'A great deal of the credit is due to the members of the staff for their efforts in carrying on the work of the college this year under adverse conditions.'

'A line above:

'It is obviously impossible to maintain the teaching up to the University standard with two-thirds of the senior staff absent.'

'It might be, Sir, that this is a typical case. Anyhow the inference is clear that in this department the pruning knife may certainly be pushed a little further. Many of these institutions, I mean the aided colleges, are actually struggling for existence, and any unsympathetic attack or illiberal policy, if pursued, in regard to them would result in a thorough dislocation in educational affairs. The Hon'ble Member for Finance asks me where is the revenue to come from. So many members of this Council have suggested measures for effecting retrenchment. If it is absolutely necessary to find revenue for improving higher education, I would suggest a remedy. Before I suggest that remedy, I must certainly enter a protest against the statement made by one of the honourable members who discouraged the claims of higher education, with a contemptuous wave of the hand, saying that this higher education has been responsible for sedition and seditious propaganda in this province. Sir, higher education has given us this Council, and it is for the same reason that the honourable member has his seat in this Council. We owe to the same higher education the fact that the British statesmen are convinced of the fitness of Indians for representative government and for self-governing institutions, and we have, for the same reason, the assurance that a graduated series of self-governing institutions will soon be introduced in this country, culminating in complete self-government. His Excellency the Governor, standing by you and formally inducting you into the chair yesterday, repeated that assurance. Surely, Sir, higher education has established a world-wide renown, and the names of Dr. Tagore and Sir J. C. Bose have made India known not only to the people of England but the whole world.'

[Mr. S. Arpudaswami Udayar] [7th March 1922]

"Surely I would draw the attention of the honourable member to those lines which he must have read, viz., about the interest with which the European delegates watched the turbaned Indian statesman going to affix his signature to the book containing the resolutions of the Washington Conference. So, it is regrettable, Sir, that higher education has been made responsible for this agitation.

"But, what about the remedy? Sir, there is a paragraph in the report dealing with the taxation on tobacco, and I say that, acting on the principle that it is sound economy to tax luxuries, especially those which are injurious to the physical and moral well-being of the youth and manhood of this country, the Hon'ble the Finance Member and his advisers would do well to give effect to their original intentions by introducing a tax on tobacco. It might be contended that tobacco is not a noxious drug or a luxury, but I think, Sir, that medical opinion will not favour the statement that smoking is altogether harmless. A book has been published in New York by the Association Press entitled '*The physical effects of smoking*', containing preliminary experimental statistics by two American Doctors—Mr. George J. Fisher and Mr. Elmer Barry. This work contains the results of four experiments conducted under strictly scientific conditions and in a clear and unbiassed spirit. These results are arranged chronologically with full tabulated records and with a final summary. The conclusions arrived at may be briefly stated as follows:—Smoking raises the heart-rate and blood pressure, markedly delays the return of the heart to normal after exercise, and impairs the neuro-muscular control, as indicated by delicate finger exercises and gross muscular co-ordinations. The consequences of these results, Sir, should not be lightly cast aside; for, an increased heart-rate of five beats per minute means that the heart does 2,074 kilogram-meters, or approximately 15,000 foot-pounds of more work for it. In fifty years this means 272,471,000 pounds of unnecessary work—probably a loss of five years' life. And if there is also increased blood pressure, even these figures do not represent the whole truth, for the unnecessary work done by the heart is even greater. Here in our country, Sir, I know that the cheapness of tobacco and its habitual use by people have familiarised us to the unseemly spectacle of even boys in their teens and 7-year and 8-year old children smoking beedies and cigarettes and most of the people go in for strong cigarettes, strong tobacco, while the beedy is made out of coarse tobacco. If necessary, I would urge upon the Hon'ble the Finance Member and his advisers to reconsider the desirability of taxing tobacco. There are, it is alleged, certain political considerations which have prevented them from taxing tobacco. I have interviewed many gentlemen in this House, representative of different shades of political opinion, who have assured me that nobody would grudge to pay a tax on tobacco. But what has driven them into bitter opposition against the Government is the fact that necessities such as salt and kerosene oil have been taxed. Villagers are ready to forego their tobacco, provided we give them good roads, or good cart tracks and bunds strong enough to keep off floods, provided the minor irrigation works are pushed on and the fields which are allowed to lie parched up are converted into fair fertile paddy fields. I think, Sir, by taxing this commodity we shall be placing it beyond the reach of the young and beyond the reach of those people who resort to it with such injurious effects to their physical, mental and moral well-being. Now, this perhaps might look like an extra-

7th March 1922] [Mr. S. Arpudaswami Udayar]

ordinary remedy, but I think it is a very sound principle to tax a commodity which is certainly injurious and we must enter into some kind of agreement, if necessary, with the Government of India which would be glad to arrive at an equation enabling us to have enhanced revenue, and this will at the same time free them from the necessity of taxing necessities. As regards the objection to this province alone trying this experiment, I think if we begin, other provinces also might very easily follow. Therefore, Sir, I have suggested a remedy. Some might think that it is an extraordinary case, but I would implore the House to see that the cause of higher education is advanced and that under no circumstances whatever does any member desire to reverse the policy of the enlightened British statesmen who have kindled the torch of learning here, a policy which has proved the falsity of the statement of Rudyard Kipling that 'East is East and West is West,' for surely that statement might very well be modified into 'East plus West is much the best.'

Mr. K. P. GOPALA MENON:—"Mr. President, Sir, we have now completed one official year in this Legislative Council and before entering into a general discussion of the budget that has been prepared and presented at present, it is highly necessary that we should see whether any and what considerations have been paid to the discussions that we had during the last budget session and also to the various resolutions that were discussed by us during the past year. Looking back, two important features that strike us are, firstly that we are almost unanimous in the matter of the administration being top-heavy, and, secondly on various occasions 99 per cent of the honourable members of this House were advocating the cause of the village officers. Looking to the budget that has been presented to us this year, I am sorry to say that these two important features which characterised our discussions all through last year have been absolutely ignored. On a perusal of this year's budget, we see that the administration is top heavier. The fate of the village munsifs is much more horrible than it was before in so far as even when certain kinds of reliefs have been given to other people, absolutely no relief has been given to the village officers. Last year when we were discussing the budget, we came across various allowances—personal allowances, duty allowances, local allowances, house-rent and other allowances, confidential allowances, compensation allowances, local allowances for high prices, exchange allowances and so forth. This year also in the budget presented by the Hon'ble Member for Finance, we find all these allowances intact and it surpasses my comprehension as to why for instance a District Judge who gets a very high pay indeed should get in addition a duty allowance of Rupees 150 a month. Is it for so-and-so being the District Judge, or is it for doing his duty that we pay him this duty allowance? I for one should certainly condemn this sort of procedure especially when the allowance is attached to an officer in a decent position and drawing a very handsome pay. The same question was discussed at some length last year, and I am sure that I am only echoing the sentiments of many of my esteemed friends when I say that an attempt ought to be made to cut short these allowances. I am sorry, indeed very sorry, that that matter has not received the attention of the Government, and I only would implore all those in whom power lies to see again to this question and see whether or not, considering the present stringent state of affairs, considering the various mishaps that have actually happened in this

[Mr. K. P. Gopala Menon]

[7th March 1922]

presidency of ours which have been unthought of and which have added on to our responsibilities, it is desirable to make some sort of reduction in these allowances.

"Coming next to the question of village officers, words fail to describe what their pitiable position at present is. I am sure that in the whole Presidency, excepting the honourable member Mr. S. Somasundaram Pillai, there will not be one who would say that the village munsifs need not be given any increase. We heard last evening, when we were leaving the hall, Mr. S. Somasundaram Pillai saying in his most interesting and humorous way that the village munsif never takes his pay home. I submit, Sir, it is because there is absolutely nothing for him to take home. He goes to the treasury, gets a few rupees, buys some rice and other necessities, and there is absolutely nothing left to take home. That is why he has not got to take anything home for the protection of his wife and children and not because he wants to make a gift of what he gets to the depressed classes or for any other charity. I would, therefore, certainly say, Sir, with due deference to my esteemed elders, that considering the state of the country, it is high time that we ought to be guarded, and we ought to do something towards the amelioration of these village services. Last year there were about half a dozen meetings of the village munsifs and karnams both in the Ramnad—which is not the district that returned me to the Council—and Madura districts. I had the honour of presiding over the conference at Paramakudi in the Ramnad district where there were 350 village munsifs present and there we heard the most harrowing tales spoken to by the village munsifs about their condition. They said, 'what is the object of our having returned Mr. Muthu Chettiyar and Mr. T. C. Srinivasa Ayyangar to the Legislative Council? Having returned you to the Council, are you not going to open your eyes and see that whereas the Deputy Collectors got Rs. 2,000 and 3,000 as arrears of pay, we are not given even an arithmetical increase.' I would, therefore, in all humility and with all the force at my command, implore the Hon'ble the Revenue Member—who by the way has been looked upon in his recent tours as one of the most sympathetic and kind officers under the Crown—I would implore him once again to look to the condition of these village munsifs, and that by the mere fact that the Village Officers' Cess Bill has not been allowed to be introduced into this Council, he should not be deterred from his duty to give them their due. As Mr. Muniswami Nayudu has said, we are all responsible people coming from various parts of the presidency, and we have been saying over and over again that if you put the village officers off their work, and if the whole body of them were to think seriously of their position, it will lead to serious consequences.

"Therefore this point also has not been seriously considered in the budget. If as stated in paragraph 28 of the Hon'ble the Finance Member's speech on the budget, if the question of the increase of the village officers could not be considered on account of the fact that this Council vetoed the introduction of the Village Officers' Cess Bill, I ask this simple question—did you introduce any Bill when you increased the pay of the Sub-Judges and the Deputy Collectors and when you gave them two to three thousand rupees of accumulated pay as of retrospective effect? Why then, when it comes to the question of poor people who are not probably so advanced, and who probably

1-30 p.m.

7th March 1922]

[Mr. K. P. Gopala Menon.]

do not go about with trousers and coats on; why then, do you bring in such a lame excuse that the Bill for the levy of a cess for the benefit of the village officers has been disallowed? I will leave it at that stage and again raise a note of warning that this matter ought to be seriously considered.

"Now, coming to the question of retrenchment I do not really want to add anything more to the beautiful, effective and substantial speech delivered by my honourable friend Mr. O. Tanikachala Chettiyar. He has, after a very careful study into the question of the facts and figures, shown to us certain fields of retrenchment where, although Government might say 'it is trespass', you can enter and make substantial reduction.

"I would also again add my views to the views expressed by other honourable friends in regard to the question of police. As the honourable member Mr. Krishnan Nayar who opened the discussion yesterday told us, the intermediary posts ought to be put a stop to. My friend Mr. Nayakar from Tinnevely told us that the sub-inspectors ought to be abolished. I say that if the police administration of this country were to go on satisfactorily, sub-inspectors ought not to be done away with. With the experience of the sort of work the police are expected to do, I say that all the investigations are mostly done by these sub-inspectors. They are in charge of the stations. My only grievance is why on earth should you have the circle inspectors who have absolutely no work? There is the district and deputy inspectors, superintendents of police, who can supervise the work of these sub-inspectors. I therefore say that there will be no loss of efficiency or of usefulness, if you do away with the circle inspectors and the deputy inspectors-general of police with all the paraphernalia attached to their offices. They would indeed bring in a very good gain which could be usefully utilized for other purposes. Similarly with regard to the other intermediary officers also; it is not a question of taking away one officer. If you do away with the deputy inspector-general of police, you not only save Rs. 2,000 or 3,000 but there will be the additional gain from the abolition of their staffs.

"Again, taking the question of the Forest department there also you find the deputy conservator, the assistant conservator, the extra assistant conservator, supernumerary conservator, probationary extra assistant conservator, and so on and so forth. Cannot this work be done by taking away two or three of these differently named officers and make the others do good work and not have a leisurely time of it.

"Then coming to the question of the judicial officers, there is this absolutely woeful tale. In a place where ten years ago you had one district judge you have now two sessions judges, two additional sessions judges, sub-judges, temporary sub-judges—first additional, second additional and third additional and any number of munsifs. I am in the profession and probably I shall not refer specifically to any officer. But I can honestly assure the House that the work done by a district judge is nothing in these days. He comes to the court at 12 o'clock, hears original and other petitions for an hour, then goes to lunch at 2 to return at 3-30 and then go home within an hour and a half. This is the work that is being done by a district judge. It is on account of this that every civil appeal is sent on to the first, second, third and fourth temporary sub-courts. I am in the profession and I will therefore have to seek the favour of some district judges. But I say that this is a point in which the esteemed law officer and the esteemed Judges of

[Mr. K. P. Gopala Menon]

[7th March 1922]

the High Court should make an enquiry. It will certainly be worth while if Mr. K. Srinivasa Ayyangar will pay a surprise visit to the various districts and see the work that is done and come to the conclusion as to the necessity of continuing additional courts. When you increase the number of the additional courts you have another difficulty as you have to pay about Rs. 70 or 80 to some rich Sourashtra like my honourable friend Mr. Ramachar and hire out buildings for courts. There is the Tirumalnayak palace which is converted into courts, yet in Madura, many houses are hired for locating courts.

"Similarly in the case of the district magistrates also they do not invariably attend the courts. In their case also, although very many functions have been taken away from them due to the expansion of local self-government, separation of income-tax work, etc., the work done by the district magistrate is nothing. Criminal appeals under the Criminal Procedure Code—although they can be filed before the district magistrate—I do not think there is any district magistrate who hears criminal appeals. They generally send these to the divisional magistrates. In this matter I claim a personal knowledge not only of Madura and Ramnad but of other districts. Revision petitions generally go to the sessions judge because we generally find it more convenient to go to the sessions judges rather than to the district magistrates who spend their time either in Kodai-kānal or in some other place in camp. Therefore the necessity for having any number of subdivisional magistrates is brought about on account of the district magistrates flatly refusing to take up any work. Now the district magistrates invariably write that there are so many summary suits, and that there must be some two or three deputy collectors, that so-and-so is on leave and so forth. But you should remember as far as the treasury is concerned the Imperial Bank has come to the rescue. As far as the district boards and taluk boards are concerned, they do not give any work to the subdivisional magistrates. Even in this direction we must make a thorough investigation and see whether or not there is a necessity to send out so many men as subdivisional officers and deputy collectors for the mere fact of a district magistrate taking it into his head to write to Government that the work is so great that he has to devote the whole of his attention for getting down the military and the machine guns. He has absolutely no time. He wants a personal assistant, subdivisional magistrates. These are matters for serious consideration. We are not so irresponsible as to grant anything and everything for the district magistrates and the district judges. I would therefore in my humble way seriously press the question of greater and more responsible investigation being made before additional officers are sent out to various places.

"Lastly, substantial reductions could be effected by the amalgamation of districts. Now that the income-tax department has become an absolutely separate affair, I fail to see why there should be a Collector for Madras while Chingleput is so near. Why not the Madras and the Chingleput Collectorate be united and have one Collector for both? Of course things would have been different if income-tax were to be in the hands of the Collector as Madras is a big trade centre. Then coming nearer home everything was going on happily and very smooth. Then came a scheme for bifurcation when we were probably rolling in money and the old Madura

7th March 1922]

[Mr. K. P. Gopala Menon]

district was bifurcated. What is the effect? Madura is awfully congested. Apart from providing fancy pay to some high officers, there is no necessity for two districts—Ramnad and Madura—and have the worst of the show in locating both the districts in Madura. Of course there may have been a time when we may have been very prosperous, when our tarwad was so rich as to give our servants a fat allowance. But now we are poor. Probably other districts are also like this. Let us therefore see whether it would not be worth while and useful also, to have these bifurcated districts amalgamated once again and see whether or not work could be carried on as usual.

"Lastly, I have only a word to say in support of what the Director of Industries has stated in regard to the soap works in Calicut. I have had the proud privilege of visiting and seeing the factory at work when my friend Mr. Menon was there. I can certainly tell you that this is a most profitable concern. The history of Malabar affairs last year was such that it was impossible to expect any sort of profit out of any concern in Malabar. The Mappilla troubles are very often exaggerated, but it is impossible to make any profit from Malabar concerns now. You must remember that this is one of the few industrial undertakings in which Indian brain has been used and simply because of the fact you are not able to save two or three lakhs the whole thing should not be abolished. I will certainly be one who will advocate the retention of the soap factory.

"Then as regards the other departments, my esteemed friends who spoke before, have given their views. I have nothing to add but I would say that the money that is granted as loans in this budget for agriculturists and the money that is granted as loans in this budget for agriculturists and Malabar relief is absolutely inadequate. One has to go through the taluks of Walluvanad and Ernad in Malabar and see that there is absolutely no house there. Any house owned by any Mappilla has been burnt. Any house owned by the Hindu has been burnt either by the Mappilla or the military or the police. Investigation has been made by my friend Mr. Abbas Ali. Any way the effect remains in that condition. I submit that this amount granted for the sake of relief to Malabar is quite inadequate.

"These are the views that I have to say and I would implore once again and give it as a note of warning that my honourable friend Mr. Habib-ul-lah will seriously take into consideration the question of village officers, and not give as an excuse, 'you have not allowed this Bill to go through'."

Mr. P. SIVA RAO :—"Sir, it is extremely gratifying to note that the Hon'ble the Finance Member, the Chamberlain of this Government, finds a source of his inspiration from Chanakya, the famous politician who flourished during the reign of Chandragupta in the 3rd century B.C. This is the first time in the annals of Legislative Councils that a British Financier recognizes sound wisdom in the writings of ancient Hindu statesmen.

"We are face to face with a 'calamity' budget. We have landed ourselves in a hopeless deficit to cover which we are driven to fresh taxation. Little did we dream that we had to meet such a financial crash within a year of the dawning of the new era or the inauguration of the Reforms. We fondly hoped that with the advent of the new scheme of Reforms and with the attempted separation of the central and provincial finance and with the abolition of divided heads, we would be on the threshold of an era of

[Mr. P. Siva Rao]

[7th March 1922]

financial progress. We ardently expected that if provincial autonomy was to mean anything real, clearly the provinces must not be dependent on the Government of India for the means of provincial development, until we were shocked to find that the Lord Meston's award perpetrated the same inequities provincial settlements in the guise of provincial contributions. An unanimous voice against this most unjust and crushing burden was not heeded. Our last hopes were baffled when our deputation to Delhi returned without any effect. Our disappointment all the keener by reason of the misleading telegrams received from Delhi, in the first instance about the remission of about 96 lakhs out of our contribution during the coming year, I rather wish that the Government had sent up the deputation much earlier, as soon as the deputation was voted on unanimously in the Legislative Council, instead of sending it at the last moment after the Indian budget was prepared and was ready for introduction in the Indian Legislative Assembly. I firmly believe that all talk of provincial autonomy is an idle dream till we secure the abolition of this vexed contribution.

"It is true, Sir, as has been well pointed out by the Hon'ble the Finance Member that we have been surrounded on all sides by adverse conditions. Our excise revenue has fallen considerably. The Mappila disturbances have added to our burden. The maintenance of law and order is costing us extra in these disturbed times. Our salary bill has gone up beyond all bounds. The distress and famine prevailing in certain districts in the presidency has consumed a portion of our revenues. Last of all, there is this costly pageantry of reforms 'full of sound and fury signifying nothing' which has consumed lakhs to keep the show going. With all these adverse conditions, I am optimistic enough to believe that these are only fleeting and ephemeral, and I am strongly opposed to any resort to fresh taxation in order to cover up the temporary deficiencies caused thereby.

"In the general discussion of our budget, it will be interesting to investigate how far the Legislative Councils have gained or lost their powers over the budget under the recent Government of India Act. In the old Councils we were given an opportunity of discussing the whole budget both the revenue and the expenditure side of it. Now, the revenue side of the budget is not submitted for our discussion or our approval. Under the new system, we can only assent or refuse our assent to or to reduce any particular grant of expenditure. We can no longer move in the old form 'that a certain sum of money be reduced from a certain grant and added on to another.' All proposals of expenditure relating either to original allotments or reallocations will have to emanate under the express sanction of the Governor. 'Certain items of expenditure known as the non-votable ones which cover about 50 per cent of the total expenditure are not required to be submitted for the discussion or approval of the Council. We have thus rather lost than gained in our powers.

"Sir, the Finance Member takes credit for having applied rigorously the 'pruning knife' in certain departments and under particular heads of expenditure. He told us he had abolished 4 per cent of the gazetted officers, 2 per cent of the non-gazetted officers and 6 per cent of the inferior staff. These grand reductions are estimated to result in a glorious saving of about 244 lakhs; but this saving will not all be in the coming year and the effect will be spread over many years to come, so that the effect of these reductions is imperceptible for the present. This is after all the result of the application

7th March 1922]

[Mr. P. Siva Rao]

of the pruning knife under the dragon watch of His Excellency the Governor. The blow has fallen severely upon the subordinate and inferior staff—attenders, constables, peons and village staff. Where 12 clerks or peons have been toiling before, 10 are now made to drudge. We need not say we are keenly disappointed at the results of the retrenchment. We expect to know how many posts now filled by the members of the Imperial Service have been abolished or been thrown open to Indians and how far the indianization of the services has been extended to promote economy and how many of the higher medical posts are recruited out of Civil Medical Service in this country; and how far the influx of the Military Indian Medical Service has been retarded in the medical service of this country. It is a serious question whether we really require as many as three Ministers to manage after all 15 or 16 less important departments of the Government. The overseas and the other myriads of allowances are still intact. In the beginning of last year, when some of the honourable members moved for the appointment of a strong committee to consider the public expenditure and to propose reductions in the several departments, the Hon'ble the Finance Member stoutly resisted the motion on the ground that a committee was quite unnecessary as the Government themselves undertook the task under the direct and personal supervision of His Excellency the Governor. I consider it as a very unfortunate moment when this motion was rejected. What seems to have been done in the course of the year is, to quote the very words of the Finance Member, that 'the Government called upon all the heads of departments to say what portion of their work and establishment would be abandoned with the least detriment to public interest if they were compelled to carry on with a scale of expenditure 20 per cent less than what they were incurring.' The heads of departments would be the last persons to say that any portion of the expenditure which they have been hitherto incurring would be unnecessary. They are expected to stick passionately to the old scale of expenditure. What is really required is a strong and representative committee of this House, such as the Geddes' Committee appointed in England, to consider the question of public expenditure in this province and to formulate economies in connexion therewith. Even now, Sir, it is not too late. The Government will seriously and earnestly consider the question of the appointment of the committee on the lines proposed by me. This Government may as well draw a lesson from the Government of India in the same matter. The Hon'ble the Finance Member of the Government of India in his speech in introducing the budget stated: 'We have agreed to accede to the desire of the Assembly for the appointment of a Committee of Retrenchment and an announcement will shortly be made on the subject.'

"Sir, it is commonly recognized that our administration is top-heavy and we are probably paying the highest salaries in the world. The only solution of our difficulties lies in rigorous retrenchment and in the steady 'indianization' of our services.

"Sir, before we resort to fresh taxation, we should exhaust all means at our disposal to reduce the expenditure. Can we say that we have fulfilled this primary condition of additional taxation? I regret to say, we have not seriously exerted ourselves in the matter. As regards the proposal to raise the court fees, I may remind the House of the time-honoured maxim that justice should not be taxed; it should be within the easy reach of even the poorest man to secure justice as cheaply and as expeditiously as possible.

[Mr. P. Siva Rao.]

[7th March 1922]

The court fee is not a tax but only a fee for the service rendered to the parties by the State and the fee levied should be strictly commensurate with the service rendered. I may be allowed to refer to the latest *dictum* of the present Chief Justice of Madras in his reply to the very recent deputation of the non-gazetted judicial officers, that the Judicial Department should not be converted into a source of profit. The same remarks apply to the raising of the fees in the Registration Department. Instead of reducing some of the district offices and divisions, the Government unfortunately decided to raise the fees. It is a well-accepted theory that the revenues of the Registration Department should not be utilized for general purposes; and it is also important to remember in this connexion that the registration is made compulsory in a good many cases under the Registration Act.

"In the end, I submit that the first year after the Reforms has been positively unlucky for our Presidency; our finances are crippled by the most unreasonable exaction of the Government of India. We have to maintain the costly machinery of the Reform Scheme without any tangible result by way of securing greater popular control over the various departments of the Government. The departments of Education, Sanitation, Medical Relief and Industries which require most development are at a stand still. Last year this time, the Ministers pleaded non-familiarity with the departments taken charge of by them for their unreadiness to present a steady programme of work. It remains to be seen what excuse they are likely to bring up this year. We are yet to hear what the nature of their work will be for the coming year. The Elementary Education Act we passed has been a dead letter. Not one instance has been heard in which compulsory primary education has been introduced into any part of our Presidency. We have added to our provincial debt and increased our taxation. The Imperial and the Provincial services have been allowed to have a lion's share of the revenues of the province, while the subordinate and inferior services are left to mean their lot. The most legitimate claim of the village headman is still unsatisfied and his cry is unheard.

"As regards the local Legislative Council, I am afraid it has deviated from the path of steady progress and reform. Very often communal debates have disfigured the otherwise sober deliberations of our Council. The Council has been sometimes reactionary in its policy. Parties and Ministries have been organized on communal lines which cannot but retard our national growth instead of on the political principles which animate them. A tendency is noticed to view every question from a narrow, sectarian communal, standpoint and not from a broad national aspect. To remind us of our shortcomings even in the Council hall, we are grouped according to the communities we belong to but not on the political creed we adopt, so much so that the Council looks more like an ethnological live-stock museum than an assembly of the chosen representatives of the people inspired by common ideals for the good of the country. Sir, we shall wait and hope for an all-round improvement in the coming year."

The Council then adjourned for lunch at 2 p.m. and re-assembled at 2-34 p.m.

Mr. C. RAMALINGA REDDI:—"Mr. President, this is the first annual inquisition that we have had since the Reforms Act was put into operation; and the picture presented, in spite of the literary touches given to it by the Hon'ble the Finance Member, is exceedingly disappointing. The first year

7th March 1922]

[Mr. C. Ramalinga Reddi]

of the Reforms witnesses also, as he said, the beginning of what is going to be our national debt. I would like to take a more optimistic view, and in view of the eventual discontinuance of the contribution to the Imperial Government, we should be able to wipe it out and make both ends meet. Sir, it would be a blunder if all our difficulties are attributed to one cause, namely, non-co-operation. We should take into account other factors such as trade depression, unfavourable exchange, and so on which cannot by any means be attributed to non-co-operation. Again the deficit is not exceptional to this year. We have had deficits systematically for the last two years. Even if the non-co-operator is responsible for the greater part of the losses in revenue still it would not do for the Government to acknowledge that openly, for that would add to his vanity and self-confidence. And further we should be committing ourselves to the position that this deficit will cease in case the non-co-operator ceases his activity. The real difficulty seems to be not the non-co-operator but the general circumstances in which we find ourselves. This deficit is likely to recur in future unless retrenchments of a very drastic kind are effected. The principle of a deficit budget is not open to objection under the very special circumstances of this year. In all probability the Finance Member holds that owing to improvements in exchange and other factors our revenue would improve, and that owing to further retrenchments that might be effected our expenditure would go down, and by the end of the year, especially if the monsoon is favourable both ends could be made to meet.

"Under these circumstances a deficit budget is not open to objection; but at the same time it must satisfy certain fundamental conditions. We are not satisfied either with the amount or the direction of the expenditure. In regard to the amount, the retrenchments so far effected are not sufficiently extensive. The nature of the bureaucracy is that it is always prone to increase the expenditure. It is likely to be more solicitous about expenditure intended for the enforcement of law and order than on progress and development. The combination of the *Laissez-faire* and law and order is not suited to the present conditions or the best interests of the country. The total retrenchment amounts to 23½ lakhs of rupees. On analysis it is found that this is obtained more by cutting the smaller twigs than the big branches. The items of retrenchment which would have to be discussed at greater length in the next stage are the following among others: the reduction of the Executive Council Members by 2, the Deputy Commissioners of Salt by 3, and the abolition of the posts of Deputy Inspector-General of Police. In this connexion I may mention that in Bombay, in the single district of Ahmedabad they were able to make retrenchment to the extent of 85 thousand rupees by reducing the number of inspectors and assistant inspectors while increasing the number of constables. It is a matter for consideration whether we could not follow a similar course and reduce the number of supervising and intermediary officers. The Sanitary Commissioner and Chief Engineer to the Government (as also the Deputy Secretary to the Government in the Public Works Department might follow. I notice the Government in the Public Works Department must be retrenched very drastically. I notice from certain figures that the ratio of the establishment to the outlay on public works has been steadily increasing during the last few years. The grants during the last three years are 60, 60 and 57 lakhs, respectively; and the ratio the establishment bears to these is 84.4, 44.5, 45.1 per cent. I frankly

[Mr. C. Ramalinga Reddi]

[7th March 1922]

acknowledge what has been done so far, but a great deal yet remains to be done. As regards the Forest Department, it is the least economical of any in India, and I do not want to add to the very telling facts and figures given by Mr. Tanikachalam Chettiyar. It gives us by way of profit very little; and the expenditure bears a very disproportionately high ratio to the revenue derived. The profit is estimated to be about four lakhs and it is doubtful whether we can realize even that though the outlay is over 50. The Publicity Bureau, or the department of pamphleteering might well be abolished. No concern produces more voluminous or less effective literature. In the Education Department again there is much scope for retrenchment. But as the Hon'ble the Minister for Education has assured us that the matter is engaging his attention, I leave the matter at that. With regard to the Department of Industries, I think the reorganization inaugurated by Mr. A. Y. G. Campbell should be reviewed and a new and better principle applied. I will deal with the subject in reply to some of the criticisms levelled against that and the Department of Agriculture.

"Sir, in regard to the general principle of retrenchment I may point out that the cry is from England to New Zealand and that India is a country, which relatively to its income highly over-taxed. The cost of living was the ostensible excuse for the revision of establishments. It could not have been the cause, for if it had been so revision would have started at the bottom and not at the top, i.e., with the poorest and not the richest officials. Mr. Findlay Shiras, a very good authority, tells us that the cost of living even as regards the poor people has fallen now by 10 per cent and if we take the budget of the middle class and higher officials, it will be no exaggeration to say that it has fallen by 30 to 40 per cent. Under these circumstances some reduction in the salaries and travelling allowances is urgently called for. Either we should have to tax the salaries as proposed by some, or reduce the salaries above a certain minimum by a certain percentage, or at least we may stop the increment for a year by which we can save about 2½ lakhs of rupees. In regard to travelling allowances, I object to the same rates being paid to the officials and non-officials. The officials do their duty and get their salary for it. Whereas the non-official has to give up his work to discharge his public duty. In the old days the official was the standard to which as a matter of grace the non-official was lifted. We ought to reverse this state of affairs. I think on principle the non-official should be given a higher rate than the official. I do not by any means ask a higher rate for the non-official. I only want that the rate for the official should be decreased. It was observed by the Hon'ble the Finance Member that reduction of salaries and such like expedients do not go a long way to cover the deficit. The question is not one of the length of the way but of principle. Moreover we cannot retrench expenditure in other directions unless those in the upper ranks set an example of sacrifice.

"A feature of the Indian and especially the provincial finance, in fact its governing peculiarity, is that it rests on two most primitive and fluctuating sources, namely, land and excise. The average income per head is less than in any other country; and yet this is the only country in which you see this strange conjunction, namely, highest salaries combined with the lowest average individual income. Therefore it is a matter of principle and right whether there should not be a revision of salaries to suit Indian standards of earning and living. It may be said that this may involve the indianization of the

7th March 1922]

[Mr. C. Ramalinga Reddi]

services, as you cannot expect foreigners to serve on lower salary, especially because power and prestige had been to some extent invaded upon by the introduction of the Reforms Act. Sir, when people are groaning under misery and poverty we cannot be thinking sentimentally about powers and prestige. If it is necessary to indianize the services to a much larger extent than is now the case, it ought to be done. You cannot go on for long with a revenue on an Indian scale and an expenditure on a super-European scale.

"Not only the amount of expenditure but also the direction of it is open to exception. The Development Department and the other departments whose activities result in direct good to the people are relatively to other departments badly treated. Education, Agriculture and Sanitation and other departments on which the material progress and welfare of the people directly depend have not received the same attention as the Police, Judicial and other departments.

"When about this I would like to add my voice to those already raised in favour of the immediate amelioration of the condition of the village munsifs or monegars. The Government does admit that ignoring their claims is 'risky'. They have it in hard print that something must be done in their case, as otherwise the consequences might be serious. And taking that view it seems to me that they are shirking their clear responsibility in refusing to find ways and means to satisfy their legitimate demands. It is true that this Council threw out the Cess bills, but that is no reason why other sources should not be explored. I do hope that the Government would see that this acute grievance of the class of people who are doing very useful work, who are really the foundation and stay of the British raj in India are placed in a position consistent with their rights and services.

"Then, Sir, in regard to Education, I find that higher education has not been given the same preferential treatment as elementary. I take equal interest in both. I am almost as much at home in the village as in the University. Such being the case, I cannot for one moment subscribe to the doctrine that it would be a good thing for the country to concentrate exclusively on primary or elementary education, ignoring the higher branches altogether. There must be some proportion and measure in the growth of these, which are the two limbs of one and the same organism. Over-developed feet and under-developed head are not exactly my picture of the physiology of education. In regard to university, the fixed grant of Rs. 85,000 has been continued. It never changes. Men may come and men may go but the Rs. 85,000 remains unchanged. We ask for other appropriations such as a Rs. 50,000 grant for developing a school of geography, in connexion with higher vocational instruction in commerce, and for a school of psychology, essential not merely for higher abstract study, but for placing normal training on a better foundation. I hope the Government would see their way to oblige us in these matters. As regards aided secondary schools and colleges, as pointed out by Mr. Arpudaswami Udayar, I find they have no place in the budget of Government this year. I take it that this is a passing phase of neglect and with recurring prosperity the old indulgence will also recur. I am glad to note that my honourable friend the Minister for Education nods his head in assent.

"Sir, the real difficulty now is not merely the question of finance. People feel that they do not get their money's worth, and that Government is not eager for their progress. The present system is a combination of the leisurely

[Mr. C. Ramalinga Reddi]

[7th March 1922]

methods of democracy and red tape. When it is question of rushing the police to quell a disturbance, all the alacrity of the bureaucracy comes in. When it is a question of redressing grievances slow deliberation and protracted consultations drag on indefinitely. The Palnad forest grievances have been before the country for a long time. I understand that a number of reports have been received and latterly a distinguished official of the Madras Service was sent down to send up another. Meanwhile, Sir, especially as the summer has already commenced, naturally certain incidents, certain circumstances that lead to incidents have come in with the lamentable results announced in recent communiques. Now, it is my submission that if the Government had only shown as much alacrity in passing orders in regard to the forest grievances as in rushing of the troops this regrettable incident in which three lives were lost and several wounded might have been avoided. The other day, my honourable friend Mr. Ratnaswami, in a spirit of prophesy told us that the bureaucracy would be submerged in its own files of papers. I will add that if the submergence does not take place, there is the red tape of their own manufacture to bring about the end in another way. (Laughter.)

"It is so difficult in the present system of Government to locate responsibility. We do not know which part of the Government is to be held responsible. We are supposed to have a responsible and party government. Under these conditions and the procedure of this Council these beginnings must be considered to be very conjectural and hypothetical indeed. If we had an Estimates stage in which each member of Government would submit the charges for the departments and explain what they hoped to do in the coming year much unnecessary criticism in this House could be avoided. By way of illustration I will refer to two points which fall within the jurisdiction of my honourable friend the Minister for Education. Incidentally and in reply to a query, he told us that he was considering some schemes of retrenchment. Now if he had to present the estimates of this department, he would have told us all about them, and we should have been in a position to appreciate what he was doing. There is a lump grant of 1½ lakhs for vocational education. As things are at present we can only vote for a phrase but not for any scheme."

The Hon'ble Rao Bahadur A. P. PATRO (*interrupting*):—"I will give the explanation in the proper time."

Mr. C. RAMALINGA REDDI (*continuing*):—"I did not hear a word of what my honourable friend said, but I am sure it was as cogent as usual (Laughter.) We are still in the bureaucratic stage, with minimum of information and maximum of mystifying statistics, and the result is practically we are groping in the dark. Unless there is more effective lead given in these matters and the policy of the Councillors and Ministers is announced, we could not be in a position to understand exactly what it is they are trying to do and we are voting moneys for."

"The non-co-operation movement has had one thing in its favour. They are giving battle on ground of their own choosing. So far we have been meeting them only by a mere negative. Meeting them on their own ground by a mere negative is not a sure method of achieving victory. A more effective leadership would have been able to create a diversion. For instance, we say the non-co-operators are social reactionaries. The best way of dealing with them then is by bringing forward here legislation with the intention of

7th March 1922]

[Mr. C. Ramalinga Reddi]

securing social reconstruction and reform. The only measure of that kind that we have carried so far is woman's franchise, which however, is not to be given effect to for another two years. As regards the depressed classes, we have done something but not much. We are at the beginning as it were of this process which was initiated long before the Reforms Act came into operation. In regard to legislations in social matters, not all of them would cost money: I refuse to believe that social reconstruction is necessarily a very expensive affair. We should have done something to put before the country other items equally democratic and incidentally also not only to create diversion but division in the ranks of non-co-operators. It is now more than a year since we were told that a Religious Endowment Bill would be introduced. I do not know what has happened to it. I understand that a committee has been sitting. In fact, committees are sitting everywhere and on very thing, and this particular thing has been under incubation so long that people are beginning to wonder what has happened to the egg (Laughter). It seems to me therefore that given retrenchment and constructive policy we should be able to face the situation easily. There is nothing dangerous or abnormal in the present circumstances of the country. New forces are crying for expression. Patriotism, which is at the root of all these movements, wants certain changes to be introduced. If we try to realize our own ideals, that would be one way of meeting that demand and promoting the good of the country.

"An attack has been made on the Ministry for reasons which I cannot consider to be adequate. My honourable friend Mr. C. V. Venkataramana Ayyangar told us that all that the Ministry has done is to bring in taxation bills and repressive measures."

Mr. C. V. VENKATARAMANA AYYANGAR (*interrupting*):—"I did not say all."

[At this stage the bell was rung to indicate that the honourable member had exhausted his time-limit.]

Mr. C. RAMALINGA REDDI (*continuing*):—"I end by saying that if the oath of allegiance is to be considered a measure of repression, I wonder how my honourable friend happens to be sitting here" (Laughter.)

Mr. R. SRINIVASA AYYANGAR:—"Mr. President, within the allotted time it is not possible to present a detailed criticism of the budget under all its heads. Therefore I propose to content myself with offering a few remarks of a general character, emphasizing two or three points in particular, namely, the necessity of retrenchment right through the machine. Secondly, the necessity of having our contributions to the Imperial Exchequer substantially reduced, if not completely wiped out, and thirdly, the necessity of bettering the pay and prospects of the village officers. The Hon'ble the Finance Member is generally regarded as the conscience of the Government. When I examined his conscience I found it revolting against the excessive contributions made by this Government to the Imperial Exchequer. I also found his conscience fighting with great concern the growing expenditure, and I also found his conscience viewing with greater concern the insufficiency of income to meet the growing items of expenditure. That is the analysis which I have made of the Budget which he has presented, in his own language, with great reluctance. Therefore from his point of view it is a reluctant budget. But I am tempted to call it a staggering budget. It is staggering to the people

[Mr. R. Srinivasa Ayyangar]

[7th March 1922]

who are called upon to bear this enormous expenditure. Ordinarily speaking, we regulate our expenditure according to our income. Now I find there is a tendency on the part of the Government to reverse this process and make the income fit in with or suit certain items of expenditure. That is why I say that we must insist on retrenchment all along the line.

"Just about this time, last year, when we were presented with the budget, we expected that the year would close with a closing balance of 58 lakhs. Now we are at the end of the year, and instead of noticing a closing balance of 58 lakhs we are confronted with the heavy deficit of 136 lakhs with respect to the year which is drawing to a close, and absorbing this 58 lakhs we are faced with a dead weight deficit of 78 lakhs. That is in respect of the year which is almost drawing to a close. Now, with respect to the year before us, the prospect is by no means encouraging. If I may say so, it is even far worse. From the financial statement I find that a deficit of 105 lakhs of rupees is anticipated and the proposals for new taxation are expected to yield a sum of 77½ lakhs, leaving still a deficit of 28 lakhs.

"Now, the question only arises as to what the deficit is due to. The deficit is due to expenditure being in excess of the receipts. It is true that so far as this year is concerned there has been a decline in the Excise income, and having regard to the tendency of the people—I need not refer to the activities of this party or that party and say that they have brought about this reduction—whatever methods may have been employed to encompass that end, the fact remains that so far as the income from Excise is concerned, there has been a decline of Rs. 75 lakhs and there is absolutely no reason why, as the years roll by, there will not be a further decline in the income under this head. I merely say this for the purpose of showing that there exists an imperative necessity for effecting retrenchment all round and to bring the enormous expenditure to a normal level, so that the Government might be prepared to meet, in the years to come, the expenditure which might otherwise show a tendency to rise. I am not at all surprised at the attitude of the Hon'ble the Finance Member, for I find him applying his pruning knife year in and year out. We have been crying hoarse, but with no effective purpose, to bring about retrenchment all along the line. But for the purpose of showing economy a reduction appears to have been made to the extent of Rs. 23 lakhs. We find the application of the shears here and there, but I submit in all humility that the shears have not been extended either long enough or far enough to bring about the consummation wished for. As some of the previous speakers told us, especially as my honourable friend Mr. Ramalinga Reddiyar told us, it should be our business to devote all our energy and attention for putting our house in order and to see that the services are greatly indianized, and that the intermediary offices cease to exist in the departments of Police, Education, Medicine and Forest, not to speak of other departments. There has been a tendency to do away with the intermediary bodies which, in my opinion, are nothing more or nothing less than superfluities."

The Hon'ble Sir CHARLES TODHUNTER (interrupting):—"May I ask, Sir, who are the intermediary officers in the department of Medicine?"

Mr. R. SRINIVASA AYYANGAR (continuing):—"Some Personal Assistants, I submit."

7th March 1922]

[Mr. R. Srinivasa Ayyangar]

"Then, again, Sir, a charge has been freely laid against us, and that is this: in paragraph 14 of the memorandum the Hon'ble the Finance Member says:

"I would further deprecate the attitude of mind of certain honourable gentlemen who not only do not take up the burden of proof which is imposed upon them by the circumstances which I have just indicated, but who, having made the assumption that a certain appointment is unnecessary, proceed to argue from that basis that all the subordinates of the officer holding the appointment in question, or to quote another way in which it has been put, all the officers who work under him, are likewise unnecessary. As I have just said, every one of these officers represents a definite unit of work which ought to be done."

"To this, my humble submission is whether, without impairing the efficiency of the machine, it would not be possible to do away with certain superfluity, at the same time without bringing the machinery to a standstill. Our watchword is that economy must go right through the machine. As regards the challenge that the burden of proof is ours, I venture to submit that the burden is not on us, because it is he who has budgeted, and he asks the Council to accept the budget, and therefore the burden of making out a case to the satisfaction of the Council lies very very heavily upon him. Again, with reference to this burden of proof with which we lawyers are familiar, the burden can be said to be shifted on to our shoulders only when the other side is considered to have made out, to use a legal expression, i.e., a *prima facie* case. The Hon'ble the Finance Member, in paragraph 13 of the memorandum, closes his sentence that a Committee composed of experts looked into the question of retrenchment and tackled it with all seriousness and that they came to certain conclusions. We are not responsible for the formation of the Committee. We were not consulted and we had absolutely no voice in its formation. All these things were done in the pre-Reform days, and if all we suffer for anything, we suffer for the sins of the past Government. As our friend Mr. O. Tanikachala Chettiyar aptly put it the just fear regarding the question of financial depression never appears to have oppressed those members of the Committee when they sat in Committee some years ago with a view to revise the scale of salaries of the several heads of departments. The position is this: we taxpayers are called upon to support and pay a huge and heavy machinery. Is it not open to us to cry 'Halt?' Is it not open to us to say that we are short of funds and we cannot afford to pay you? We are already overburdened with taxation. There shall be no further taxation. Because it is always open to the employer to insist upon a particular kind of work being done in a particular manner and at a particular cost, it is perfectly open to him to say, however valuable your services may be, however praiseworthy your conduct may be, however excellently you may conduct yourself, we thank you for all that; but so far as our purse is concerned, you must accept a smaller pay, but, with respect to the balance, you had better accept our thanks which we tender you whole-heartedly: that is our position.

"Complaints have been made against Police and against officers of the Salt department, and I need not advert to them.

"Coming now to the Revenue department, I find that there has been a reduction in the number of Personal Assistants from 11 to 7. In view of the fact that they have been relieved of a large portion of responsible work, there is absolutely no reason why we should not make more use of the pruning knife there and do away with this small number of Personal Assistants. As regards the Police department, it was said, I believe, by one speaker that

[MR. R. Srinivasa Ayyangar]

[7th March 1922]

there was no necessity for police Sub-Inspectors. With regard to this statement I want to make one observation. It is the Sub-Inspectors who bear the brunt of the work of investigation. So, my own opinion is that it is much better to retain these Inspectors than make any serious attempt to do away with them. Now, so far as my district is concerned in addition to the District Superintendent of Police, there is another officer known as the Personal Assistant Deputy Superintendent. I refer to it to say that such an officer is superfluous. At the time when I joined the bar, in the good old days, there was a headquarter Inspector who was doing a lot of work. Afterwards this officer was replaced by a manager who still continues to exist. In addition to the manager there is absolutely no reason why we should have a Personal Assistant. Over and above that, we have a good number of Deputy Inspectors-General of Police who occupy a position midway between the Inspector-General on the one side and the District Superintendents on the other. Their position is more or less that of an intermediary post office, and the sooner the Government does away with them the better.

"Coming to the Settlement department I find at page 40 of the Budget in the place of four conservators of forests budgeted in 1921 we have budgeted for six of them now. Under the head 'temporary allowances' we find a large amount provided for. The revised estimate for the current year under this head is Rs. 2,50,000 whereas in the present budget estimate it has gone up to Rs. 4,13,000.

"Now coming to the Forest department, we have the nine Settlement officers raised to 11 and the two special settlement officers raised to four. Now if we want to bring about retrenchment all along the line, we must see our way either to suspend the operation of the incremental time-scale which has been saddled upon us by the Public Services Commission, for three or four years or until the financial pendulum which is now swinging backwards attains its normal position, or we must cut down the salaries of a certain class of officers by 10 per cent. There is a reference to it in paragraph 15 of the Finance Member's memorandum where he shows a saving of seven lakhs in the Imperial and Provincial Services in all departments of the Presidency and asks whether this saving is worth setting. I wish to say a word with respect to these grants. The saving of seven lakhs under this head can by no means be regarded as a negligible quantity.

"There is however one redeeming feature in the Budget speech. All kinds of attacks, central and sidereal, are made upon the Government of India in the matter of reducing our contributions to them. If I may say so, we notice a silver line in the cloud. This silver line is supplied to us by a sympathetic statement made by the Hon'ble the Finance Member wherein he says: 'It will be necessary throughout the year never to let an opportunity slip for enforcing upon the Government of India our just claims for a reduction of our excessive contribution to the Imperial Exchequer.' I thank him for this, and we must take steps to compel the Central Government to reduce substantially the contribution received by it or change its attitude towards us. Coming now to Village officers, the House may probably remember that at the time when the Bill to levy a cess was introduced, my friend the Hon'ble the Revenue Member pleaded very hard, very forcibly, very tellingly and eloquently on behalf of these officers, and now he says: 'Well, we wanted to provide funds for them. You rejected the Bill. Now we are bankrupt and have no money to meet the estimates.'"

7th March 1922]

Mr. A. T. PALMER:—"Sir, I do not think I feel pessimistic about the budget that is presented to us. As far as the deficit is concerned, I believe that when the normal conditions prevail and things become better, which I hope will be in the course of the year, the deficit will be wiped out. I feel I can congratulate the Hon'ble the Finance Member for evolving this Budget out of a very tangled state of affairs. I also feel like thanking ourselves that we have not been burdened with any extra taxation though I should have welcomed very much a duty on tobacco which would check the great smoking habit which is prevailing among our young people, making them weak-chested and consumptive.

"With these few words of preface, Sir, I beg to pass on to the different items in the budget. Before doing so, may I be pardoned 3-15 p.m. if I make one suggestion in regard to the get-up of the budget. I should like to see that the decimal system is employed even in the detailed budget, so that for novices like myself the calculation would be easier because it would enable us to catch the lakhs at a moment. These commas bristle up so often that it is rather difficult for one to add up the items. Secondly, I would suggest that the two classes of items, votable and non-votable, may be printed in different inks.

"I shall now follow categorically the budget that has been placed before us. Firstly, on page 33 we find that 50.13 lakhs are allotted for Forests. Forests are full of forests (Laughter), and I do not want to enter into them. But even looking at forests from the outside, one would ask when the Government have realized that forests are a paying concern, why they should not reduce the human agency and spend more money on machinery. I should think that more facilities for the transporting of timber would be more remunerative than employing a lot of subordinate officials in forests. I have read the small pamphlet given to us over and over again and I am quite convinced that the forests of India are able to give us a lot of profit, especially when it (pamphlet) says that railway sleepers imported cost Rs. 16 each, whereas an Indian sleeper would cost only Rs. 8. I must also say in this connexion that private enterprise may be encouraged in the utilization of forest produce.

"Coming to the head Registration, Sir, on page 35 we find that the 'general policy of opening new offices' has been altogether omitted. It seems to me that facilities for improving registration should be one of the chief concerns of the Government. It is not only helpful to the people but at the same time remunerative to the Government.

"Then we come to the department of Justice. On page 43 I find that a sessions judge is to be appointed in the Agency for 11 months in the place of the Judicial assistant at a cost of Rs. 24,365. Sir, to saddle the poor, naked, and uncivilized Koya people of the Agency with a district and sessions judge is what I cannot understand. The people are looking upon the Agency improvement movement with absolutely no confidence. I think the Government should be slower in spending money on the Agency. Certainly this appointment has no justification. Figures under the head 'Administration of Justice' at page 43 show that the department costs 98.16 lakhs, whereas the revenue under that head is only nine lakhs. I believe, Sir, this department needs careful scrutiny. The Hon'ble the Finance Member said that he could not dispense with the additional courts because there are a lakh and more of cases in arrears. But has anyone taken the trouble of discovering

[Mr. A. T. Palmer]

[7th March 1922]

why there should be such an accumulation of arrears, in spite of the increasing number of judicial officers? I strongly advocate the abolition of additional temporary courts.

"Then we come to the head 'Jails and Convict Settlements,' and 'Police.' There, again, I find that in the Agency tracts a lakh of rupees have been added for the Police department. For an agency that is just starting, why should there be the paraphernalia of more developed areas in the Presidency. As far as I know, these poor hill people are timid, law abiding folk scared away at the very sight of civilized men."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"May, I say, Sir, in order to save the speaker's time and trouble, that in regard to the Forest department in the Agency, we are simply carrying on with the establishment existing before? We have deliberately hung up proposals for development there."

Mr. A. T. PALMER (*continuing*):—"I was speaking of the Police department, Sir."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"I thought the honourable member had left the Police department and gone on to the Forest department."

Mr. A. T. PALMER (*continuing*):—"I think that the Police department in the Agency area need not be increased at least for this year."

"It is a healthy sign, Sir, that the items of expenditure on Scientific departments are showing a slight increase of 25 lakh. Coming to Education, there are certain outstanding features for which my friend the Hon'ble the Minister for Education should be thanked. He has made a provision of about 1½ lakhs for vocational training and 18 lakh for additional scholarships. He has also given a munificent donation for primary education. But, in spite of repeated requests, the grants to aided schools have not been raised to any appreciable degree. He reminds me of the statement that when we ask for bread, he gives stones and when we ask for fish, he gives scorpions (Laughter). I have no doubt he exults with satisfaction that he has made retrenchment in education, but I am afraid he has caught the wrong sow by the ear."

"Coming now to the Medical department, Sir, I just want to make one remark and it is this. The very important project of starting a leper asylum in Chingleput has been omitted. No number of sanitary engineers or sanitary inspectors will do so much good as one asylum like the leper asylum. I wish the Hon'ble the Minister for Local Self-Government can find means to start that asylum in Chingleput."

"In the Department of Public Health, Sir, with a little more care and scrutiny much retrenchment can be effected. There is as a rule lot of overlapping of the work of the officers which can be easily avoided. Assistant Directors of Public Health and Deputy Inspectors of Vaccination can all be easily dispensed with. They are only supernumerary. I do not want to hear the crushing argument that efficiency would suffer. We are all for efficiency. I beg of the Government to spend a little more thought and care over this matter and try to effect retrenchment."

"In the Department of Agriculture, I am glad to find on page 59 a significant statement to the effect that the sale of fish guano has been discontinued in pursuance of the policy of encouraging private enterprise. This is a good principle that the Government should always keep before themselves in big letters in matters of education, in agriculture and industries. They

7th March 1922]

[Mr. A. T. Palmer]

also say that they have closed down the agricultural farms, and I trust they will do the same with certain other farms before more money is wasted on them.

"Coming to Industries, at page 62, a very optimistic statement is made, to the effect that larger receipts are anticipated from jams. This may be so, though I have my own misgivings about jams and jellies (laughter) in a country where fresh fruits are available in large abundance. If the jam factory is intended for export purposes, the Government can very well leave such enterprises to men like the late Venkatachalam who made his thousands and millions by his chutnis. (Laughter.) What I mean to say is that jam-making, fish-curing, soap-manufacture, etc., are trivial industries that do not require Government help. Nor can they be of great value to the industrial development of the country. What the country is eagerly looking forward to are those industries that would check the outflow of Indian wealth, and increase the wealth of the land. I am sorry I have looked and looked in vain to see if Government have initiated any new industries for the country for the coming year."

"Sir, one word more and I have done. The Hon'ble the Finance Member was very right in bringing Chanukya, Chandragupta's chamberlain, to his rescue. But had he followed his advice in dispensing with the services of too many Government servants, he would have done far better. For, it seems to me a sad feature of all Governments and especially of the Government here, to consider that Government money is everybody's money or nobody's money. One has only to dip one's bucket into the stream of Government treasury and take one's bucket full. The Government have been trying for a retrenchment this year. But the method adopted is not very practical. They asked the several departments to let them know how many hands they could dispense with. If I were asked a similar question, surely I should have said I could not dispense with any—"

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I ask of the honourable member to quote me correctly? We asked the departments how they would carry on if they were ordered to do without 20 per cent of their expenditure."

Mr. A. T. PALMER (*continuing*):—"It is the same. The Government ought not to have asked them in that fashion. The Government ought to have ordered retrenchment and see what the result would be."

"In conclusion, Sir, what shall I say? When I look on the year that has gone my heart is filled with a gloom and I am inclined to join in the chorus sung by my friend Mr. Sivasankaram Pillai."

[At this stage the bell was rung to indicate that the honourable member had exhausted his time-limit. Permission to continue for a few more minutes was not granted.]

Rao Bahadur Dr. C. B. RAMA RAO:—"Sir, I will confine my few brief remarks to the Department of Medicine and Sanitation. Last year, when the budget was being discussed, I ventured to suggest a few reductions, all of which were opposed by the Government members. It is now some satisfaction for me to know and also for the House to know that before the year was over the authorities have become converted and made to say that the training in Dentistry, delivery of popular health lectures and the disproportionately large expenditure in hook-worm investigation are not so very

[Dr. C. B. Rama Rao]

[7th March 1922]

necessary as they were made out to be. It must not be understood that I do not recognize their value under ordinary conditions. To be of any use the lectures must be continuous and followed by practical demonstration and each taluk board must arrange for its own agency. Regarding the training in Dentistry, it can only be a useful addition to the course of lectures and practical demonstration in general surgery in the Medical College and in the General Hospital, if instruction could be arranged to be given in details of the chemistry and craft of the dentist. But such instruction is not available in this country. As for the investigation into the causes and prevention of hook-worm, it is chiefly a sanitary problem. The subject was taken up when it was fresh and something was thought was going to be done very soon and other Governments all over the world started off enquiries, and now there is no Government in any country which has not its own research work in the same field. And it is clear that 80 per cent of the population carry hook-worm and it should be regarded as nothing more than a minor disease, and should be relegated to the common physicians and surgeons and to the Medical College Laboratory, and especially in a lean year such as we are now passing through, it is altogether unnecessary. Therefore as to allotting a sum for the cure of that disease, it is not advisable in view of the greater claims of other diseases which are much more serious. I am therefore thankful to the Hon'ble the Finance Member, for having made certain omissions in these directions in this year's budget. But there are certain other items of expenditure which are still persisted in. For instance, the utilization of a member of the Provincial Medical Service for the post of Personal Assistant to the Surgeon-General has not been availed of. I know it is a listed appointment reserved for the members of the Indian Medical Service; but owing to a number of causes the number of the Indian Medical Service Officers now coming out are so few that the Government are forced to fill a number of appointments by Civil Assistant Surgeons and Civil Surgeons. The Surgeon-General told us the other day at a meeting of the Health Board Committee that he looks into all important papers, transfers, etc., himself. If so, it is bad economy to waste the time and services of a highly paid Indian Medical Service Officer as an office assistant. It cannot be said that a provincial medical officer is not fit to do the work of a personal assistant, and I hope that it is not alleged that he could not be trusted. On the other hand, I feel that the introduction of a mature hand conversant with the needs and conditions of the country will considerably help the Surgeon-General and relieve him of much of the stress and anxiety of the work leaving more time for him to devote more attention to the administrative problems.

"I will proceed to refer to some items which demand scrutiny and which permit of retrenchment. First, the cost of nurses and midwives in the Madras City hospitals alone runs up to Rs. 1,72,000. The rates of pay are very high and very few Indian nurses are trained, and invidious distinctions are made between nurses, Indian and European or Eurasian. While on this subject I may ask for information of the Minister of Health as to why the number that stood at 80 last year has suddenly fallen to 44 among the nurses? No explanation seems to be forthcoming in any of the papers supplied to me.

"Another point that must be brought to the notice of the House is the exorbitant cost of European stores which comes to Rs. 3,56,000 for the hospitals of the Madras City alone, and Rs. 2,30,000 for all hospitals and dispensaries in

7th March 1922]

[Dr. C. B. Rama Rao]

the mufassal. The want of proportion that is apparent in these two figures has already been pointed out by my friend, Dr. U. Rama Rao. What I want to urge is that the Government be requested to issue orders that such chemicals and implements as are manufactured in India should be purchased locally and other chemicals and instruments should be got directly from the manufacturers themselves, instead of through middlemen.

"The Hon'ble the Finance Member has told us in his opening speech that he has provided only for one public work, namely, a building to house police officers in the City of Madras. But if you look to the bottom of page 162, you will see that no less a sum than Rs. 50,000 has been provided as a building grant to the Medical College for women in Vellore, besides a capitation grant of Rs. 18,000. In these days of distress and deficiency, when there is difficulty in providing even the minimum necessities of life to the people, it is nothing but extravagance to propose to waste half a lakh in brick and mortar."

The Hon'ble Mr. P. RAMA YANINGAR (*interrupting*):—"This allotment is made in accordance with the promise made last year."

Rao Bahadur Dr. C. B. RAMA RAO (*continuing*):—"But I believe it is still open to the Government to say that owing to the deficiency in all items of income the grant will be given when the finances are in a better condition."

The Hon'ble Mr. P. RAMA YANINGAR (*interrupting*):—"Upon the assurance given by this Government to the other party, this expenditure was undertaken and expenses have been incurred. It would have been a breach of promise on the part of the Government not to have fulfilled the promise made by them."

Rao Bahadur Dr. C. B. RAMA RAO (*continuing*):—"Then, Sir, under these conditions I would be the last person to put the Minister into an awkward position. But I still believe that such a thing should not have been allowed to be taken in hand, for, I know, the missionary ladies who ran the Vellore school have ample resources at their command—at any rate they are such better off than the general populace.

"Another huge waste is the grant of stipends to civil medical pupils. Last year, when speaking on the very subject, I pointed out that for every pupil who was given a stipend there were half a dozen fit and ready to take their course at their own cost. The Hon'ble the Minister in charge of Local and Municipal Administration, under the advice of the Surgeon-General, will no doubt tell us that the pupils who apply in large numbers come from districts in which there is already an abundant supply of medical men and those districts where most men are required are the least forward in sending up candidates. This difficulty can be easily got over if at the very outset, a certain number of seats in medical schools are reserved to certain backward districts. The amount that is proposed to be spent on this unnecessary item is no less than Rs. 9,26,000. There is a large item of Rs. 32,000 under non-contract contingencies for medical schools, the details of which the Council would like to know.

"The next item of expenditure which the House may fairly object to at this period of financial crisis is the provision of Rs. 15,000 for a women's medical school in Madras. In the first place, Rs. 15,000 is a ridiculously low sum as no medical school can be established without a few lakhs being spent on it."

The Hon'ble Mr. P. RAMA YANINGAR (*interrupting*):—"It is only for nine months, from July to April next."

[7th March 1922]

Rao Bahadur Dr. C. B. RAMA RAO (*continuing*):—"I cannot understand how any school can be run even for nine months with that paltry amount."

The Hon'ble Mr. P. RAMABAYANINGAR (*interrupting*):—"We have the staff already available in the Victoria Hospital. But I shall be only too glad to see that more money is spent on it if funds are available. I must point out that the strictest economy ought to be the guiding principle in the present state of our finances, and I cannot see why any objection should be taken to this."

Rao Bahadur Dr. C. B. RAMA RAO (*continuing*):—"May I ask the Hon'ble the Minister as to where the school is and whom it is training?"

3-45 p.m.

The Hon'ble Mr. P. RAMABAYANINGAR (*interrupting*):—"The school is to be started in July next."

Rao Bahadur Dr. C. B. RAMA RAO (*continuing*):—"Well, then, I think we can stop it. That is my opinion. I regard this therefore as the thin end of the wedge. If we don't cut this out now, it will be the beginning of a series of large demands in coming years. No one would accuse me of inability to appreciate the value of a medical school for women as I have spent more than 25 years of the best part of my life in imparting medical education. But considering the present state of our finances together with the fact that we are subsidizing by a grant from provincial funds a medical school for women within a few hours' journey from Madras, and a medical college for women at Delhi, I think this grant is superfluous. The budget provides Rs. 25,000 for stipends to women medical students. If any of them fight shy of a mixed school, they might be given scholarships out of this amount and sent to Vellore or Delhi where special provision has already been made for women."

"The next item for criticism is the post of the Sanitary Commissioner. The honourable member Mr. Balaji Rao Nayudu said yesterday that the Deputy Sanitary Commissioners might be done away with and that the whole responsibility of sanitation of the Madras Presidency might be vested in the Sanitary Commissioner. But I think that would be a wrong step; for, the actual workers should be retained and the supervising authority might be removed, as after all there is the head of the department, the Surgeon-General, who controls the whole staff. What is wanted is a responsible well-paid officer on the spot available to meet any emergency. Within a few hours he must be at the place when an epidemic breaks out, and such an officer is the Deputy Sanitary Commissioner. I therefore beg to differ from my honourable friend, Mr. Balaji Rao Nayudu, and think that the Deputy Sanitary Commissioners should be retained and that the Sanitary Commissioner may be done away with. But I do not mean to say that the present Sanitary Commissioner is not useful, as I know that Major Russell is a very valuable asset to the Sanitary department. But his services may with greater advantage be utilized as the Professor of Hygiene. He may be asked to act in addition as the Sanitary Assistant to the Surgeon-General, and he may be consulted by the Government whenever questions of public health or difficult technical problems turn up."

"The last item I would suggest is the reduction in the number of cholera parties. There are eight parties and we can do away with four of them. If the Deputy Sanitary Commissioners, who I propose should be retained, work

7th March 1922]

[Dr. C. B. Rama Rao]

vigorously and if the sanitary officers of the various municipalities and taluk boards also work with them, there will be very little work for these cholera parties. They are meant only to be of use when cholera or other epidemics break out, and we shall take jolly good care to see that we do not invite cholera, and therefore I have much pleasure in suggesting that half the number should be retained and the other half cut out."

Mr. M. SURYANARAYANA PANTULU:—"Mr. President, Sir, it was usual in the sittings of the National Congress before the ordinary proceedings commenced to express regret at any loss that the Congress might have sustained in the year previous. Following that procedure, I beg to express my extreme regret at the decision which the Hon'ble the Finance Member has taken in regard to the schemes including the scheme of the Andhra University among the schemes to be held over for want of funds. I am really very sorry that the Hon'ble the Finance Member has not been able to do anything for the expansion of university education in respect of half of the Presidency of Madras. But I do hope and trust that the Hon'ble the Minister for Education, who I know has set his heart in regard to university education, will be able to come with a supplementary demand for grant when in the course of the next fortnight we will be able—and I am sure we shall do it—to liberate a large sum of money. I have no doubt that the Hon'ble the Finance Member will say that the huge deficit will have to be met. What with the revenues that the Government will be able to make with the Stamps and Court Fees Bills, what with the retrenchment that may possibly be made by the House by cutting down grants, I have no doubt that we will still have a sufficiently large sum of money for the expansion of university education; for some sort of provision to be made for the next year, to make a beginning of it, to be completed in the near future."

"Sir, I will not travel over the ground which has been traversed by my honourable friends who have spoken on the budget in the course of yesterday and this morning. Generally I accept all the suggestions that have been made by honourable members in regard to augmenting the finances of our country and in regard to effecting retrenchment in expenditure. I shall only briefly refer to a few items in the budget."

"Very aptly has it been said with regard to the Agricultural and Industries Departments that they are expanding departments. If by the term 'expanding departments' you mean departments which expand by leaps and bounds in the matter of expenditure, I do say they are justifying their existence, but on the other hand if you mean by 'expanding departments' departments whose duty it is to expand the resources of the country, I am afraid that these departments have not hitherto been able to do what they were expected to do. Sir, I find from the budget that a sum of Rs. 16½ lakhs has been budgeted under the head of Agriculture. The report of the Director of Agriculture was in my hands some time ago and I went through it. I don't mean to say that nothing has been done by the Agricultural Department. All that I find as a matter of fact is a number of specialists have been experimenting for some years past in all sorts of directions with the result that very little has been done even to the two most important matters, namely, paddy-growing and cotton-growing. The conclusion that the specialists had arrived at was that the use of solid manures afforded more nutritious and phosphoric food to the plants, whereas potash has, if anything, a depressing effect—a conclusion which the Agricultural Department has been able to arrive at by various experiments extending over a number of years

[Mr. M. Suryanarayana Pantulu] [7th March 1922]

out a matter which our ryots have been doing for generations and ages past. One other conclusion which the Agricultural Department has been able to achieve is that the best manner in which you can fight the cotton pest is by plucking the plant by the root. Well, I say that a large sum of Rs. 16½ lakhs ought not to be devoted upon this department when practically we are in a financial crash. I submit, Sir, that all the professors, lecturers, demonstrators and others connected with the Agricultural College and Agricultural schools and so much of the department as is actually connected with demonstrating to the villagers the benefits of improved Agriculture may yet be retained and such officials of the department as are not concerned with this may very profitably be dispensed with; at all events for the present, till we return to better times.

"The second matter which I would touch upon is the Industries Department which sails in the same boat as the Agricultural Department. I don't say that the Agricultural Department or the Industries department have not been useful departments, but I do say that the large sum of money which we have been spending are not being spent most usefully to the people. Looking into the working of the Industries Department, Sir, I find that so long ago as 1915 it has been demonstrated by some experts, demonstrated scientifically, that imported malted foods can be superseded by the foods made from cereals that are produced in this country. It was said at the time that they were yet to find out as to whether it could be commercially done. Six years have rolled by and absolutely nothing has been done and the world is yet to know whether this would be a success or not commercially and whether our cereals such as cumbu, cholam, etc., could commercially replace the imported malted foods. I ask whether six years is not sufficient and if during such a long time nothing has been done where is the necessity for such a large number of specialists. I find from the report of the Industries Department that the most useful work, as far as I can see, that is being done by the department is the supervision of the pumping and boring operations. That certainly is being done. I submit therefore that it must be possible for retrenchment in the Industries department. I find in the report of the Director of Industries at page 3 the following: 'The question as to the form of territorial organization best suited to the existing industrial needs of the Presidency has since been further examined by him, and his recommendations which were considered at a departmental conference presided over by the Hon'ble the Minister for Development on the 15th August were generally concurred in. It is to be hoped that these proposals which are considerably less costly than those which they will supersede will prove a more lasting solution of this very difficult problem.' What the departmental conference had decided upon we have not been told here. I hope and trust that their decisions have been materialized. But if what we have in the budget actually is what was resolved upon by the conference I submit, Sir, that it is very disappointing and more could be done and ought to be done.

"The other matter which I wish to speak upon is the question of the Agency division. I very much regret the decision of the Hon'ble the Finance Member at page 8 of his speech, namely, that 'it was not practicable to go back upon the creation of the Agency division.' Why he considered it impracticable to go back upon it, I do not know."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"Might I give the reason, Sir? The reason is that the Agency is an excluded tract under the Government of India Act."

7th March 1922]

Rao Bahadur C. V. S. NARASIMHA RAJU (*interrupting*):—"May I know when the notification was issued?"

The Hon'ble Sir CHARLES TODHUNTER:—"A year ago."

Mr. M. SURYANARAYANA PANTULU (*continuing*):—"I thought that under the Act of 1839 the Agency was a part of the Madras Government and was being administered by the Government of Madras by the District Collectors of Ganjam, Vizagapatam and Godavari as Agents of the Governor of Madras. Well, I ask whether the impossibility is by reason of what we lawyers call '*factum valet*'. I beg to remind this House that this Agency division has been constituted just two months previous to the inauguration of the newly elected councils. It was in January 1921 that the council was inaugurated, and it was in November 1920, just two months before, that this Agency division was formed.

"A large amount of expenditure is being incurred on account of this Agency division. Have the people of the country or their representatives been consulted in the matter before the creation of the division? I ask as to whether it is not a proper thing for the Government to review their decision which has already been arrived at a decision which has been passed *ex parte*. I do not doubt, Sir, that there is a very large amount of wealth imbedded in the bowels of the earth under the hills in the Agency tracts I do not doubt also that there is large forest wealth. But I ask as to whether this wealth and the forest revenue can be materialized or converted into pounds, shillings and pence, without our spending a huge sum of money. I ask whether in this lean year you will be able to spend any money whatsoever for exploitation of these forests or of the mineral wealth. If you cannot, where is the necessity for spending lakhs of rupees over the establishment? I submit, therefore, Sir, that no case has been made out for the appointment of an Agency Commissioner with six assistants, one judicial assistant, I mean a district and sessions Judge, while the same work was being done satisfactorily by the experienced Civilian Collectors of Ganjam, Vizagapatam and Godavari.

"I find, Sir, at page 13 the Hon'ble the Finance Member saying that all appointments had been recommended by commissions or by certain committees and that therefore it was not possible for us to go behind the recommendations. I ask in the words of my honourable friend Mr. R. Srinivasa Ayyangar as to whether the committees had representatives elected by the people. It is quite possible that those gentlemen who formed the committee had not the means of knowing the means of the Presidency and if in this year we find that the state of things is not what it used to be previously are we not reasonable in asking the Government to restore the salaries of officers to what they used to be prior to 1919 and go back from the revision in the scales of pay? The Hon'ble the Finance Member in his statement at paragraph 14 says: 'If we assume that the cost of the staff attached to the officer (proposed to be reduced) is half the cost of the officer, the greatest saving that could be secured, that is 22½ lakhs, would still not be as much as the amount of 23½ lakhs by which, as I have already told the Council that salary bill for both gazetted, non-gazetted, inferior and village staff has been reduced.' I want to know whether the retrenchment of 23½ lakhs is in lieu of the 22½ lakhs which is proposed to be got? Is it not possible to have a retrenchment of 23½ plus 22½ lakhs?"

[Mr. M. Suryanarayana Pantulu] [7th March 1922]

"As I have already said, Sir, I do not propose to travel over the grounds covered by the previous speakers and with these remarks, I leave the budget in the hands of other honourable members."

Rao Bahadur P. C. ETIRAJULU NAYUDU :—"Sir, on the occasion of annual stock-taking of the resources of the Provincial Government, I wish to make a few observations on the financial position of this Government which has been placed before this Council for consideration in the very lucid and exhaustive speech of the Hon'ble the Finance Member.

"He has no doubt presented us a deficit budget; but I find the deficit is traceable to considerable extent to the present economic depression and non-co-operative oppression which are certainly beyond the control of any Government. Under the circumstances of the case, this condition of affairs, owing to the present political outlook of the country, was not unexpected, and the budget regarded as a whole cannot be said to be unsatisfactory. Though in certain quarters it is talked of as unwise to increase or impose fresh taxation, there is no other alternative left to the Finance Member but to resort to taxation at least to meet to a certain extent the heavy deficit. Though the poor may not be hit by this taxation it does certainly hit certain section rather hard. I find no hope is held out for any considerable retrenchment in civil expenditure nor is any immediate relief offered to any of the services.

"If non-co-operation succeeds even more the next year it will be due more to want of adjusting expenditure to income rather than to the intrinsic merit of the movement which every one of us condemn or to the exponents of the cause.

"Sir, my remarks in regard to the details of the budget will be confined briefly to only a few items.

"Under the head of 'Land Revenue receipts' I find from the Finance Secretary's memorandum that the revised estimate for the current year takes credit for the whole of the budget anticipations and that next year's budget provides for an increase of revenue. I must congratulate the Government on the firmness of attitude which they took and the strong measures adopted by them to counteract the mischief done by the non-co-operators in the Guntur district, which imperilled some time back, the total annual revenue of about 70 lakhs derived from this source in the Guntur district.

"The stress and strain to which the officials of the district have been subjected to in the past few months in combating the mischief done by the revolutionary party without deprecating or belittling the devilish movement and ignoring its potentialities, have not been small; and the tax-payer in general is indeed indebted to the Collector Mr. Vernon, I.C.S. and to the Special Officer Mr. Rutherford, I.C.S., and to Mr. Habib-ul-lah Khan Sahib, the Divisional Officer, and to Mr. Venkatesam Choudry, Special Deputy Collector, for the earnestness and devotion displayed by every one of them in discharge of their unpleasant duties in these trying times and in arresting the evil influence of the non-co-operators, but for which, I am afraid, additional general taxation would have had to be imposed on the Presidency.

"The next item to which I would like, Sir, to draw the attention of the Council is the subject of grants to local bodies. Last year the Hon'ble the Finance Member said in introducing the budget (paragraph 22 of his speech) in explanation of the reduced provision under the heads of 'Public Health' and 'Civil Works' the reason for this is to be found in the report of the Financial Relations Committee. Instead of the old plan of grants in advance for works to be done the committee had recommended a new system of

7th March 1922] [Mr. P. C. Etirajulu Nayudu]

payment of a share of works actually completed. As a result there was no provision in the budget for 1921-22 for the usual minor sanitary grants. But the Council was told that this need not in any way prevent sanitary works being undertaken by local bodies who have under the new plan to satisfy Government as to the suitability of the work and their claim to a share of the cost after execution of the work.

"There are numerous schemes relating to minor sanitation or public health which have to be executed in my district and which have been postponed for want of grants—wells for the supply of drinking water to be sunk in villages where there is scarcity of water—the need for these is specially urgent in the upland taluks of Palnad, Vinukonda and Narasaraopet where the greatest privations are undergone by both man and beast in the hot weather with temperature running up to a maximum of 120° as it did in the past three years—Antimalarial measures to be adopted and numerous other schemes of a similar kind.

"I observe from the budget, Sir, (page 170) that a sum of 8 lakhs of rupees only is provided for next year for water-supply and drainage schemes. I believe these are for major sanitary works. What about the minor sanitary works? Am I to understand that they are to be abandoned altogether?

"That carrying out of minor sanitary works is a very important item in the economy of administration is evident from the fact that the Government of India long ago, in the days of the Provincial Settlement gave for this object a recurring assignment of 3½ lakhs in 1909. This was further supplemented in 1913 by a recurring assignment of 6 lakhs which was intended for schemes of urban sanitation. The Local Government too, in the days of the Provincial Settlement when their resources were indeed very limited, used to give liberally out of their money for schemes of minor sanitation—in the year 1912-13 (30-64), 1913-14 (21-84), 1914-15 (25-19)—as such minor sanitation grants to local bodies ranged from 25 lakhs to 30 lakhs annually while grants for major sanitary schemes relating to urban areas played a minor part.

"My submission, Sir, is that minor sanitary schemes from which people living in rural areas benefit, should not be ignored completely, no matter whatever be the financial straits of Government and that grants for such schemes should be restored in the budget. I beg to differ from the views of the Financial Relations Committee in this matter.

"Another item, Sir, I find from page 224 of the budget that loans for construction of railways have been provided for, only in respect of Kistna District Board and Tinnevely District Board Railways. The construction of Guntur—Gurzala—Macherla line of 80 miles has long been under the consideration of my district board and we have sent up a definite scheme to Government for putting in hand the construction of the line on a 2' 6" gauge basis and we have recently allotted money to the railway authorities who desired to make a traffic survey according to present conditions. If the scheme matures, I am sure it will in the course of the year, I trust Government will provide the necessary funds.

"There are other schemes also of some importance to the people of my district, viz., establishment of an agricultural farm or school in Guntur which in point of land revenue it pays stands next only to Tanjore and Kistna, the opening of an industrial school where a large scope for it lies and also a medical school. I do trust that the Hon'ble Finance Member will be able to find funds and put into the hands of the honourable ministers to

[Mr. P. C. Etirajulu Nayudu] [7th March 1922]

attend to these most urgent and crying needs of the district. Sir, I am also in favour of increasing the pay of the village officers as recommended by my honourable friend Mr. B. Munisawmi Nayudu and somehow or other money must be found for this purpose also.

"Now turning to the criticism levelled against the administration of public health in this Presidency, it is regrettable that the honourable member for Madras Dr. U. Rama Rao should have taken an extremely uncharitable view of the work of the Hon'ble Minister for Local Self-Government, the most popular of the Ministers, who undoubtedly commands the unbounded confidence of an overwhelming majority of this honourable House. After detailing a number of grievances more imaginary than real, this honourable member was pleased to observe that the Minister in charge of Public Health has not justified his existence. He made some sweeping statements which, it is appalling to note, should have come from no other than a medical gentleman of his standing and reputation.

"His complaint, Sir, that no new dispensaries have been opened since the advent of the present ministry would at best betray the amazing ignorance of this honourable member.

"In my own district, the Hon'ble Minister for Local Self-Government sanctioned a dispensary so recently as three months ago for the heroic Pedanandipadu firka, but it could not unfortunately be opened on account of the political activities of non-co-operation there.

"As for other charges, Sir, if the honourable member had only cared to enquire he would have come to know how unreasonably rash he was in making these observations.

"His next grievance that the average cost of medicine spent on each patient is only one anna and six pies, is something like judging the efficiency by the salary one draws. Unfortunately the Government are not chemists and druggists. By wholesale purchases from manufacturers in Europe they import medicines at cheap rates, much cheaper than the biggest chemists and druggists get their stock; perhaps if the same medicine were dispensed from the three storeyed druggist shop it would have cost not an anna and a half but a rupee and a half. The honourable members of this House would have, on the other hand, noticed that the cost of medicine this year is several times larger than that of previous years.

"We know, Sir, that the Hon'ble Minister for Local Self-Government has, since he assumed charge of his office, worked to the marrow of his bones and with untiring energy and at considerable risk to his health, he has travelled throughout the length and breadth of the Presidency and inspected the medical institution in nearly twenty districts and by coming into direct touch with thousands of taxpayers he has understood the local needs and done many things with the limited funds placed at his disposal and for which we people cannot but be grateful to him.

"The observations of my honourable friend opposite, Sir, seem to inspire a hope in one that everything connected with the administration of this department would be ideal when there will be a bumper crop of ministers from the output of the Medical school of Royapuram. When we are going to have that divine dispensation if not in any direction, in one direction at least to be sure there will be tremendous improvement—that is, the cost per head of the medicine which is at present only one and a half annas will go up by leaps and bounds to so many rupees and annas where it costs now only annas and pies. This would perhaps satisfy our honourable friend.

7th March 1922] [Mr. P. C. Etirajulu Nayudu]

"Sir, it is under these circumstances that my honourable friend has come to the conclusion that the Hon'ble the Minister has not justified his existence and has not done his duty. I leave it to the honourable members of this House to judge how justifiable the remarks of my honourable friend are and how far he was right in levelling charges against a popular and willing Minister who has consciously, strenuously, steadily applied himself to the heavy task that has fallen to his lot and has successfully shouldered the heavy responsibilities. In conclusion, Sir, I beg to suggest that there is possibility of saving some money under the following heads if only the Hon'ble the Finance Member cares to do so, viz:—

"(1) Reduction of the strength of the Executive Councillors from four to two.

"(2) Stopping or suspending all increments of all services during the year.

"(3) Abolishing the Labour Commissioner and making district collectors look after this work.

"(4) Reducing the establishment charges of Public Works Department by keeping it within 20 per cent of the cost of works or handing over such works to local boards for execution.

"(5) Reducing some more sub-courts and abolishing at least 10 per cent of the district munsifs courts.

"(6) Reducing the travelling allowances of all officers and non-officials if necessary.

"(7) Stopping construction of so many costly buildings provided for in the budget until next year.

"(8) Cutting short at least 50 per cent of the list of various allowances given to officials which come to about 39 in all. I mean granting only 20 kinds of allowances where 39 now exist.

"With these observations, Sir, I resume my seat."

THE ZAMINDAR OF MANDASA:—"Sir, I must say frankly that the Hon'ble the Finance Member deserves our gratitude for the budget presented to this Council. The whole country was subjected to violent anti-Government agitation. Forces of disorder became so predominant that peace and liberty have been in danger. Administration of the districts gave rise to great anxiety. In the guise of patriotism, civil disobedience is preached. In the guise of temperance Government revenues were attacked. It would be the sincere desire of every patriotic Indian to see the drink evil pass out of this country. From the days of Chanakya and Kautilya, abkari system seems to engage Governments. The appointment of a Superintendent of Excise in the scheme of Government in those days shows that the evil system exists from the old days. While non-co-operators attacked licit or licensed shops, illicit shops have increased largely and the consumption of liquor also has increased. Government lost its revenue, but the country has not improved. A few abkari renters became rich by the direct help of non-co-operators. In Ganjam district in spite of violent attempts of non-co-operators, there was an increased consumption of 20,000 gallons this year. How do they explain this?

"The other day sales were held at Haripur in Mandasa zamindari. Non-co-operators were assisted by the drinking classes. Their desire is to close the illicit shop and be free to obtain liquor as they liked, because non-co-operators preached that under Swaraj they could get drink free and could do as they liked. Hence when a renter bade at the shop, the non-co-operators

[The Zamindar of Mandasa]

[7th March 1922]

and the drinking classes put the man forcibly on the back of an ass and forcibly took him round the village by threats and intimidation. This is only one of the several ways in which violence is used by non-co-operators. Therefore owing to civil disobedience method and fall in the abkari revenue, a large deficit appears in the budget.

"Though the Government endeavoured to adopt a retrenchment policy and show a saving of 41 lakhs or 21 lakhs, I must say that there is much room further to curtail expenditure. The top-heavy posts have to be carefully reorganized, their number reduced and the salaries decreased. It has already been suggested what the directions are in which economy could be effected. I hope the new officer, Inspector of Offices, will be able to justify his appointment by showing large reductions and would not end his mission by taking out a few almirahs and adjusting the seating accommodation of a few clerks.

"The budget has no doubt indicated a distinct policy in education. The eagerness with which the Hon'ble the Education Minister is working for the introduction of free and compulsory elementary education appears in the provision made under that head, however inadequate it might be, and the provision for vocational education is a distinct improvement. I must congratulate the Government for taking this very necessary step. However, the provision under education is not satisfactory. Secondary education has not received adequate provision. If the report of the committee appointed by the Government is to be given effect to, we should certainly be prepared for better financial adjustments. It is suggested by some that by reducing the staff under the department, saving would be effected. I do not agree with them. The Director of Public Instruction has too much to do in addition to his presence in this Council for days during the sittings. It is false economy.

"The Government should revise its policy on expenditure in Settlement department. Estates are taken up indiscriminately without a policy, without proof of real hardship and without consulting proprietors. The zamindars do not count at all with some officials except when there is need to defend the Government against its enemies and opponents.

"I regret adequate provision is not made for development of cottage industries. It is through the careful investigation and working up of cottage industries in each district that we can improve the condition of the people and increase the wealth of the country. Unless we create a source of living for the people, can we expect any progress? I would ask the Government to undertake working of small local industries started by the people and a regular programme should be drawn up for each district. We may leave ambitious schemes out of consideration but these small industries should be developed.

"With regard to Oriyas, I do not find any special provision. It is not possible to effect in these hard days, but I appeal to Government to remember the conditions in Ganjam and Vizagapatam so that the zamindars may receive proper response from Government for their long and loyal service to the country. They are ready and willing to stand by Government at all times of need."

The Council adjourned at 4-30 p.m. to meet at 11 a.m. on Wednesday the 8th March 1922.

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 8th March 1922 with the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYA, Avargal, 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.]

A Bill to amend the Court Fees Act of 1870.

1346 Q.—Mr. K. PRABHAKARAN TAMPAN: Will the Hon'ble the Law Member be pleased to state—

(a) whether the Hon'ble the Judges of the Madras High Court were consulted in regard to the Bill to amend the Court Fees Act of 1870; if so, to lay their report on the table; and

(b) if the High Court have not been yet consulted, whether the Government propose to obtain the opinion of the Hon'ble the Judges before the Bill is taken up for further consideration by this Council?

A.—(a) Yes.

(b) The final report is yet due and the question of publication will be considered on its receipt.

Mr. K. PRABHAKARAN TAMPAN:—"May I know whether the Government approve the opinion of the High Court?"

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"It will be a matter for consideration when the final report is received."

Retrenchment in the Veterinary Department.

1347 Q.—Munshi MUHAMMAD ABDUR-RAHMAN SAHIB: Will the Hon'ble the Minister for Development be pleased to lay on the table the proposals of retrenchment received from the Civil Veterinary Department?

A.—The departmental heads found it impossible to formulate proposals for material retrenchment without seriously affecting the work of the department and the Government agreed.

The Curator of Government Botanical Gardens.

1348 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Development be pleased to state—

(a) the special qualifications and reasons which necessitated the appointment of Mr. F. H. Butcher as Curator, Government Botanical Gardens, Ootacamund, in the Madras Agricultural Service on Rs. 575 per month, instead of on Rs. 250—25—750, which is the pay of the service; and

[8th March 1922]

(b) whether the Curator is an itinerating officer, and, if so, the district or districts he is expected to travel round?

A.—(a) The qualifications of Mr. Butcher are given in the answer to clause (a) of question No. 1279. The Government of India having abolished the European Gardeners' Service to which Mr. Butcher previously belonged, the Local Government admitted him to the Madras Agricultural Service and allowed him to start at the point in the scale of pay of the Madras Agricultural Service to which his previous service entitled him in accordance with the principle enunciated in paragraph 3 of G.O. No. 1754, dated 1st October 1920, placed on Editors' Table. It may be mentioned that from the date of Mr. Butcher's admission to the Madras Agricultural Service, the Government withdrew from him the allowances aggregating Rs. 138 per mensem he was drawing while a member of the European Gardeners' Service.

(b) The Honourable Member is referred to the answer to clause (b) of the question No. 1279.

Mr. A. RANGANATHA MUDALIYAR:—"As regards Mr. Butcher's appointment, how is it that he was not started on the lowest grade but has been started on some middle grade?"

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU:—"His previous salary and service have to be taken into consideration."

Representation of Brahmans in municipalities and district boards.

1349 Q.—Mr. O. TANIKACHALA CHETTIYAR: Will the Hon'ble the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that Brahman gentlemen have got into the several municipalities and district boards through the door of election in a far larger proportion than their numerical strength warrants; and

(b) whether it is true that, in spite of the fact that the Brahmans have secured more than their adequate share of representation by election, the Government have also nominated them in a larger proportion than what their numerical strength requires?

A.—(a) No elections have been held in Repalle, Pollachi and Saidapet municipalities, and no Brahman was elected to seven other municipal councils. The proportion of the number of Brahmans elected to the total elective strength of other municipal councils and district boards was larger than the proportion of the population of Brahmans to the total population.

(b) Brahmans were appointed by the Government only to 10 of the 24 district boards and to 17 of the 81 municipal councils in the Presidency. These 17 municipalities include the ten mentioned in the answer to clause (a) in which no elections were held or in which no Brahman was returned to the council. Generally only one Brahman was appointed to each of the district boards and municipal councils mentioned above, and this was done after due consideration of the circumstances of each local body and of the persons available for nomination.

8th March 1922]

Labour Commissioner and the Depressed Classes.

1350 Q.—Mr. G. VANDANAM: Will the Hon'ble the Law Member be pleased to state—

(1) in what way and in what districts of the Telugu country the depressed classes are profited by the services of the Labour Commissioner;

(2) what measures he is going to take to raise the economic condition of the said classes in the Telugu country;

(3) what plans he is going to adopt to secure for them lands that may yet be assigned on *darkhast*;

(4) whether it has reached the ears of the Labour Commissioner or his assistants that the emissaries of non-co-operation are intimidating the depressed classes in the Telugu country to join hands with them; and

(5) whether he does not consider it advisable to send some of his assistants now and then to the Telugu country to inform the depressed classes that the Government are strong and kind to protect them against all adverse forces and influences?

A.—(1) & (2) The Honourable Member is referred to the latest administration reports of the Labour department, copies of which have been placed on the Editors' Table.

(3) Periodical reports are being received from the district officers. More than 37,000 acres have been assigned up to date.

(4) The Government have no information.

(5) The Government are doing their best to ameliorate the condition of the depressed classes.

Imperial Forest Service.

1351 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the Hon'ble the Home Member be pleased to state—

(a) whether there is any difference between the privileges enjoyed by directly recruited Imperial Forest officers and the officers that have been transferred from the Provincial Forest Service to the Imperial Service in the matter of promotion, pension, leave, etc., and, if there be any difference, to give details and reasons for the same; and

(b) whether there is a rule that 40 per cent of the direct recruitment to the Imperial Forest Service should be made in India and to give separately the number of recruits taken in India and in England in the years 1920 and 1921 respectively?

A.—(a) The Imperial Forest Service is constituted—

- (i) of European officers recruited and trained in England,
- (ii) of Indians recruited in England or India, who undergo training in England, and
- (iii) of members of the Provincial Forest Service promoted to the Imperial Forest Service.

There is no difference in the treatment of any of these classes of officers as regards ordinary pay, promotion and pension. But officers (whether European or Indian) recruited in England receive an "overseas allowance" (now known as "special pay") in addition to the ordinary pay of the time-scale. As regards leave, persons of category (iii) are subject

[8th March 1922]

to the Indian Service leave rules, and those of categories (i) and (ii) to the European Service leave rules (now known respectively as the "ordinary" and "special" leave rules). For details of these rules the Honourable Member is referred to the Fundamental Rules published in Part I of the *Fort St. George Gazette*, dated 6th December 1921.

- (b) Forty per cent of the vacancies in the Imperial Forest Service are reserved for recruitment in India if duly qualified men are obtainable; up to 1924 this percentage will include Indians appointed in England. The number of Indians directly recruited in India is as follows:—

1920	::	::	::	::	4
1921	::	::	::	::	20

The Government have no information regarding the number of Indians recruited in England.

II

DISCUSSION ON THE BUDGET.

Mr. M. NARAYANASWAMI REDDI:—"I cannot but say that this year's budget has come upon us as an unpleasant one. I call it unpleasant, because it contemplates the unpleasant function of turning out inferior servants including village munsifs to the extent of 11,939. This will not fail to cause acute and widespread discontent and suffering among themselves and in the land. I am sorry to say that the Hon'ble the Finance Member is not entitled to any congratulations for this honourable retrenchment he has made. His deliberate attempt in this item will no doubt save 13.92 lakhs but it seems to me, Sir, that the fruits of retrenchment are not commensurate with his troubles. May I venture to respectfully point out that he has not begun the retrenchment in the right direction. This Council has been incessantly demanding that retrenchment should come from the top and not from the bottom as we find in this year's budget. The case of the village headman is a case that requires a close and careful examination by this House. He is the direct medium between the people and the Government. He is the personification of both civil and criminal in the village. He is the person who is expected to devote his time, his energy, his talents, nay at times his purse for the benefit of the village. In short, he is the life of the village itself and the very foundation on which the whole Government machinery is built upon. A gorgeous and magnificent building without deep, strong and broad foundation is not an enduring pile. You know, Sir, that the village karnam and the village munsif are co-workers and that the pay of the former has been increased recently to Rs. 15. It is really a heart-burning to the village headman to continue to get the old pay in spite of his more responsible duties than that of the karnam. Had the pay of the karnam not been increased, certainly, I would be one of those who do not recommend the increase of the pay of the village headman especially at this time when financial stringency is staring us in the face. I would therefore invite the Council and the Hon'ble the Revenue Member in particular to reconsider this matter carefully and provide for the increase of the pay of the village headman also. I find no cogency in the argument that the pay of these men could not be increased as the cess Bills were thrown out in the Council. I am told, Sir, that the Collector of my district in a jamabandi conference

8th March 1922]

[Mr. M. Narayanaswami Reddi]

when the village headmen appealed to him for the increase of their pay, has been pleased to remark that the very same Legislative Council members whom they were pleased to return were not for the increase of their pay and that cess Bills introduced by the Government were rejected. I would like to point out, Sir, that if the cess Bills were not accorded due reception, it was not because the Council was unsympathetic towards the village headmen but because for the fear of going in for additional taxation from the poor ryot and because we felt that the enhanced pay should be met from the savings effected by retrenchment from highly-paid officers. The new taxes that the Central Government has imposed have already gone a long way to strengthen the hands of the non-co-operator. Whether we tax or the Central Government, it is the same for the tax-payer. Salt tax will only add to the burdens of our poorer classes. It requires exemption, properly speaking, like air and water. When the duty on salt was raised to Rs. 2-8-0 per maund in the year 1887-88 a considerable fall in the consumption of salt was noticed. It was found to be not even 10 lb. per head whereas the highest medical opinion lays down 20 lb. per head as the necessary standard for healthful existence. Then coming to the local bodies who have been entrusted with onerous duties of education, sanitation and medical relief and roads I am constrained to say that they have been entirely left out in the cold. Much has to be done in sanitation and medical relief. There is neither exaggeration nor imagination if I say that these are the two things that help us in keeping the body and the soul together. The Government has not been courteous to extend its helping hand towards these. No adequate provision has been made in this year's budget except five lakhs of rupees to be distributed among the 517 hospitals and dispensaries under the control of the local boards by the Minister for Local Self-Government. The district boards in their turn threw this burden on the taluk boards. Oh! Poor taluk boards! What can they do with their multifarious duties? They anxiously waited in vain to get at least 50 per cent contribution from the Government as recommended by Financial Recommendations Committee towards their medical charges. On account of the paucity of funds in the taluk boards sanitation is much neglected. Medical relief is very poorly attended to. To be more specific the Madanapalle Taluk Board of Chittoor district is seriously thinking of closing of the existing medical institutions in their jurisdiction if Government does not come to their help. What to become of the magnificent buildings that have been constructed for dispensaries and the sub-assistants' quarters?

"About the retrenchment that can be wisely effected in the budget I have to offer one or two remarks. In Forest Department an expenditure of 50.13 lakhs will bring us an income of 3.96 lakhs, the whole proceeds being 54.09 lakhs. This income may very well be got when the amount is invested in any bank. Forest exploitation has not been found very satisfactory and it leads to doubt whether it is also a point for consideration the suggestion thrown out by my Hon'ble Friend Mr. Somasundaram Pillai that forests may safely be left in the custody of the wild animals. No. V class forest reserves which contain only thorns and bushes may be disafforested and the staff that is maintained for the same may be dispensed with.

"As suggested by many of my honourable friends the intermediary officers in the departments of Forest, Salt and Police and Administration of

[Mr. M. Narayanaswami Reddi]

[8th March 1922]

Justice may be abolished and the percentage of the Public Works Department may be reduced to 20 or 25 per cent from 40 per cent as in the case of the local bodies.

"I should like to lay stress in the end that whatever savings that can be effected from these, should not go to wipe off the deficit balance but earmarked to increase the pay of the village headmen."

Rao Bahadur V. APPASWAMI VANDAYAR:—"There can be no two opinions that the budget which has been presented to us is a disappointing one. If the Hon'ble the Finance Member had followed the precepts of Chanakya more faithfully the prospect need not be so gloomy. It is not the deficit alone that fill us with misgivings, but the way in which the various items have been framed. The Government seem to have studiously avoided all measures which are likely to be conducive to the wealth and prosperity of the public at large. For instance the opening of the Leper Asylum in Chingleput, which would have been done by the Leper Mission of India without much cost to the Government, has been deferred, while to prevent the contagion of lepers, an army of officers under a special head of the department have been organized to roam about from one end of the Presidency to the other giving health lectures on sanitation."

The Hon'ble Mr. P. RAMA RAYANINGAR (*interrupting*):—"May I know, Sir, what is the army of officers that he is referring to?"

Rao Bahadur V. APPASWAMI VANDAYAR (*continuing*):—"Too numerous to mention. While the cry everywhere is for water and more water to their lands, the amount allotted for irrigation projects, in spite of vehement protests from this House, is miserably low, and what satisfaction it is to the ryot to have an up-to-date agricultural department with its retinue of experts? What benefit to the Province is it to have industrial experts and geniuses to invent industrial schemes when there is no sufficient money for the purchase of tools and plants? The Government have suffered losses in the Kerala Soap Factory, fish-guano industry, potato-breeding farm, all for want of sufficient capital, so that these big experts could not give full play to their initiative and skill. In the same way the Government would do well not to have put their pruning knife in the wrong quarters, such as training of nurses and midwives and opening of dental departments in hospitals, opening new schools for girls, fishermen and others, and closing the irrigation projects division, etc."

"The intermediary high offices like the Superintending Engineers, the Deputy Commissioners of Salt, and of Police, and the Deputy Inspectors-General of Police could safely be abolished. Much retrenchment could be effected in the Labour department. The Honourable Member for Finance has entered into an eloquent defence for the retention of the Superintending Engineers. If there were Superintending Inspectors of Schools, all these arguments would have been well applied to them."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"Are the Superintending Inspectors of Schools placed on the estimates, Sir?"

Rao Bahadur V. APPASWAMI VANDAYAR (*continuing*):—"Work does not seem to be suffering for want of such officers in the education, and I do not think work will suffer here too, and most of this work can be taken over by the executive engineers and the rest may be taken over by the Chief Engineer with a slight addition of staff. While the Government have been liberally granting

8th March 1922] [Mr. V. Appaswami Vandayar]

funds in cases where they do not warrant, their generosity seems to have dried up when they come to orphanages and then they spent Rs. 2,45,119 on this account in 1920-21, the present budget provides only for Rs. 82,500. This is retrenchment with a vengeance. The Government have no hesitation to spend Rs. 78,000 on improvements to the Madras Students' University Club or construct quarters for the police for Rs. 6,35,000 or earmark Rs. 7,86,500 for Government Arts colleges, while they can starve without compunction non-Government Arts colleges or secondary schools.

"Where there is not enough money to construct drainage works it passes my comprehension why there should be a huge Sanitary Engineering department maintained at a high cost. The ordinary Public Works Department engineers can very well do the work and, wherever necessary, some of them may be deputed on special duty."

"Under the head 'Law—Justice', it is painful to see that the expenditure under Civil and Sessions courts has increased by more than 40 per cent. In 1918, the expenditure was Rs. 43,41,814. The present budget provides for Rs. 61,30,483. There is absolutely no justification for such an abnormal increase. We know for a fact that when judges were receiving less pay, they were turning out larger volume of work. Increase of courts tends to increase litigation, and many matters which will be quietly settled in the village itself is taken to courts of law. The Government ever seems ready to open new courts at the suggestion of local officers, and a large number of temporary courts has come to stay permanently. The Government may very well deprecate this."

"Regarding Ayurvedic institutions, I have to say a few words. In different places in this Presidency, these institutions work splendidly with the minimum cost. I think this system will be more beneficial for this tropical country. I request the Government to encourage these institutions by patronising those persons who are well versed in that line."

"Well, Sir, regarding village officers, I should echo my previous speakers, i.e., to keep them in good humour by giving them a decent pay. My honourable colleagues have failed to bring one important point to the notice of this Honourable House, that is, those officers are required for anything and everything, to perform work from the lowest to the highest, both for villagers and officers. Further, we should not create discontent domestically. Discontent will create recklessness. Recklessness may lead to anything and everything. I do not know where it will lead to. So I request the House to find means to provide them with increased salaries, without taxation. Further, I have to say that we should find means at the stage of voting for grants and strengthen the hands of the Hon'ble the Finance Member and the Hon'ble the Revenue Member to do this work."

"Sir, as Chanakya says, abundance of harvest and prosperity of commerce lead to the happiness of the nation. There is no use of blaming others for the failure of the harvest or lack of commerce. Can the Government conscientiously say that they have done everything they could to improve the natural resources of the country? Within the last 25 years, can they point out one instance of an irrigation project like the Cauvery, the Gōdāvari or the Periyar? Where are the modern Smarts, Puckles or Penningtons? No proper measures are taken to conserve water in the land flowing wastefully or strengthen the existing bunds. Agriculture and Industries form the

[Mr. V. Appaswami Vandayar]

[8th March 1922]

backbone of the nation. All else take a secondary place. What is the use of giving a man improved sanitation and medical relief while he is actually dying for want of food? Had the Ministers risen to the occasion and pressed the more urgent needs of the taxpayer, the financial statement that has been presented to us would have been very different.

"The House has on previous occasions discussed the question of reduction in the number of Executive Councillors; and my honest opinion is that two Council Members and five Ministers with less salary would do well and most of the reserved subjects may be transferred to the Ministers to avoid diarchy. If my suggestion is approved by the House, economy, efficiency and democracy will be achieved. There must be a larger number of secretaries on decent salaries to be trained for future use and the Government should throw open more posts of secretaryships to Indians.

"I must thank the Government for sending a deputation to wait upon His Excellency the Viceroy about the inequality in the provincial contribution and although there is no immediate benefit on account of the deputation, the Viceroy has been pleased to give a ray of hope and I hope he will stick up to his promise.

"Last year we had showered blessings on the devoted head of the Hon'ble the Finance Member alone. This year the three Ministers also go in share with him. Finally, I must thank the Hon'ble the Finance Member for having left us without any taxation, especially on land."

Munshi MUHAMMAD ABDUR-RAHMAN SAHIB Bahadur:—"Mr. President, Sir, a perusal of the Hon'ble the Finance Member's memorandum as a whole shows that there is a very earnest desire to economise during the coming year the expenditure as far as possible. Sir, this is really a matter for congratulation, for it is only by economy that funds can be obtained. Economy is therefore necessary for more reasons than one. With reference to the revenue derived from the Excise department, it is certainly the object of all of us, including the official and non-official members of this Council, whether he be a Muhammadan or non-Muhammadan, that drink should be discouraged as far as possible; but in spite of our efforts and the best efforts of the Government, man persists in drinking and as long as he does so, I think there is no reason why Government should not make some money out of the drinking habit of the people so as to deter them from drinking. I can very well understand and appreciate the difficulties of the Government. It is only the wearer of the shoe who knows where it pinches. But, I submit, Sir, that the feeling in the country is so very strong that in the last two or three years Government have been going on in a very extravagant manner in the matter of appointments made without reference to the necessities of the services or to the capacity of the people to bear the expenditure involved. To argue on the analogy of England and other western countries, I submit, is a proposition which is made without due consideration of the conditions of the countries. It is a matter for consideration whether in considering this budget, the income is properly distributed under the various heads; and I believe we have not done so. We have only paid the officers, high and low, and that in a way which does not meet with much approval of the outside public. The creation of new appointments is a burden on the tax-payer, as I have already pointed out. I shall reserve all my remarks for full and

8th March 1922]

[Mr. Muhammad Abdur-Rahman Sahib]

detailed discussion at the time of voting for demands. The one distinguishing feature of the budget under discussion is extra taxation in stamps, court-fees and registration, besides the various other extra taxes proposed and levied by the Government of India; and these innumerable taxes are enough to break the heart of the poor tax-payer. If the voters in the last election had any mandate for their representatives, it was not to enhance the taxation; and now that fresh taxation of all kinds is being introduced, the only way to curtail the expenditure is by retrenchment. The other way is by investigation of the resources from which additional funds can be raised. The interim appointments in a number of departments could very well be cut down without interfering with efficiency. Now, Sir, I shall mention below some departments where further retrenchment can be effected without in the least lowering the efficiency or marring the progress of the department:—

"*Public Works Department.*—The number of superintending engineers may be reduced from 6 to 3, if not done away with, and the executive engineers may be entrusted, in their respective jurisdictions, with extra duties hitherto exercised by the superintending engineers. All the subdivisional officers may be done away with and the range or section officers may directly correspond with executive engineers and the latter in turn with the Chief Engineer. This shows not only a saving in money but much of the post office work now done by these interim offices of the superintending engineers and the subdivisional officers will be taken away, thus saving labour, time and delay in correspondence.

"Again, take the Excise and Salt department. The posts of deputy commissioners and the assistant inspectors of salt are unnecessary. The assistant inspectors practically do the same work as the assistant and deputy commissioners do. To an unprejudiced mind, this duplication of work must be an inexcusable waste. Again, as offices for the collection of statistics and of original work, the offices of the inspectors alone are worth mentioning; the other offices are merely compiling offices and this latter work is being simultaneously done in the Collectors' offices as well. There can certainly be no justification for this waste of labour and the consequent extra expenditure of people's money. The salt factories may be placed directly under revenue divisional officers for purposes of supervision without such assistant inspectors who are in charge of them. There is no secret in salt manufacture and none of the so-called salt officers are experts so that we cannot do without them. These appointments may be done away with gradually as vacancies occur and not all at once.

"In the Educational department, either an assistant inspector or inspector may be retained for each district instead of maintaining two highly paid officials for each district. The inspecting agency for girls' schools may as well be reduced a great deal, restricting this work to the inspection of teaching in girls' schools, while other duties pertaining to the condition of buildings, selection of sites, furniture, etc., may as well be looked after by the male agency of inspecting officers in their respective jurisdictions as they visit schools under them. These assistant inspectresses and sub-assistant inspectresses may be appointed as headmistresses in all the training schools for girls. I take this opportunity to congratulate the Hon'ble the Minister for Education for the earnestness with which he has already taken up the work

[Mr. Muhammad Abdur-Rahman Sahib] [8th March 1922]

of retrenchment in the departments of Education, Public Works, Excise and Registration under his charge, with a hope that he will make a note for further retrenchments in the light of discussion taken place for these three days. He must also be congratulated for introducing vocational training and it is hoped that he will make the best use of all his knowledge gained from his travels in foreign countries in the matter of the policy of education to be adopted in this Presidency.

"Sir, if the further retrenchments suggested by the various speakers are carried out, I am sure sufficient funds can be secured to increase the pay of the village headmen and schoolmasters. This will surely remove their present discontentment and they will stick on to their posts; otherwise, their present attitude is likely to drive them to join the fold of non-co-operation.

"In the Forest department there is, I believe, every possibility of reducing the number of Conservators of Forests from six to three without detriment to the efficiency of the department inasmuch as the number of district officers is increased to a good figure.

"The Police department is one of the heads of growing expenditure falling on the heads of the rate-payers and this can be curtailed by proper scrutiny. I have my own misgivings about the work done by circle inspectors. The whole work is now done by sub-inspectors and the staff of the circle inspector is an unnecessary step between the sub-inspector and the deputy superintendent or the district superintendent. The post of deputy inspector-general of Police between the Inspector-General and district superintendent is also unnecessary and these posts may also be taken away or abolished as vacancies occur. I would earnestly urge on the Government the necessity of immediately tackling the problem of further retrenchment in the light of the information given. A mere reduction in the number of peons, attenders, clerks and constables offered in the memorandum is a mockery. The problem of retrenchment ought to be faced in quite a different spirit. The average cost of one police constable including pay is Rs. 20 per mensem. Average pay of one circle inspector including travelling allowance and all allowances is Rs. 300. The cost of 302 inspectors is $302 \times 300 = \text{Rs. } 90,600$, which is again equal to the pay of 45,300 constables. Of all the constables 1,293 are temporary men. Constables are wanted in large numbers to cope with the present political situation, and if all the circle inspectors are removed, there will be 20 per cent retrenchment without removing even a single constable besides 1,293 temporary men. The deserving inspectors may be promoted to deputy superintendents as vacancies occur and the other inspectors may be placed in charge of important towns and other stations.

"In the Registration department the post of Inspector of Registration Offices may be abolished inasmuch as his cursory and hasty inspections of offices are made more with a view to draw heavy travelling allowances which is borne testimony to by the statistics without any material benefit to the public or to the department. While this very work is being done by the district registrar of the same cadre, a man on the spot, better posted with all knowledge of facts and equally competent to enquire into allegations against subordinates. To retain two officers for doing one and the same work in these days of financial stringency is admittedly superfluous and may

8th March 1922] [Mr. Muhammad Abdur-Rahman Sahib]

soon be done away with. Further, in paragraph 30 of page 14 of the Memorandum of the Hon'ble the Finance Member, a large increase of $7\frac{1}{2}$ lakhs in the registration fees has been imposed from 1st March 1922, but nothing seems to have been done to improve the status of sub-registrars, who are mostly graduates, though the sub-registrars are in the same status as the taluk head accountants whose pay has been fixed at Rs. 100 per mensem. The sub-registrars are, I submit, in a rather superior position since they are put in charge of sub-treasuries under whom these taluk head accountants have to work. This is very pitiable and I hope the Government will give it due consideration inasmuch as the fees are increased heavily, and the officers of the department who collect the fees could in the natural course of events expect a reasonable increase in their pay. During the time of the late lamented Inspector-General of Registration, Diwan Bahadur S. Srinivasa Raghava Ayyangar Avargal, Government remarked in one of the administration reports of the Registration Department that registration revenue is no revenue to Government and the surplus should be utilized both for improving the status of the subordinates and reducing the registration fees, but things have been since changed and every possible pie is being collected with the result that we have to content ourselves with a deficit of 28 lakhs in this year's budget. As an additional revenue of $7\frac{1}{2}$ lakhs is to be collected from the increase in registration fees, I humbly urge that the Government will also put the sub-registrars at least on equal footing with taluk head accountants to start with. In the Department of Co-operative Societies the Hon'ble the Minister for Development has already given effect to the resolution passed in this House last year in curtailing expenditure by employing less costly agency and appointing many honorary assistant registrars as suggested therein and for this he should be congratulated. He may as well see his way to cut short the number of too many scientific experts employed in the Department of Agriculture with costly methods that are not easily understood or adopted by the poor ryots since they think that they are not suited to this country. The Department of Industries is, I believe, national and money spent in this direction is money well spent. The House will see its way to provide more funds for this department.

"Further, I shall be wanting in courtesy if I do not congratulate heartily the Hon'ble the Minister for Local Self-Government for successfully carrying out the Amendment to the Municipal and Local Boards Act with regard to the oath of allegiance in spite of well-organized and determined opposition of some of the members. Representing as I am, an important community and coming as I do, from Northern Circars and particularly Guntur, I welcome this introduction of oath of allegiance which is all the more necessary for Guntur to restrict the actions of non-co-operators and to keep them within bounds of the Acts under which they sought election to the municipal council or local boards.

"Lastly, Sir, Muhammadans are also the tax-payers, but it is highly deplorable that the claims of deserving and fully qualified among them are very much neglected or ignored as evidenced by a kind and patient perusal of the existing statistics. For out of 12 High Court Judges there is not even one single Muhammadan either of this or any other province in India considered competent of occupying that elevated seat on the High Court Bench after the departure to Bengal of that worthy scion of the community

[Mr. Muhammad Abdur-Rahman Sahib] [8th March 1922]

Sir Abdur Rahman Sahib Bahadur. Again, in nearly 34 District Judges (permanent, acting and additional) there is not a single Muhammadan as District Judge in the whole Presidency of Madras, while there is only one Sub-Judge in the whole lot of 60 as against 4 Muhammadans who fortunately find their places as District Munsifs against 206 on the roll. May I ask, Sir, whether this is equity and justice meted out to Muhammadans in the Judicial departments while there are many such instances in various other departments. Brahman friends say 'Hindu Muslim Unity' while non-Brahman friends say 'non-Brahmans' include Muhammadans and Christians and yet both ignore the claims of deserving and well-qualified Muhammadans not only in the Judicial but almost all departments of Government and follow the well-known proverb 'Every man for himself and God alone for all.' This is certainly causing much discontent among Mussalmans. So, Sir, I say that a Muhammadan is always a Muhammadan and can never be a Brahman much less a non-Brahman and he should not be neglected or made to suffer in the controversy between Brahmans and non-Brahmans. With these words I resume my seat, Sir."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir there has been already a good deal of discussion on the merits of the budget which has been presented by the Hon'ble the Finance Member. Some of the honourable members have congratulated the Finance Member; others have congratulated the Ministers. I suppose some sympathetic remark was made about the Hon'ble the Revenue Member. I do not think the Hon'ble the Home Member has yet come in for any measure of thanks or congratulation. I suppose, on the other hand, a good deal of onslaught has been made on the departments in his care. I think the Hon'ble the Law Member has, so far as I recollect, been spared in this discussion. From what has been said it is quite clear that this debate, while it may not be completely satisfactory in solving our financial difficulties, has at the same time promoted a good deal of study of Kautilya. I think every honourable member has referred to Kautilya and to the times of Chandragupta Maurya. I am surprised that reference has not been made to *Ain-i-Akbari* and the methods of administration in the days of the Moghuls. It has been more or less an antiquarian debate.

"Apart from these features of the debate I should like to make one or two remarks regarding our budget procedure. The Hon'ble the Finance Member has unfortunately for us taken away the very pleasing prospects which are always in evidence in Parliament on the budget night. It is always considered to be a political high watermark of the session when policies are enunciated, when the most important statements in the realms of the Government are made for the first time, to some a matter of pleasing anticipation and to others a matter of great disappointment. This year, before the budget was introduced, the honourable member announced the deficit by circulating a paper in a most unexpected way at the previous monthly sitting of the Council with the result that the *Madras Mail* announced in glaring headlines the deficit of 148 lakhs. Well, Sir, so far as I am concerned, I believe there is consensus of opinion in this matter that it would be a fair procedure if the presentation of the budget was done more or less as it is done in other democratic assemblies accompanied by proposals for taxation and discussed in the way in which it is done in the House of Commons. There are advantages in such a system, and I do not wish to

8th March 1922] [Mr. M. Ramachandra Rao Pantulu]

dilate on the disadvantages of the procedure adopted on the present occasion. I therefore think that this House must come to some understanding as to our financial procedure for the future.

"The first thing I would suggest is that the proposals for taxation should be accompanied by proposals for expenditure, and the proposals for taxation should be adjusted after discussion. The next thing I would suggest is the introduction of the budget at a much earlier period than has been the case in the last two years. I am not aware of any difficulties and the other Provincial Governments have gone about introducing the budget early in February and I think it will be much more convenient to honourable members to discuss it in a much more leisurely manner than we have done hitherto.

"There is another matter which I would mention before I proceed further—the inclusion of items such as the expenditure on the Rameswaram ship canal. This is the first time I hear of this. I am open to correction, but so far as this Council is concerned, this is the first time when any mention has been made of the Rameswaram ship canal. Nobody knows whether it is a remunerative project or not, what percentage of profit the investment it is likely to produce. I should think it is far better to include only proposals which have been generally approved by the Council so that discussion might centre on the real aspects. I hope the honourable member will enlighten us as to the feasibility of this proposal.

"Again, there is the question of votable and non-votable items. I raised last year the question whether it is competent for His Excellency to decide any item votable or non-votable, or whether it is within the competence of this Council to decide the necessity of an appointment. I refer to the appointment of the District and Sessions Judge in the Agency tracts. So far as I know, this Council has expressed no opinion as to the necessity or otherwise of the appointment. It is quite possible to ascertain the wishes of this Council by a suitable resolution. The effect of this is that the item is declared to be "Non-votable" because the person appointed to that post is a member of the Civil Service. It is quite possible for this Council to say that no member of the Civil Service is required and a member of the Provincial Civil Service may be appointed. By its being placed as a non-votable item we are deprived of that right. Some time last year His Excellency the Governor declared "Non-votable" certain items actually placed in the votable list. Therefore I should think some understanding must be arrived at in regard to this matter also.

"The last suggestion that I should like to make in this connexion is that a statement of new appointments created every year should invariably be appended to this statement. Then only we would be in a position to know the growth of recurring expenditure from year's end to year's end. These are the points that I would like to make by way of preliminary remarks on the budget. There are a few other matters which naturally arise on the statement of the Hon'ble the Finance Member. The Hon'ble the Finance Member made ample references to the activities of the revolutionaries, and in closing his remarks said: 'It will be necessary throughout the year to watch the progress of the forces to which I have referred, to pursue economies by every possible means and never to let an opportunity slip for enforcing upon the Government of India our just claims for a reduction of our excessive contribution to the Imperial Exchequer.'

2652

DISCUSSION ON THE BUDGET

[Mr. M. Ramachandra Rao Pantulu] [8th March 1922]

And again he has said: "If, on the other hand, the present slump in trade continues, if respect for law and order is to continue to decrease and if temperance measures are to be pursued without regard to the fact that people will drink illicitly if they cannot do so licitly, then we are not justified in making posterity pay for our enthusiasms, then we must brace ourselves to meet the deficit by further taxation." I should like to bring to his notice the fact of the general political situation, so far as has been referred to by him and so far as may be necessary, as affecting the future. The Hon'ble the Finance Member has said that the non-co-operators or, as he called them, revolutionaries have disturbed the peace and order, during the last one year and have persuaded the toddy shop renters not to bid at sales, which has resulted in a loss of nearly 100 lakhs to the exchequer of this Province. Sir, nobody regrets more than I that our resources have been contracted by their efforts. I may explain one or two matters in connexion with it. Before I do so I may perhaps venture to submit to him and those who are associated with him in the Government of this Province that it is within the competence of the Government also to preserve law and order in their own way, and that is by inconsiderate actions by provocative steps and generally by adopting a policy which may not be necessary, a policy which is altogether opposed to the general sentiments of those who are on the side of law and order.

"In this connexion perhaps I may make a reference to the situation in Guntur district. The Hon'ble the Home Member must have noticed from what has appeared in last night's paper the arrest of a gentleman of the name of Mr. Venkatappayya. I take it, Sir, from what has appeared in the press from time to time, that the situation in that district has been improving, that people have been paying taxes and that the non-co-operation movement so far as it led to the non-payment of taxes has broken down, and the hopeful nature of these communiques which the Government have been placing before the public is a feature which I very much appreciate. But what was it that induced the Government now, after the situation has improved, to take again to this course of arresting persons who are supposed to be at the bottom of this movement? That step, Sir, is likely to lead, and I would not be surprised, if it does lead, to breaches of peace and order for which the Government alone are responsible. The Hon'ble the Finance Member looks only to the people to restore peace and order. I would tell him at once that he is equally responsible on his side and on the side of the Government to take such steps as not to provoke people to commit further breaches of peace.

"Reference has already been made to the case of Palnad. That, again, is a case whereby continued neglect of grievances and by not looking into them with a view to remedying them there have been breaches of peace and order. There is another matter and that is the publication of the proclamation which I saw in last night's gazette proposing to quarter a punitive police in that district. Sir, I was very much surprised to read the terms of that notification. That notification empowers the local authorities to impose and collect a cess from anybody they like, and exempt anybody they like, from the payment of the cess."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"The local authorities are not empowered to exempt any one from paying tax. Exemptions are granted only by Government under section 15, I think, of the Act."

8th March 1922]

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*):—"The Government generally acts on the advice of the local authorities and in the end it is the local authorities that decide.

"What is the consequence? A lot of place-hunters, a lot of sycophants, a lot of manufactured loyalists and manufactured disloyalists; and the district being duly divided between these classes of persons, the local officers will naturally take sides. All this will lead to breaches of peace and order. I might perhaps bring to the notice of the honourable member what happened in the Cocanada riot. At that time, a punitive police was quartered on the whole of the town. The European population who had never contributed to breaking the peace were made to pay along with the other inhabitants of that locality. Memorials were sent up to the Government of the day and the Government of the day did not pay heed to any of them, because it is against the principle of cumulative punishment. Well, the Hon'ble the Home Member may not be able to see the results of this action. But those who see will regret the steps taken. Therefore I am not at all able to endorse the statement of the Hon'ble the Finance Member that peace and order are peculiarly the privileges of the people and that Government have no responsibility in the matter. On the other hand, they can contribute to the breaking of the peace as much as the people themselves. That is a lesson which we cannot forget and the whole history of the Irish coercion acts is before us. I may give many more quotations, not from Kautilya but from Lord Morley's Recollections on this aspect of our present political situation. During the brief time at my disposal I can only refer to one or two more points. This budget has been described by one of the honourable members as a budget where he did not see much of the democracy but where he saw a good deal of the bureaucracy. I believe that is essentially true. The budget is a budget which aims at service efficiency and there is no evidence there of any attempt to take steps for the promotion of national efficiency. The Hon'ble the Finance Member has quoted Kautilya. Perhaps I might also refer him to another passage in the same book, that is on page 78: 'Whoever doubles the revenue eats into the vitals of the country. If he brings in double the amount to the king, he shall, if the offence is small, be warned not to repeat the same; but if the offence be grave, he should proportionately be punished.' In those days, punishments extended to the maiming of the limbs, cutting off of the nose and other such things. I do not think the Hon'ble the Finance Member was peculiarly happy in his reference to Kautilya."

The Hon'ble Sir CHARLES TODHUSTER (*interrupting*):—"May I ask the honourable member to read the preceding verses also."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*):—"Yes. 'Whoever lessens the revenue eats the king's wealth. If owing to inadvertence he causes diminution in revenue, he shall be compelled to make good the loss.' (Laughter.) I shall also refer to another. 'Just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it is impossible for a Government servant not to eat up, at least, a bit of the king's revenue. Just as with fish moving under water it cannot possibly be found out whether they are drinking or not drinking the water, so Government servants employed in the Government work cannot be found out (while) taking money

[Mr. M. Ramachandra Rao Pantulu] [8th March 1922]

(for themselves). I could give him more quotations if he likes, which may not be to his taste. So much for Kautilya. The Hon'ble the Finance Member is not a member of the University of Taxila; he is a member of the University of Cambridge. I ask him whether it is consistent with the principles of taxation as laid down in the latest book published by the Professor of Economics at Cambridge that any budget which does not show on its face any item for improving the national efficiency can be considered satisfactory. There is something like a national minimum of real income and the way in which budgets are made is that the national minimum of real income of all classes is made up on the average, which in England is £1.62 per head of the population, the average of a family being 4½ members. Applying that test, there is absolutely nothing in this budget which goes to increase the national efficiency. In this Presidency, Sir, the two things that go to increase the production or productive organization are industries and agriculture. Now my Hon'ble friend, the Member for Revenue, has informed us, and I suppose it is evident from the budget that all works tending to increase the productive organization of the community have been stopped or kept in abeyance. Is it a satisfactory test of the budget? Therefore, Sir, I would ask the Hon'ble the Finance Member, in future budgets, to deal with the general aspect of increasing the consumable income, in the words of that economist, of the members of the community and not to devote too much attention to travelling allowances, creation and abolition of appointments, and royal commissions and excise and police commissions. These are all very good for the perfection of the machinery of the administration, but what he has to deal with is the generality of people for whose contentment the collective government is responsible. It is the duty of the democratic government to increase the national efficiency of the people and nothing of that sort is to be found in this budget. I have addressed my remarks to the whole of the Government cumulatively and I do not blame any individual member of the Government.

"I am thankful to you, Sir, for your indulgence."

Mr. C. NATESA MUDALIYAR:—"Mr. President, Sir, the Hon'ble the Finance Member is to be congratulated on the preparation of his budget estimates and on the splendid way in which he presented it. Every item of expenditure was fully thrashed out by him and was placed before the Finance Committee to be winnowed thereafter. It is only those items which could not be avoided without affecting the efficiency of the administration that were allowed to find a place in the budget. The Finance Committee, whichever side they directed their attention to, were faced by two huge insurmountable financial bulwarks, viz., the top-heavy system of administration and the drain of 348 lakhs of rupees into the Imperial Exchequer. Armed with resolutions of the Council, let the Government set to work at the former. Without producing any drastic changes, let all the unnecessary appointments be absorbed as soon as they fall vacant and let reduction of salaries be made as opportunities give rise to them. Sir, as to the contribution to the Government of India we are informed that a reduction will be made as soon as favourable times offer themselves. Let us hope, wait and see. Our contribution is based erroneously upon our land revenue without taking into consideration other sources of revenue of other provinces. Our predecessors in the political field allowed the Government to

8th March 1922]

[Mr. C. Natesa Mudaliyar]

swell up the land revenue ignoring the acknowledged canon of taxation that only as much tax should be collected as is necessary to keep the Government going. Not only this, our predecessors allowed even large imperial grants to be heaped up without being spent year by year and finally allowed them to lapse into the State. Such an inequitable imposition of contribution cannot but follow such negligence on the part of our past administrators and politicians. Sir, many members of this Council expressed their surprise as to why there should be so much deficit within a year after the reforms both in the central and the provincial Governments. I must remind the honourable members that the reforms came soon after the devastating war. Reform or no reform, such deficits should occur as a consequence of the world-wide war unless the Government takes into its head to tax the people indiscriminately. Perhaps such an injudicious step would have helped the professional agitators to make the Government unpopular.

"Sir, my previous speaker, the honourable Mr. Ramachandra Rao, told us that the policy of the Government in passing some repressive measures will provoke the people. Then, may I ask, whether the Government is to be sitting with folded arms allowing the hooligans to go on committing all the possible atrocities coming under the Indian Penal Code? Then, Sir, what is the use of this Government? I think that this Government rather erred long enough on the side of waiting and trying to please the professional agitators. Sir, as to the non-co-operators interfering with the collection of revenue, let us not care for them. If the Government is as vigilant as it was recently, everything will run smooth.

"As to the question of retrenchment, Sir, all unnecessary intermediary appointments should go. This cannot be effected in a day. Let there be a definite plan and as vacancies occur let the appointments be absorbed.

"Coming to the question of distribution of patronage, so many resolutions were passed in this Council and some of them were accepted by the Government and it was agreed that appointments of all grades and of all departments should be made on communal basis. Government orders to this effect were sent down to various heads of departments. Sir, this order is honoured more in breach than in observance. This order created only oppression over the non-Brahman subordinates in the various departments. Sir, for civil disobedience Government are sending people to jail. For this disobedience to Government orders by Government officials and for this insubordination what is the Government going to do with the heads of departments? Nothing less than dismissal or suspension will meet the ends of justice. Sir, hundreds of non-Brahman young men are without employment and are struggling to get employment without any success. They are miserably poor and are almost starving. I request the authorities concerned to descend from their Olympian heights to the miry flat where their brethren, perhaps their own kith and kin, half-starved and emaciated, are plodding their miserable existence on.

"Coming to the Judicial Department, I think the authorities concerned are setting at naught the resolutions passed in this Council. It looks as it were that they are not going to give effect to any of the resolutions concerning that department. So I request this Council not to vote a pie in the way of grant at least as a mark of protest.

[Mr. C. Natesa Mudaliyar]

[8th March 1922]

"Coming to the Medical Department, I quite sympathise with Dr. U. Rama Rao who burst into a passion the other day when he was talking about the inadequacy of the apportioned amount to this department especially in spite of the observations made in the last budget session of the Council about the scarcity of medical maternity and sanitary relief. There is only one medical man for 20,000 of the population. There is one sub-assistant at the headquarters of a taluk which he has often to leave on tour leaving his patients at the headquarters to the mercy of the Almighty. There are no medical women seen anywhere there. Hundreds of our ryots are helplessly dying every year when epidemics break out. The sanitary staff is not enough to cope with the situation. After the epidemic ceases to exist, after having its ravages, the epidemic parties arrive on the spot. My friend Dr. Rama Rao was complaining about the inadequate sum set apart for charges for medicines for patients in the hospital. I think it may be that the sum is not enough to get medicine from the medical stores. Sir, I know if this is not sufficient, the sympathetic physicians in the General Hospital like Col. Ellis will not allow the thing to go on. On a former occasion some years ago when dietary charges were lowered I know he protested against it and suggested that either dietary charges should be increased or the number of beds in the hospital should be decreased. Let me also remind my honourable friend Dr. Rama Rao that at the head of the medical administration, there is no less a person than Major-General Giffard, a genius full of schemes. Progress is his motto. He has introduced reforms not only in the Medical department, but also in the curricula for imparting medical education in the University. He is as great an organiser and administrator as he is a scientist. He would not have left a single stone unturned if he could have possibly helped it. Sir, I sympathise with the grievances of Dr. U. Rama Rao. He said that if he had the portfolio he would have done better—although I would have a medical man for the portfolio; but under the circumstances I am telling to myself, 'Save us from such a catastrophe'. If he had the portfolio, I am sure, many of the existing medical institutions would have been closed long long ago. Sir, in this Council no one, excepting you, Sir, and my revered leader Sir P. Tyagaraya Chettiyar, commands so much respect, so much confidence of the Council and possesses so much tact as our Minister for Local Self-Government. It is on account of his personal pleading and personal influence that the Medical department got at least this much grant. He pleaded for a 50 per cent grant for the local bodies. A sum of Rs. 50,000 is granted to the Medical institution for women at Vellore instead of ourselves opening an institution for want of funds. Objection was raised for granting even this sum to this missionary institution. Sir, when other missionary arts institutions in this Presidency are aided by the Government, why not this medical institution be helped? It is by his exertion, Sir, that we got at least Rs. 15,000 for the women's medical school attached to the Gosha Hospital. It will be a boon to the gosha women being trained in medicine. There is a proposal that Indian medical officers should be reduced from 54 to 36. Sir, before doing so, I request the Government to send our young men already in the Medical department to Great Britain and the Continent to prosecute their post-collegiate studies and equip themselves to replace them. For with the Indian medical officers we have some advantage. When they go home on furlough they come back with a knowledge of up to date methods of treatment and impart it to students. In

8th March 1922]

[Mr. C. Natesa Mudaliyar]

this connexion I would say that thirsting after knowledge, acquiring it and imparting it to others are some of the characteristics of the European.

"Sir, coming to the Police department, I am for increasing the efficiency of the police by recruiting proper men and also by equipping them properly. It would have been well in the days when disturbances were caused by the physical prowess of a single individual, for a constable with his baton or stick sometimes with a dozen others joining him to tackle the situation. When there is a concerted and united action of the mob, how can the policeman's baton answer hurling of stones by hundreds of hooligans? He should have a more effective weapon. In fact, the police force should be a quasi-military force. I would request the Government to ask the Imperial Government to revise their military policy. In concentrating their forces at the frontiers let them not neglect the interior. If they had attended to the latter, Sir, such occurrences in Malabar would not have taken place. In this connexion I request the Government to remove the punitive police stationed at Kamudi. A resolution was also passed in this Council to that effect.

"Coming now to the Labour department, Sir, the idea that the Labour department should go was conceived, I am sure, at a time when the department transgressed its legitimate limits by its interference with the labour disputes which interference shook peace and order in the city to its very foundation, caused anarchy to prevail in certain quarters belying all assurances of police protection and police efficiency and created such a split in our society, which carried us backwards at least a quarter of a century in its social progress; while the department is meant for the social amelioration of the depressed classes, Sir, there is a feeling that more money is spent upon the staff of the department than upon the people for whom the department is intended. On enquiry I find that only Rs. 1,50,000 is spent for the department while over Rs. 6 lakhs are spent on the people. In my opinion, Sir, even this lakh and odd is more than what is necessary. It is better that honorary workers are recruited as far as possible from the depressed classes. There is also a feeling that some officers deputed for this work overstep their bounds and cause conflict between the members of the depressed classes and those of higher castes. If it is so, I request the Government to prevent repetition of the same. There is also a feeling that if these depressed classes people are given an opportunity they become giddy. If they are given an inch they take an ell. In this connexion, let me ask: how many of us are here whose ancestors even centuries ago were not in the condition which the Adi-Dravidas are occupying to-day. Son of an ordinary man becomes the High Court Judge, but son of the High Court Judge is a gentleman born. Time will make up all differences. Let me tell our Hindu brethren enough we have kept these people under subjection for 2,000 years. Sir, we cannot now prevent the wave of awakening of the masses that is pervading the whole world. There is also a feeling among the members of the depressed classes that if this work of the depressed classes is entrusted to district officials it will not get on well, for, most of the subordinates in the district offices are Hindus and they will not do justice to them. I too believe, Sir, born of prejudices, brought up in clannishness, living in seclusion and perpetuating untouchability, either a Hindu or a high caste Christian will not do for that work which requires unbounded sympathy and thoroughbred cosmopolitanism. Both labour and depressed classes work are sacred to us. It is the late Dr. T. M. Nair that was the pioneer who fought for the rights of the

[Mr. C. Natesa Mudaliyar]

[8th March 1922]

labourers and was responsible for salutary changes in the Factory Act. Sir, it was our Minister, Raja P. Ramarayaningar, who is mostly responsible for the depressed classes work in this Presidency if not in the whole of India. Moreover, Sir, the Labour Commissioner is not only the supervisor of labour but he is also the protector of the depressed classes which include not only the Adi-Dravidas, but various other communities such as Kallars, Cherumas, Yanadis, and various hill and other criminal tribes. He has also the care of the criminal settlements. Sir, if this department is to be abolished we will lose a great deal in the social progress of our country. It is on the elevation and the education of these classes that political progress of India depends. So, Sir, let us take advantage of the opportunities afforded to us under the benign Government which holds the scales of balance even among various communities and improve our political condition."

Rai Sahib E. C. M. MASCARENHAS :—" Mr. President, Sir, it is a matter for great regret that all building and equipment grants in aided colleges and secondary and special schools have been suspended, the net saving being 3.89 lakhs. The aided colleges and schools have done in the past very satisfactory work and have shown good results. Instead of fostering them, by giving them more and more grants, we are now told that they are not to get building and equipment grants for some time. The policy of the Government seems to me to be that they are unduly trying to establish their own schools even in places where there seems to be hardly any necessity for them. Take the case of Mangalore for instance. There is an aided training school for mistresses intended for both secondary and elementary teachers which has shown good results for years past. The mistresses trained in it have been employed in various parts of the Presidency. Now the Government is going to establish permanently its own training school for mistresses as I find that a provision of Rs. 10,000 has been made in the budget for a building for it, though the estimate for it does not seem to have been prepared. It is well known that education imparted by Government Agency is very costly, and its extension therefore will lead to more expenditure, with the result that aided colleges and schools will be deprived not only of their building and equipment grants but probably of teaching grants also. Such a policy is already beginning to be felt by aided colleges. The Hon'ble the Minister for Education has been good enough to furnish statistics for teaching grants paid to certain aided colleges, and from these we find that the teaching grants are gradually diminishing. The honourable member, Mr. Arpudaswami Udayar, referred to these yesterday and I will not go into further details. I hope that during the year 1922-23 Government will consider this matter seriously and resume giving grants for building and equipment for aided colleges and secondary and special schools. Further, the policy of Government should be not to start costly Government schools where aided and private schools can supply the necessary education.

"Sir, I may be allowed to say a few words on the Forest department. Some honourable members have severely criticised the forest policy and pointed out that the department is not producing revenue commensurate with the expenditure incurred on it. Comparison has also been made with the results obtained in other provinces. I may tell this House that these provinces, instead of budgeting for large surpluses in the past, spent large amounts in developing their forests by providing tramways, timber slides, roads, etc., for transport of forest produce. They are now reaping the

8th March 1922]

[Mr. E. C. M. Mascarenhas]

benefits of such development, whereas in this Presidency surpluses in the past have gone to benefit other departments at the expense of the Forest department. I see that the department is now trying to invest money in special schemes. We cannot expect to reap the benefits of these schemes immediately but must wait a few years to get good results. I would, however, advocate that the department should concentrate its attention to working large and valuable timber forests and give over scattered small forests to panchayat management. I am glad to see that Rs. 30,000 have been provided for the purpose in the budget. Here again we cannot expect to complete the formation of the panchayats in a year. Probably it would take two or three years to do so. When this is done, the department will be able to dispense with the services of a large number of guards and watchers who are now a source of trouble to the ryots. This will also result in a saving under salaries.

"Sir, I would also urge the introduction of more Indians in the Imperial services; a beginning has been made during the current year by transferring seven officers of the Provincial service to the Imperial service. I hope that more Indians will be so appointed and that one or two conservatorships will be thrown open to them."

Dr. P. SUBBARAYAN :—" Mr. President, the very fact that the Hon'ble the Finance Member should have gone so far back as 24 centuries ago for his authority shows to what a sorry strait he had come to while he prepared his statement for the presentation of the budget."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*) :—" May I repeat again, Sir, that all I have quoted from Kautilya was a list of the conditions that are conducive to financial prosperity? "

Dr. P. SUBBARAYAN (*continuing*) :—" I did not hear a word of what the honourable member said."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*) :—" What I quoted from Kautilya was a list of the conditions that are conducive to financial prosperity."

Dr. P. SUBBARAYAN (*continuing*) :—" The very fact that he has quoted it for maintaining what is necessary for financial prosperity shows to what straits he was reduced. That is all what I meant, Sir. His difficulties are really due to the present system. If there was an estimate stage when the Honourable Members and Ministers in charge of various departments could have given us an idea as to what progress they had made during the preceding year and what they intended to do in the coming year, it would have been an easy matter for the Hon'ble the Finance Member to frame ways and means for carrying out the expenditure as had been sanctioned by this Council. Instead, we have a system of a mere presentation of budget estimates by the Hon'ble the Finance Member, classified into votable and non-votable items. This Council is supposed to have absolute control in the matter of transferred subjects, but as a matter of fact the Council has only an apparent power because there are Imperial service men employed in the transferred departments over whose pay the Council has no power whatever. There is no doubt, as the Hon'ble the Finance Member said, there has been a normal growth of expenditure, but such normal growth has been

[Mr. P. Subbarayan]

[8th March 1922]

entirely by way of increase of salary, and the departments of Education, Sanitation, Public Health and Medicine have been neglected comparatively speaking."

The Hon'ble Sir CHARLES TODD HUNTER (*interrupting*):—"May I say, Sir, as has already been pointed out in the memorandum, that there is an increase in the expenditure under the head 'Medical' from 18 to over 57 lakhs in the course of the last few years?"

Dr. P. SUBBARAYAN (*continuing*):—"As a matter of fact, Sir, referring to the figures given in the budget, I see that about 3 lakhs of rupees more were budgeted for last year for Medical than this year. As I have said, Sir, what the country needs is education. As a Member of Parliament once said, it is time that we thought of educating our masters, and after all the voters who have returned us to this Council are the ordinary villagers and it is to their education that we legislators ought to turn our attention. As Mr. Montagu said the other day in London progressive realisation of responsible Government in this country depends really on how far the electorate knows why it votes for us and for what it votes. And if the electorate is to understand its wants, it is necessary that they should be educated. Unless this is done we cannot progress any further. In this connexion I should like to join issue with my honourable friend Mr. Ramalinga Reddi who said that there ought to be a development all round and equal attention ought to be paid to both primary and University education, and that there is no use of having a body with large feet and a small head. But what we are actually having to-day is, I am afraid, a body with a very large head and very small feet. In this connexion the Hon'ble the Minister for Education is to be congratulated on the large amount he has got towards primary education, but still I wish he could have got more. But I quite agree that in one sense it would have been better if the Hon'ble the Minister for Education had got a grant of Rs. 50,000 which the University has been asking for for the last ten years for a class in experimental psychology. Really speaking, this expenditure ought to go towards primary education because it is meant for the training of teachers, and what we need is trained teachers. (Hear, hear.) Experimental psychology will certainly go far towards having more efficient trained teachers, and I quite understood my honourable friend Mr. Reddi when he pleaded for this grant for the University because though the grant is for the University it is meant virtually for primary education.

"In the matter of industries, the Government have again treated this department in a step-motherly fashion. I have every sympathy with my honourable friend the Minister (laughter), and I think he has done all in his power to cut down the expenditure in this department as much as he can, and I hope the Council, when it comes to vote on the separate items of the budget, will show sympathy to the Hon'ble the Minister in connexion with industries and will not cut down the very little grants that have been allotted to him in the budget. In this connexion, I should like to refer to Mr. Macdougall who said the other day that the Government ought not to run the soap factory, but ought to sell it. Really speaking, the Government should set an example to the people of this Presidency by starting pioneer industries and demonstration factories, and I consider the soap factory as one for demonstration. It is because the people have no confidence in the growth

8th March 1922]

[Mr. P. Subbarayan]

of industries in this Presidency that capital is shy, and Government should prove to the people that industrial expansion is possible. If they do so, I am sure industries will grow in this Presidency and the difficulties of the Hon'ble the Finance Member would also be solved because, with the growth of industries, there would be fresh fields for taxation.

"In the matter of Agriculture, I cannot say that I can treat the subject with the same sympathy. I think there are innumerable officials and experts who know very little of the conditions of the country. (Hear, hear.) What we really want in the Agricultural department are men who will understand the needs and necessities of the rural population and will not only run the expensive demonstration farms, but really model farms which will go to show to the poor ryot that there are possibilities in improved agriculture, and improved agriculture does not consist in running pleasure gardens but is a matter of business.

"I come now to the Forest department. I think the Hon'ble the Home Member deserves the congratulations of this House for having tried to exploit the forests. But I must say that my honourable friend Mr. Tanikachala Chettiyar is right in criticising the forest policy of the Government as it has been followed up to now. If the Hon'ble the Home Member could prove to the House that exploitation is really going to be taken up in a businesslike fashion, and not in the haphazard fashion as has been done during the last four years or so, I am sure the House will not grudge the money he wants, but may even be prepared to vote more. I must say in this connexion that Mr. Tanikachala Chettiyar was wrong in saying that our forests were not a gold mine but pits into which money once thrown never returns. The forests are really gold mines and have unheard possibilities as proved by the statements in the two green books put into our hands by the Forest Department. It may be the Council may feel some doubt as to whether it is going to be run as a business concern or in a lighthearted and haphazard fashion for the payment of highly-paid officers, and this is the difference between the Hon'ble the Home Member and the members of this Council in regard to this matter.

"I must say, Sir, that although the Bills for the village service cess had been thrown out, still it is an absolute necessity that the village officers both in ryotwari and proprietary estates should be adequately paid. They are doing Government work and it is for the Government to keep them well paid. And, after all, in an agricultural country like India, the village officers are the real unit round which the whole Government revolves. And unless they are kept contented it would not be possible to carry on smoothly the business of Government.

"Again, we have all been here in this Council as co-operators; but have we done anything in the way of propaganda against the non-co-operators besides saying a mere 'no' to them? We have really done nothing. The only way to counter the activities of the non-co-operators is to adopt a policy of social reconstruction, and such social reconstruction can be effected only by passing permissive social legislation in this Council, and by putting all communities on a basis of secular equality. In this connexion I would like to inquire of our Ministers what the Government have done with regard to the resolutions passed in this Council on the motion of my friend Mr. Tanikachala

[Mr. P. Subbarayan]

[8th March 1922]

Chettiyar. If there had been an estimate stage, as I said in the beginning, our Ministers would have told us what they have done to carry out the wishes of the party. Our Ministers are not like Cabinet Ministers in England who are leaders of the party in power, and it is only if they are recognized by the Government as leaders of the party in power that they would be able to tell us in what way they have carried out the mandate of the party.

"It is not the fault of the Hon'ble the Finance Member that we are in this state in the matter of our finances. It is all due to this new system of government—I mean the system of diarchy. It is time that we and the Government realized that although we want democracy we do not want to play at it as we have done in the past year."

Mr. M. C. RAJA:—"I cannot help thinking that the budget for the coming year presented to this Council is far from satisfactory—I am tempted to say, is disappointing. The defects in the budget of last year were apologised for by the Ministers saying that they were new to the Government and that they had to accept and pass on with their sanction figures prepared for them by the then purely bureaucratic Government. But I am afraid this year the same plea is not available to them. The popular party has been in power for over one year, and their Ministers and their friends in Council and in committees innumerable have had opportunities of acquainting themselves with the details of administration, and it is to me a sad spectacle to see that far from initiating any progressive measures, the Government is crying halt to several beneficent activities, and instead of marching forward, the popular Government is moving backward along the path of reactionary prejudice, social and political. I know it will be said in reply, 'What can the Government do when there is no money in the exchequer, when there is a deficit already and a deficit to provide for?' 'But whose fault,' I ask, 'is it that there is a deficit?' 'It is the fault of the non-co-operators,' is the reply of the Government. But the Government is a popular Government—there is a party in power, in virtue of a large majority in the Council, a party which claims to represent 97 per cent of the population. That non-co-operation should have spread among the people to such an extent as to cut down the revenue to the extent of 8½ lakhs and necessitated additional expenditure of 18½ lakhs, making a total loss of one crore, is no compliment to the party in power.

"If the leaders of this party had only carried on effective educational work and vigorous propaganda in the country and disillusionized the people as to the fallacies of the propaganda carried on by the non-co-operators, do you think, Sir, that we would be confronted with this deficit which I cannot help regarding as the triumph of the non-co-operators and the defeat of the party in power. This party has a majority in this Council at present; but unless they use this majority with regard for real justice, and not merely from an intoxicated sense of power which they wish to retain as long as possible, and unless they feel that it is their duty to enlighten and educate and elevate the masses, including the depressed classes, that majority will become a thing of the past. In this connexion I would remind the caste Hindus that we, the Adi-Dravidas, were the first to denounce non-co-operation in this Presidency. If the example set by us was followed by the non-Brahman party in general, the non-Brahman Hindus would have had timely warning. But what is the use of going to correct wrong notions when the poison has once been injected into the popular mind?"

[Mr. M. C. Raja]

8th March 1922]

"Besides, I remember how, soon after Mr. Wadia left Madras, I asked Sir P. Tyagaraya Chettiyar and other non-Brahman leaders to take the leadership of the Labour Union and prevent them from falling into the hands of the non-co-operators. What did the party in power do then? Was it not because they allowed the non-co-operators to capture labour in Madras that we the Adi-Dravidas felt it a duty we owed not only to ourselves, but to the Government and the public at large, that we should refuse to join the non-co-operation strikers? And instead of thanking us for refusing to join the non-co-operation strikers the leaders of the non-Brahman party fall into the trap set by the non-co-operation leaders who, instead of distinguishing between non-co-operation strikers and loyal non-strikers, divided the labourers into caste-Hindu strikers and Adi-Dravida blacklegs and asked the caste-Hindu non-co-operation strikers to go to the caste-Hindu leaders of the non-Brahman party and worry them to take their side against the loyal non-strikers. And these leaders, partly out of fright and partly out of flattered vanity, and partly in the hope of capturing labour, which had already been captured by the non-co-operators—they might as well capture a peacock by putting butter on its head—played into the hands of non-co-operators by attacking our community and extenuating non-co-operation strikers' acts of incendiarism, etc., against us. If only I had not at that time kept my people from joining the non-co-operation strikers, I leave you, Sir, to imagine what would have been the state of Madras with the non-co-operation Labour Union men in their full strength, when, for instance, the Prince of Wales came to Madras. Even as it was, how did the non-co-operators behave on that day? It was a fine compliment they paid to Sir P. Tyagaraya Chettiyar when they paid a State visit to his house on the 13th January last and made it necessary for the valiant knight to take shelter in a house in Kappal Polu Chetti Street so that he could not attend this Council during the Prince's memorable visit to it, and prevented that stalwart Captain of the Volunteer Corps, I mean Mr. Tanikachala Chettiyar, from attending the reception at the Government House that night.

"I need hardly say that if there are any departments of Government whose activities the non-co-operators dislike, they are the Publicity Bureau and the Labour Commissioners' office. They find the Publicity Officer a thorn on their side—coming out as he does with most commendable promptitude with corrections which put an end to the swift-footed lies of the non-co-operators both in the press and in the bazaar; and the Labour Commissioner is an eyesore to them because he protects and elevates the loyal depressed classes and prevent labourers from growing wild and getting out of control by watching their every movement and obtaining for them all reasonable privileges.

"I started with the saying that the budget is a disappointing budget. It is so, particularly from the standpoint of the depressed classes. When the non-Brahman party came into power, we, the Adi-Dravidas, expected a great deal from them. We thought that even without our asking and out of the abundance of their overflowing sympathy they will do a lot for us on their own initiative. But what is our surprise when we find they have not only not started any new lines of action, but they have knocked down the expansion of the work of the depressed classes already being done. The first and the foremost charge on the exchequer of all civilized Governments is the amelioration of the condition of what are called the depressed classes, who are

[Mr. M. C. Raja]

[8th March 1922]

the real producers of wealth. The mirasidars' pride is based upon the sweat of the labourers in the fields; the merchant fattens upon the profits earned for him by the despised coolie.

"What the capitalist is to the factory labourer in the city, that is the mirasdar to the field labourer in the country. We find now that the so-called foreign bureaucracy was more benignant in its intentions towards our people than the new Government brought into existence under the Reform scheme. Our only hope lies in the British Government and in our helping to maintain the British character of the Government: besides our organizing ourselves as an independent people. This was the two-fold message delivered to us by the late Dr. T. M. Nayar whose memory we always hold dear.

"Under Public Health, there is a provision of Rs. 29,460 for the Town Planning Trust. I would here give a warning to the Government that no proposal to oust or evict my people from their present localities should be countenanced. I know that on the Town Planning Trust Board there are no representatives of my community and there are capitalists and house-owners in plenty on that Board, and some of them being wealthy caste-Hindus do not like my people to live in their present localities. This Council knows that a body of caste-Hindus solemnly proposed to the Government that some of my community people should be removed from Madras and brought back by special trains. If such men should sit in the Town Planning Trust Board I shall not be surprised at their suggesting under the plea of relieving congestion that my people should be located outside Madras. Such proposals would be on a par with what Indians are protesting against in South and East Africa, at present in Kenya, the whites want to live in healthy places and relegate the Indians to low marshy places. Let us beware of reproducing Kenya conditions in Madras.

"The Hon'ble the Finance Member in his introductory summary of the budget mentions the expansion of the Labour department and the extension of the Publicity Bureau as things which he has closed down. These two departments seem to me as dykes to keep the inundations of the non-co-operation flood, and in refraining from strengthening them, the Government would only strengthen the hands of the non-co-operators and provide for larger deficit next year. Owing to the abolition in the current year of the office of the Deputy Commissioner of Labour, the staff of the Labour Commissioner has been considerably reduced and in order to get more work done by the department for my people two things are necessary: (1) more money should be given for work among my people and (2) the Protector of the Depressed Classes should not have other work dumped upon him. He should be a senior officer who could command the sincere co-operation of the district officers. My people are the real wealth-producers of the country, the real sons of the soil. I should welcome the separation of the office of Protector of Depressed Classes from that of the Commissioner of Labour. The combination in one person of these two offices has led to a great deal of misunderstanding and when there is any strike going on the ameliorative work of my people is suspended for the moment and we have to wait till the strike is settled. If only our friends the non-co-operators wish it, they would keep the Labour Commissioner so constantly employed with strikes as to leave him little or no time to attend to our work. I would therefore urge that more amount should be set apart for the work of the Protector of the Depressed Classes.

[Mr. M. C. Raja]

[8th March 1922]

"In this connexion I would call the attention of this Council to the way in which my people's applications for the assignment of darkhast lands are at present disposed of. One objection against the grant of such lands is that they are required for grazing purposes. I do not see what obligation rests on the Government for providing the mirasidars and other landowners with grazing ground for their cattle. Why should they not set apart a portion of their own lands for their cattle to graze upon? Is it because the Government think that my people are lower in the scale of creation than the mirasidars' cattle, their applications for lands are being treated in this summary and contemptuous fashion? I find also that when assignments of land are made to my people they are asked to pay for the trees growing on it. When a poor farmer of my community starts life practically, it is rather hard to expect him to pay for these trees. I would request the Government to make an exemption of this payment in the case of the depressed classes.

"At present a great deal of waste lands is reserved as forest lands. These lands should be disafforested and given to members of the depressed classes either for cultivation or for house-sites as the case may be.

"Another feature of the assignments made to my people is the introduction of caste distinctions even in classifying poramboke lands. In this caste ridden country, even lands are divided into high caste lands and low caste lands, the high caste lands being the better lands reserved for the so-called high caste and the low caste lands being inferior lands to be given away to the so-called low caste people. For instance, when my people apply for house-sites on an elevated place, they are offered sites on low marshy ground.

"The Council will have noticed in the reply given last Saturday to my question, as to the extent of lands given to my people in the Chingleput district during the year, when Mr. Vernon was the Collector that out of 18,000 acres of lands set apart for the depressed classes in that district, not one cent of land was granted in spite of thousands of applications sent to him by my people. This needs no comment. Mr. Vernon seems to have very curious notions of the priority of claims of caste-Hindus over the depressed classes. It is rumoured that when my people living in a certain village in Chingleput district applied for a burial-ground, he said that the caste-Hindus should be first provided with a better burning ground than they had at present before the Adi-Dravidas could be granted a burial-ground. This gentleman seems to hold the view that no lands should be given to the depressed classes or other benefits bestowed upon them without equal benefit being conferred upon caste-Hindus. It seems Mr. Vernon thinks that if lands are granted to the depressed classes or other privileges bestowed upon them the caste-Hindus will all turn out non-co-operators. The caste-Hindus of Chingleput who are represented in this Council by my friends Mr. C. Arunachala Mudaliyar and our Council Secretary Mr. A. Ramaswami Mudaliyar, must be a wonderfully constituted people and their loyalty to Government must indeed be built upon very fragile foundations indeed that acts of social justice on the part of Government to people who have been kept down for years by landlord tyranny and caste arrogance should drive them into the arms of the non-co-operators. Either Mr. Vernon is mistaken or the caste-Hindus of Chingleput are wonderful specimens of

[Mr. M. C. Raja]

[8th March 1922]

humanity or inhumanity. If the protection of the depressed classes is left in the hands of a district officer of the type of Mr. Vernon (I rejoice to think that he is a freak of nature rather than a typical member of the noble band of civilians in this country), the future conditions of the depressed classes will surely be worse than their former condition."

Mr. A. RAMASWAMI MUDALIYAR (*interrupting*):—"May I point out to the honourable member Mr. Raja that Mr. Vernon is a British officer?"

Mr. M. C. RAJA (*continuing*):—"That is known to all the world, Sir.

"The caste Hindus cannot have a more powerful attorney to advocate their case. Even Mr. Tanikachala Chettiyar will have to play a second fiddle to him.

"Coming to Education, Sir, I regret to notice that the allotment made for aided institutions is meagre. The reduction in grant for aided colleges is Rs. 1.24 lakhs less than the current year. In this connexion I see that grants to the extent of Rs. 1.1 lakhs have been cut out from under building, furniture, apparatus, appliances, hostels, etc. How can education be efficient or be conducted on healthy lines if these provisions are withdrawn? There is a provision of Rs. 20,000 for medical inspection. But what is the use of medical inspection if the pupils are not provided with benches and tables constructed on hygienic principles? For I see even under grants for non-Government secondary schools, furniture, etc., grants have been reduced to the extent of Rs. 1.70 lakhs. I would request that a lump sum of Rs. 2,000 at least be set apart for helping students of my community to pay university examination fees. There is a provision in the budget of Rs. 20,000 for agricultural middle schools. While I welcome this, I confess to a misgiving at seeing the word 'middle'. For this suggests that this is intended for the special benefit of non-Brahman caste boys in the same way as primary education is meant to be shared largely by my community, and higher education suggests the largest beneficiaries of it being Brahmans. I hope that for the benefit of my community, who are the real agricultural people of this Presidency, agricultural schools will be started as well. For young men of my community, I request a separate lump provision should be made for enabling them to go to Europe and America for their general and technical education. A great deal is being done for instance in the United States for the educational progress of the depressed classes in the Booker Washington Institute at Kentucky. I am sure that if a few young men of my community are trained in that institution they will be able to point the way of progress in my community.

"A great deal can be done to make the lives of Indian women of the middle and richer classes more useful and active. It will be a good thing if an educated Indian lady is sent abroad to study and report on the various ways in which the ladies make themselves useful to the country.

"Under European education, I would urge that the same standard of fees should be charged for Indian boys and girls as for European children. The present distinction in the fees charged is invidious and ought to be stopped. I must, before passing over this subject, congratulate the Hon'ble the Minister for Education upon making a beginning in the matter of vocational education. This has been a long-felt desideratum, a beginning has, I am glad to say, been made in this direction under the regime of my

[Mr. M. C. Raja]

8th March 1922]

friend the Hon'ble Mr. Patro. He had effected retrenchment in his department. Under Public Works he has cut down Rs. 6½ lakhs. I see he is also getting up a scheme for a provident fund for teachers. He is trying his level best to help elementary education and I am glad to note that he has also raised the scale of teaching grants for elementary schools. He is also trying his very best to Indianize the service.

"Coming to the Police, Sir, it is very necessary to strengthen the police. I find a sum of Rs. 1.16 lakhs has been allotted for additional police for the city of Madras. In recruiting these men I would urge the claims of my community. I need not say how well they are physically and morally qualified for rendering faithful service, as has been established beyond doubt in the army. In conclusion considerable sum is collected every year by fines levied by honorary Presidency Magistrates in the City of Madras. Many of these cases fall under the committing of nuisance. It is only reasonable that a good portion of the fines collected should be spent in providing sanitary facilities for people who are otherwise driven to the necessity of committing nuisance."

Mr. K. PRABHAKARAN TAMPAN:—"I crave the indulgence of the House to make a few observations on the budget, particularly on its bearings on the condition of Malabar. Sir, coming as I do from Malabar, that unfortunate district which has attracted the attention of the whole British Empire on account of the Mappilla rebellion, I wanted to see how much and to what extent the deficit in the current year and in the budget for the next year was due to that outbreak. Neither the budget speech of the Hon'ble the Finance Member, nor the statement prepared by the Finance Secretary helped me very much to see to what share of the huge provincial deficit that rebellion was responsible for in the current year. There is no mention anywhere either about the losses suffered by the Government by way of destruction of properties or for restoration of peace and order but I take it they are waiting for the report of the Special Commissioner. Even the money that was looted at the sub-treasuries at Manjeri and Walluvanad which I am told, was about Rs. 7 lakhs has not attracted his attention, nor has he referred to it in his speech. Sir, coming to the ensuing year, I find that the Mappilla outbreak is responsible for more Rs. 35 lakhs of our deficit. I took pains to go over the whole budget to find out the exact amount under the various items. I shall mention the several principal heads and the amounts which have been budgeted under them; but I will reserve my remarks on these several heads to a later stage.

"In the first place I find Rs. 24,000 budgeted for the salary of the Special Commissioner and Rs. 1,512 for clerks and peons; Rs. 48,000 for the Special Tribunal, or the Special Judges as they are now known, including the salaries of the judges and cost of establishment, etc., but I find that the fee due to the three Special Public Prosecutors is not mentioned; a sum of Rs. 6,000 is provided for the two Special Magistrates who were recently appointed and their establishment; then a provision of Rs. 4.15 lakhs for the Malabar Special Force; Rs. 9.75 lakhs for the maintenance of Mappilla prisoners at Bellary; a sum of Rs. 20,000 is provided for wireless telegraph; under civil buildings a sum of Rs. 2 lakhs has been set apart for repairs of public buildings and Rs. 1½ lakhs for building huts for the special police; a sum of Rs. 10 lakhs finds place under the Loans head to be

[Mr. K. Prabhakaran Tampan]

[8th March 1922]

given to the agriculturists and lastly a sum of Rs. 6 lakhs has been provided for unforeseen and miscellaneous purposes, to be used by the Collector at his discretion."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"There is no intention of giving this six lakhs to the Collector for expenditure at his discretion."

Mr. K. PRABHAKARAN TAMPAN (*continuing*):—"I think then this amount is for reconstruction purposes or a sort of provision for unforeseen circumstances to be spent as the Collector is directed. On the whole, it comes to Rs. 35.07 lakhs. Sir, it may seem to be sufficient to wipe off our anticipated deficit of 28 lakhs, but this is certainly very much short of the actual needs which might be required for the reconstruction of the district, and I am afraid more money ought to be provided for the ensuing year. All this money, I hope, can be recovered under the Mappilla Outrages Act in course of time if not at once. Therefore, we need not be afraid of the deficit being made greater on account of this."

"I will now go into each of the several heads with particular reference to Malabar. Under the Land Revenue the village headmen in Malabar also have their grievance, and it is rather hard that they should be asked to wait until the condition of our finances improves. The idea to pay them by a special local cess is open to objection. Local cesses could be levied only for local expenses and provision should be made for this from the general revenue. One way by which Malabar can be specially treated is the amalgamation of the *amsams*. Immediately after settlement all the *amsams* were divided; where there was one village headman, one *karnam* and three village servants, we have now three headmen, three *karnams* and as many as twelve servants. Experience has found that that was unnecessary and by amalgamating those *amsams* a large saving can be effected. While Malabar contributes so much as Rs. 35 lakhs to the general revenues of the Presidency, Sir, I regret to say that not a pie is set apart for irrigation purposes in the district. The idea is that we in Malabar have plenty of rain and that it is not at all necessary to spend any money for irrigation purposes in Malabar. Time was when it was really so."

"Of late years, Sir, we do not have any timely showers. As the rainy season also does not last for more than three months in the year, there is ample scope for irrigation works. The eastern and the south-eastern portion of Palghat is generally flat and subject to severe drought now and then and we landholders of the Palghat taluk have to remit our rentals almost once in two or three years. There is, of course, the difficulty on account of the special nature of tenure for the advancement of loans under the Land Improvement Act or the collection of water cess from the tenants. It must, however, be borne in mind that every lease remains in force for a period of 12 years, and by the time that period is over, the Government can recover the moneys advanced. The landowners will themselves be very willing to give the lands as security therefor if necessary. In this connexion I will also refer to the provision of 10 lakhs made for reconstruction purpose in Malabar. This provision is hardly sufficient for a purpose like that unless the Government want only to make a show that arrangements are being made for the advancement of loans and other help to the sufferers. It is not my purpose at present

8th March 1922]

[Mr. K. Prabhakaran Tampan]

here to dwell on the hardship borne by the Hindus or to the devastations made by the Mappillas in Malabar during the recent disturbances, but I wish only to urge the inadequacy of the provision in the budget. I request the Hon'ble the Revenue Member to give his very best consideration to these matters."

"Next, Sir, I wish to refer to the Chenath Nayar forest exploitation scheme. The whole thing is still a sort of a speculative measure and I am one of those who think that the Government were not well-advised in launching upon a scheme like this without making sure of the market that would be available for the timber and the money that would be required. The report submitted by Mr. Cox, the Chief Conservator of Forests, admits that the undertaking has resulted in a loss last year. I may suggest to the Government that instead of themselves undertaking to fell and convey the timber, it would have been better for them to leave it to the contractors or other private agencies. The sort of timber that is now cut is not suitable for any use in Malabar, whereas the Conservator of Forests expects that the timber can be used locally. Soft timber such as he has in large quantity is susceptible to the influences of white ants and will not stand the humidity of the district. It is not likely that it will have any local demand at all. The Chief Conservator again expects that the timber might be utilised as sleepers for the railway. He says in his report that if they are good for sleepers the timber might be supplied to the South Indian Railway and, if the result be satisfactory, an enormous market would be opened. It has not yet been found, Sir, that that sort of timber could be used for railway sleepers. It was, I submit, on the possibility of finding a large market like this that the Government had spent a large amount of money in the past. I find, also, that money is spent on a lavish scale in various other ways, such as the keeping of 120 buffaloes. I do not know for what work."

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"It is perfectly well known, Sir, what work the buffaloes are kept for. They are doing good work and if the honourable member had only gone to the place he would have seen it as I have done."

Mr. K. PRABHAKARAN TAMPAN (*continuing*):—"What I mean to say, Sir, is that there is no necessity for so many. I have been informed by local merchants at Olavakkot that the merchants of the place would have undertaken to bring the timber at less cost. There is, again, a legitimate complaint on the part of the ryots also that no local depot is opened by the Government to meet the local demand for timber. While there is much scarcity for timber for building purposes in the district, it is rather hard that the whole timber should be sent to the Kolar Gold Fields without paying any regard to the requirements of the ryots of the place. I wish that the Hon'ble the Home Member would kindly inquire into that complaint also."

"As regards Police, Sir, I have to draw the attention of the Council to the inadequacy of the provision of 4.15 lakhs for the military police in Malabar for the ensuing year. At the discussion of the resolution tabled by Mr. Krisbnan Nayar a couple of months ago, the Hon'ble the Home Member promised that sufficient police would be maintained at the places suggested to assure the safety of person and property. We want only security of that sort and that, I presume, is an elementary right which we can demand from the Government. So much destruction of life and property as the honourable members of this Council can have no conception of has taken place which

[Mr. K. Prabhakaran Tampan]

[8th March 1922]

we are prepared to forgive and forget. The Collector and the Divisional officers are issuing notices that the landowners should go back to their places and settle as the troubles are over. We hear, Sir, that about 50,000 Mappillas have seemingly surrendered to the authorities, and among them there are several people who are guilty of murder and plunder and still at large and there is no knowing when they will again turn against us. I, therefore, earnestly request the Hon'ble the Home Member that sufficient number of armed police men be kept in these places at least for some months to come. If necessary, punitive taxes must be levied on the Mappillas to meet this additional cost, but if the Government are not willing to do that, I, for one, as representing the landowners, say that we are prepared to pay. We have such strong feelings in the matter that if the Government will not help us in this respect, which we consider as their primary duty, we will be compelled to go out and seek settlement elsewhere."

The member was obliged to resume his seat, his time-limit having been reached.

Diwan Bahadur T. DESIKA ACHARIYAR:—"Mr. President, Sir, I would not intervene in this debate but for the fact that local boards have been hard hit in the matter of the provision made for their growing needs. I have in my hands the entries in the budget relating to local bodies. I find that, as far as I can see, almost all the recommendations of the Financial Relations Committee which provided for the omission of grants or doles hitherto made to local bodies have been accepted by the Government. In those cases in which the Financial Relations Committee, composed as it was of many experienced officials and non-officials presided over by the Hon'ble the Revenue Member opposite, recommended the augmentation of the resources of local bodies the Government were not in a position to give more than a very half-hearted help. I shall take the case of roads. With regard to trunk roads as far as my figures go, the actual expenditure on trunk roads maintained by local bodies must be 17.59 lakhs of rupees. The Government grant amounts only to 14 lakhs and odd and even these fourteen lakhs are not paid in advance. It is a post-payment of money already spent, which means considerable inconvenience to local boards. In a district like Trichinopoly in the current year, we had to spend more than a lakh of rupees on trunk roads and we have to wait till the next year in order to get the money actually spent this year. That is a system which causes great hardship to local bodies all over the presidency. The Accounts Committee recommended that these grants should be made quarterly or in advance. So far as I can see, nothing has been done to give effect to this recommendation. I wish to say, Sir, with regard to the provision of 16 lakhs for the maintenance of trunk roads, the sum is supposed to be found by Government from April 1920; as a matter of fact, it looks as if no grant was made for that year at all; for the money is being paid in the year after the work is actually turned out at the expense of the local boards. This is inequitable."

The Hon'ble Mr. P. RAMARAYANINGAR (*interrupting*):—"Sir, one of the recommendations of the Financial Relations Committees was that this grant should be made only after the services for which the grant is intended were rendered and the committee included most of the members of the district boards. The Government are not responsible for initiating this policy, but if they did so, it was because the Committee itself recommended the payment after the services were rendered."

8th March 1922]

[Mr. T. Desika Achariyar]

Diwan Bahadur T. DESIKA ACHARIYAR (*continuing*):—"Sir, I do not find any such recommendation in the report submitted by the Financial Relations Committee. They have not indicated the manner in which it should be paid, but there was a separate Accounts Committee which recommended the payment in advance, a portion of the money needed for actual payment. I think it is a matter of natural equity—only a matter of fair treatment to these local bodies—that the money which they have to spend must be found during the current year. The contractor has to be paid; road materials have to be purchased; spreading must be done; and rules are framed under which we have to make everything ready before the end of December each year. The roads have to be kept in proper condition and inspected by Superintending Engineers before the end of each year. When such is the case, it is not possible to understand why payment of the money which the local boards spend in this manner is suspended till the next year. It is, once again I submit, Sir, a very inconvenient arrangement."

The Hon'ble Mr. P. RAMARAYANINGAR (*interrupting*):—"Sir, in some cases advances are actually being made and I do not see any reason why exception should be made to the recommendations of the Financial Relations Committee. If the local bodies want money the Government are willing to make advance as recommended by the Accounts Committee."

Diwan Bahadur T. DESIKA ACHARIYAR (*continuing*):—"I leave it there, Sir. I merely wanted to bring to the notice of the Government the extreme inconvenience caused by this arrangement. The local bodies are not rich enough to advance money to the Government. When once it is conceded that the maintenance of trunk roads is a national concern, it is a national responsibility to maintain public highways, it follows that the Government must pay for the work themselves, that is from time to time as the expenses are being incurred."

"Then, Sir, the Financial Relations Committee recommended the payment of half the cost of so-called second-class roads. The expenditure under this head would be something like 23 or 24 lakhs of rupees, yet the Government have merely continued the payment of what is called the 14 lakhs grant, which has swelled into 17.28 lakhs, and that is all that they are going to pay."

"This amount is hardly enough to meet the growing needs of local bodies. They are suffering from the same causes which lead to a deficit here; their income is not growing and their expenditure is growing from day to day. I hope the Hon'ble the Minister for Local Self-Government will find his way, if money be available, to see to it that local boards are assisted in the proper maintenance of their second-class roads."

"There is one other provision which I want to bring to the notice of the Government and that relates to medical relief. I find a provision of 5 lakhs of rupees under this head. If the recommendations of the Financial Relations Committee are to be given effect to—and unless they are given effect to, local bodies cannot discharge their duties in maintaining hospitals and dispensaries—if these recommendations ought to be given effect to, at least 10 lakhs and odd must be found. And what is the provision which has been made? Five lakhs of rupees, the major portion of which I imagine will be consumed by the increase of salaries of sub-assistant surgeons. Let us also

[Mr. T. Desika Achariyar]

[8th March 1922]

see the Financial Relations Committee's recommendations with reference to conservancy and water-supply, what is known as the minor sanitation grant. That Committee observing that this sanitation grant was being made in a haphazard manner to various boards, recommended that it should be dropped. The Government accepted this recommendation and has effected thereby an average annual saving of about 12 lakhs. Taking the figures for a few years. I think, Sir, it amounts to 10 to 12 lakhs on an average and that has been resumed. They have also accepted the recommendations of the Financial Relations Committee in regard to the stoppage of grants to the poorer district boards. Altogether, the Government were willing to drop at once 17½ lakhs of rupees recommended to be omitted by the Financial Relations Committee, while they were not disposed to show equal alacrity in coming to the help of these local bodies. In the case of these recommendations, I see from the Government Order that they merely say that the Government cannot commit themselves to any definite promise. I may at once point out that taluk boards are not now in a position to maintain the dispensaries hitherto maintained out of local funds. Out of the seven taluk boards in my district, four have already come up to me with the suggestion that some of the dispensaries under their control should be abolished. Others are for substituting cheaper Ayurvedic dispensaries in the place of the existing dispensaries. I have no objection to Ayurvedic dispensaries, but I am a strong believer in the dispensaries with which I have been connected for many years and I do not want the Government to force the taluk boards to close down the dispensaries which have been of great use in the rural areas all these years. So much, Sir, with reference to the way in which local boards have been treated. I desire to address a few remarks upon certain other aspects of importance bearing on the general situation.

"First, I wish to point out that it would be the endeavour of all members of this Council to co-operate with the Government in putting down activities which have caused diminution of revenue and increase of expenditure. But I have to draw the attention of the House to a subject which has for some time been before my mind; and that is the procedure which is being adopted in bringing these people to a sense of their duty. I do not know if the use of sections 107 and 144 of the Criminal Procedure Code is an effective method of bringing recalcitrant people to a sense of their duty. When I visit the Central Jail, Trichinopoly, I see very often that the so-called punishment inflicted upon them does not at all operate upon their minds, nor is it of a deterrent or of a useful kind. The present procedure but merely swells the jails.

"Next, with regard to the depleted treasury and increased taxation, the Hon'ble the Finance Minister quoted from chapter VIII of the Arthashastra with regard to what constitutes public prosperity. Shall I quote from the next chapter these three lines?—

'Whoever lessens the revenue eats the King's wealth,
Whoever spends the revenue without bringing any profit eats up the labour of workmen,
Whoever doubles the revenue eats into the vitality of the country.'

"These may well be borne in mind in framing a budget, especially with reference to the expenditure of money.

"There are two or three ways in which the present enormous expenditure in the districts could be avoided. I have to refer to them very briefly, because my time is up. If we enable village panchayat courts to try petty

8th March 1922]

[Mr. T. Desika Achariyar]

small cause suits ousting the jurisdiction of munsifs' courts, we may effect a perceptible saving of expense, time and energy. Has anything been attempted to be done in this direction? There is no use of making these courts have jurisdiction along with the munsifs' courts. If necessary, the Act must be amended. In this way, we may have relief so far as civil judicial work is concerned. With regard to magisterial cases, in the mufassal, there are retired people who had worked as either first or second-class magistrates, and who are willing to do honorary work as magistrates. Why not appoint them as honorary magistrates in larger number than now and increase the number of cases that have to be disposed of by Bench Courts, and thus have the same kind of honorary agency that you are employing for our local fund work? This again must relieve us of the necessity of having so many stipendiary magistrates and enable us to reduce their number. On the revenue side now that a good portion of the work entailed by the supervision of local fund agencies has been taken away from subdivisinal officers and collectors, it is time that these posts should be reduced in number or that the work of special departments in the districts be allotted to them. The subdivisinal officers may be reduced in number and made to have larger charges. In these and other ways economy could be effected. These are suggestions which I put forward for consideration. I cannot think of retrenchment all at once, because it is hard to ask people to go away all at once. Retrenchment must be thought out with great care and evolved in pursuance of a consistent policy. These are a few of the remarks which I wanted to make in connexion with the policy of the budget which relates to public prosperity. The outlook is fraught with grave misgivings. If I go to the village people they will ask me about their roads, and sanitation, and they will surely say: 'You have increased taxes; you make us pay more for salt and kerosene oil, postage, stamps and court-fees; but what have you done in regard to the rural needs?'

Mr. ABBAS ALI KHAN Bahadur:—"Mr. President, Sir, I rise to congratulate the Hon'ble the Finance Member for the budget he has presented to this House. Sir, as a member of the Finance Committee I can assure this House that the Finance Member, faced with a huge deficit, has been as eager to effect retrenchment and economies in every department of Government as the most enthusiastic member of this House. Sir, I may say that the Hon'ble the Finance Member took us entirely into his confidence, he kept back nothing from us, he supplied us with whatever information we wanted and he always asked us both in public and in private to suggest to him ways and means by which he could effect retrenchments. Sir, from the above you will see how sincere the Finance Member has been as regards the budget, and yet I am surprised to see, Sir, member after member attacking the Finance Member for the past three days, and true to the traditions of the great Kautilya they want to cut off the nose of the Finance Member for budgeting a deficit budget as was done in his days, and had Mr. Tanikachalam Chettiayar been allowed to have his own way, he would have even chopped off the Finance Member's head for his deficit budget. I see, Sir, provision is made to increase the salaries of the judges of the Small Cause Courts and Rs. 20,000 has been allotted to it. I hope, Sir, in these days of financial stringency no more increments would be made to its officers and I particularly object to this item.

[Mr. Abbas Ali Khan]

[8th March 1922]

"As regards Forest, this department has come under a good deal of criticism. I know for a fact, Sir, that just before the outbreak of war the Germans were so impressed with the work of the Indian forests modelled after their own that there was a serious proposal to send out experts to study the forests here. Sir, it is one of our faults that we as a nation are very impatient. We spend our money and we want results at once. Sir, lakhs have been spent and as time goes on, the lakhs would yield handsome returns. As an example, I will illustrate it thus, Sir. When the soap factory at Calicut showed a profit of one lakh two years ago, we opened our mouths and this year, if there is a fall owing to the Mappilla rebellion and competition by cheap German soaps, members want it to be closed. Sir, to take another illustration, in Madura the Harvey mills were opened some years ago mostly with Indian capital. As this mill did not yield for a number of years, all the shares were sold and excepting Mr. Uthamapalayam Mudaliyar, whose nephew is Mr. Rajan, there is no Indian who owns any shares in it and this mill is paying 100 per cent dividend. Our psychology is such, Sir, that we want quick returns and look at the way motor busses are run to death in Madras town.

"Sir, Agriculture too came in for a good deal of criticism. It is true that these experts are trained in colder climates with cereals which grow there. Here with their knowledge and equipment in entomology and mycology they are slowly experimenting and discovering new diseases and new methods of combating diseases. I for one will say, Sir, that more ought to be spent and not to be curtailed.

"Sir, my friend Mr. Tampan has suggested that the Mappilla ought to be taxed. I can tell this House, Sir, from my recent experience of Malabar, most of the Mappillas have been hard bit. Almost all their paddy has been burnt on the ground that it may be utilised by the rebels and their condition is indeed pitiable. It has become the fashion of the day to cry for the extermination of the Mappillas and this feeling has been echoed even in this House to-day."

Mr. K. PRABHAKARAN TAMPAN (*interrupting*):—"May I explain one word, Sir? Evidently Mr. Abbas Ali has been speaking of poor Mappillas. There are hundreds and thousands of rich Mappillas who could be taxed. It is rather hard that these people should escape scot-free."

Mr. ABAS ALI KHAN Bahadur (*continuing*):—"Very well, Sir, it is not in my province to say anything further about it. As regards the cry for retrenchment, the Finance Member has shown a cheerful reduction of 40 lakhs this year. This is only the beginning and not the end and the House may rest assured that we, members of the Finance Committee, are acting like the watch dogs and we will not fail in our duty to muzzle the bull."

Mr. P. T. RAJAN:—"Mr. President, I will confine my remarks to three items in the budget—the village officers, irrigation and the police. Taking the village officers, Sir, I believe that the village officers cannot have a better champion in this House of their cause than my friend Mr. Muniswami Nayudu of Chittoor. I endorse every statement that has been made by him. By the way I beg permission to make this one suggestion that the village officers may be given lands by way of manipam wherever possible. If that is not possible Government must find some means or other.

[Mr. P. T. Rajan]

8th March 1922]

"Coming to irrigation land revenue is the chief source of income of the Government and I am very much surprised to see that the Hon'ble the Revenue Member has got only 60 lakhs and odd for carrying on irrigation works throughout the Presidency. Talking from my experience of my own district I should think that we should be requiring at least half of the sum that has been demanded by the Hon'ble the Revenue Member. When the Hon'ble the Revenue Member came on a visit to Madura he saw major portions of the Madura district and especially Kambam valley and the Periyar delta and he also saw the wretched conditions of the channels and we can convert all the dry lands into wet lands and possibly we can give water tanks. So, Sir, we are badly in need of money. If money is forthcoming to the Kallanad. Originally the Periyar lake was constructed with a view to relieve the famine-ridden tracts of the Madura and Melur taluks. Ever since its opening those taluks have become most prosperous and the Kallars who form the major portion of the inhabitants have become more educated, more civilized and they have given up their old habits of thieving and robbing. If money could be spent and water given to the Kallars of Usilampatti division I am quite sure history will repeat itself and these Kallars also will become prosperous and give up their bad habits. Then there will be no necessity for increasing the police or the staff of the Commissioner of Labour and so on. It was with the greatest difficulty that the Hon'ble Mr. K. Srinivasa Ayyangar was able to get a lakh of rupees and I must thank the Finance Committee, the Hon'ble the Finance Member and the Hon'ble Mr. Srinivasa Ayyangar for having managed to get a lakh of rupees for the Kallar work in our district.

"Coming, Sir, to the police, I believe that it will be far better to us if we revert to the old system of head constables. From the talk I have had with various people and some of the chief officers of the district I came to the conclusion that it would be decidedly better to revert to the old system. So I beg to suggest that further recruitment of sub-inspectors should be stopped. From the list I see, Sir, that provision is made for 1,218 sub-inspectors. It comes to 13 lakhs and odd, and there is provision made for 2,893 head constables of different grades, viz., first, second and third and that comes to 10 lakhs and odd. If instead of abolishing the police inspectors as was suggested by my friend Mr. Gopala Menon we abolish the post of sub-inspectors we can have an equal number of head constables and there will be a saving of about 8 lakhs, in the bargain. I am quite sure that head constables would do as well as sub-inspectors in the way of investigating cases, etc. My one objection about the sub-inspector's job is this. It is not so much that they are not able to maintain themselves with the pay they get now as their inability to maintain their rank. And for maintaining their ranks the pay that we give them is not sufficient. Therefore by stopping further recruitment of sub-inspectors we will be able to save money which could be utilized in better ways. With these few remarks, Sir, I resume my seat."

Mr. A. SUBBARAYUDU:—"The budget presented by the Hon'ble the Finance Member is one prepared by a number of heads put together. I am not here simply to criticise, since every human being is apt to err. We cannot blame him if he cannot follow the dictates of retrenchment. He has to satisfy the surrounding influences and forces. He has also to vindicate

[Mr. A. Subbarayulu]

[8th March 1922]

the administration. For various reasons it is not an easy job to cut down the number of highly paid officials and to reduce the salaries. Now coming to the revenue under the head of—

“*Excise*.—The Hon’ble the Finance Member estimated that the year 1922-23 would yield an income of Rs. 482.70 lakhs.

“*Forests*.—One cannot but remark that the forest administration needs great improvement, I mean, not improvement only in the number of officials but in efficiency. I can see from the budget that the income and the expenditure are oscillating about 50 lakhs both ends just meeting. But one can point out that the income is classified under four heads. It is shown that a sum of Rs. 28.20 lakhs is estimated for the timber and other produce removed from the forests by consumers or purchasers. Then another Rs. 4.35 is derived from fines and forfeitures and from this and other sources a total of Rs. 32.55 lakhs is made up.

“Sir, you are aware that the expenditure incurred on the above two items is Rs. 1,10,150 as per budget, page 55. The revenue from other produce removed from the forests by the Government agency is estimated as Rs. 21.77 lakhs; but the expenditure against this item is Rs. 4,85,950 plus Rs. 2,95,450 for live stock, stores and plant, making a total of Rs. 7,80,500. This figure excludes Rs. 3.50 lakhs which is spent for organization, improvement and extension of forests. A large portion of this sum is also spent for timber removed by Government agency. You will therefore see that we are earning Rs. 21 lakhs by spending Rs. 10 lakhs, besides we pay a huge establishment salaries covering over Rs. 20 lakhs.

“It is plain, Sir, that we are making Rs. 28 lakhs by removal of timber and other produce by consumers and purchasers against a direct expenditure of Rs. 1,10,150 and whereas we are loosing heavily by the departmental system. Sir, it is therefore clear proof that the forest administration is one that requires a thorough scrutiny to find out how to derive the maximum of revenue with the minimum of expenditure.

“*Irrigation*.—Sir, irrigation is a source of prosperity both to the State and the people. The Finance Member is wise enough to provide funds, lakhs and lakhs for building houses for district officials. By providing a house at a cost of Rs. 50,000 and giving comfort to one individual the rent derived thereon does not meet even the annual recurring expenses, whereas funds provided for irrigation works will feed millions of hunger-stricken people. I do not see in the budget any amount however small allotted for new irrigation works, whereas I find grants provided in the budget to the extent of Rs. 30 lakhs for civil buildings.

“Sir, the Government is aware that the Kistna and Gōdāvari delta systems are yielding a revenue of 25 per cent on the capital outlay. Estimates were prepared long ago for extension of the Koringa canal and the island of Polavaram in the eastern and the central deltas of the Gōdāvari ancient system. Last year the Hon’ble the Revenue Member during the budget discussion was pleased to say that the Government would seriously consider about the irrigation improvements. Again the Hon’ble the Revenue Member during his tour to the Gōdāvari district has given hopes of early consideration. The people in both the islands are living hand to mouth. By providing facilities to those two islands Government will not only be

[Mr. A. Subbarayudu]

8th March 1922]

adding revenue to the State but also providing food for the hunger-stricken. The delta canals are being neglected without sufficient repairs. Here I cannot but mention that the Gōdāvari river is being silted up with shoals of sand above the ancient which at any time may develop serious consequences if proper attention is not paid.

“The Departments of Industries and Agriculture are in the eyes of every member here; but they must know that enterprises undertaken by Government cannot run on the same level with those by private concerns. You will always find a difference until such time as you appoint men who love the work for the betterment of the people. People do not expect to prosper under those that show them no sympathy. However the charge levelled against the Industries Department is that the cost of the headquarters organisation is out of all proportion to the results so far achieved. It must be obvious to the honourable members that in the initial stages a directing agency always costs relatively more than at subsequent stages. It is there to organise and comparisons of relative cost are out of place until the organisation has been completed. If in the coming years the total appropriation of the department is increased to 30 or 40 lakhs the directing agency will still remain practically at five lakhs. As regards the other charge, that the experiments in the industrial and agricultural departments have not resulted in anything, in the first place the charge is exaggerated. They have resulted in substantial good to the country and, although the Calicut soap factory may, in the special circumstances of the current year, be running at a loss, still it has popularised soap-making, with the result that even in mufassal towns like Coimbatore similar soap factories have been established though on a small scale. And after all the chief aim of the Government is to educate the people and not merely to earn dividends. Secondly, after the war, almost every industry in India has had to face the hunger-stricken competition of the West. Thirdly and this is the most important point, though it is perfectly true that several experiments may not result in progress, it is still more true that no progress is possible without continuous experiments. The very term ‘experiment’ shows that there is no guarantee of success and to turn round and blame Government for conducting experiments which have not proved a success so far is to misunderstand the whole function of experiment in modern life and to talk in the antiquated spirit of a Sastri.

1-45 p.m. “Before concluding my remarks on these subjects, however, let me urge upon the Minister to see that he keeps a close eye upon his agricultural experts and introduce the Indian element wherever possible, and also to appoint an Indian engineer with practical knowledge as the Director of Industries.

“*Public Works Department*.—Many of my honourable friends spoke on this subject and about extravagant expenditure. No doubt, the establishment was justified a number of years ago, when new works were made and crores of rupees were spent. Now, there are no such new projects involving expenditure, to justify the retaining of the present establishment. The percentage of the cost of establishment has been increasing in spite of the introduction of labour saving appliances, combined with modern engineering skill. It may appear to us on the paper from the statement published in the Public Works Department Administration Report that the percentage of the

[Mr. A. Subbarayudu]

[8th March 1922]

cost of establishment during the last ten years has not at all increased. But, to show to you, Sir, that it is otherwise, I will proceed as follows.

"The total expenditure in 1909-10 was Rs. 132.19 lakhs and establishment cost was Rs. 26.58 lakhs, making out a percentage of 21.63. In the year 1919-20, the total expenditure was Rs. 175.25 lakhs against the cost of establishment of Rs. 35.89 lakhs, making a percentage of 20.48. It is thus seen that the percentage of cost of establishment is less than it was 10 years ago. But the unit strength of establishment is nearly the same it was 10 years ago. On account of the present cost of the material, we are now paying for many materials 200 per cent, while cement, iron, paint, glasses, etc., are costing us 300 to 400 per cent. Thus, on the average, the unit of work is now costing us $2\frac{1}{2}$ times more than it did 10 years ago. On this basis, the unit of work for 1919 cost us Rs. 70 lakhs at the old rates of 1909-10, thus doubling the percentage of the cost of establishment. We may plead that much more work could have been turned out by the same establishment if funds had been provided. Providing more funds year after year for building works is a doubtful policy under the present system of administration. Therefore, there is scope for gradually reducing the Public Works establishment to half the present strength converting the sub-divisions, divisions and circles into bigger areas. Of course, if any big schemes or major works are to be done, we may then take on a temporary establishment for the time being. In this connexion, I cannot but point out to you, Sir, an incident involving a cost of several thousands of rupees to the Government in a place where half a dozen responsible officers are located.

"In the budget estimate, under the head of District Administration, General Establishment, a sum of Rs. 30 lakhs is included for the inspection of Laccadive islands in regard to several matters of administrative importance. May I ask the Hon'ble the Finance Member is this head not excluded from the provincial expenditure and charged to the Central Government?"

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*):—"As the Hon'ble the Finance Member is not here, may I say, Sir, at once that we are charged with the care of the Laccadive islands and it is legitimate duty of the provincial Government to provide funds for the purpose?"

Mr. A. SUBBARAYUDU (*continuing*):—"I see from the budget in several places the item 'Expenditure in England', which gives no sufficient details of how the expenditure is made.

"Stationery and Printing.—I find under this head a very unsatisfactory account, and I believe a special study of accounts and audits is required for one who wants to know this head of details. The revised estimate for the year 1921-22 is estimated at Rs. 25.52 lakhs, including 6 lakhs, the cost of permanent piecework establishment. Therefore the actual purchases are nearly 19 lakhs. The cost of paper this year has fallen to half of what it was in the middle of last year. Thus, the budget estimate for this year should have been estimated at half the cost of purchases, say $9\frac{1}{2}$ lakhs plus 6 lakhs, stationery charges, making in all 15 lakhs. But to my great surprise this item has grown to Rs. 28 lakhs beating all the previous records of cost, during the abnormal years. How does the Finance Member account for this difference of 13 lakhs? Certainly, I am entitled to demand from the

8th March 1922]

[Mr. A. Subbrayudu]

Finance Member a proper explanation. It is said that economy was strictly observed during the war years. Why not the same economy be continued now? It is said that the stationery from the central stores is to be taken delivery of by the Madras Government from 1st April 1922, and paid for by instalments of not less than Rs. 5 lakhs per annum.

"Sir, this is really a severe loss to the Provincial funds. The Finance Member has neither given us the total cost of stationery to be taken delivery of from the central stores, nor told us whether the rates to be paid tally with current rates, and it may not be out of place if I here mention that the present stock may have been purchased or intended long ago, when the prices were four and five times higher than at present, thereby imposing on us the loss of not only our share but also that of the other provinces. Is this justified?"

"In conclusion, I cannot but feel that this budget is a sorry one and may I add a bureaucratic one too? Sir, let me repeat my prayer, namely, that the Government exists for the people and the people do not exist for the Government. The Government are taking 16 crores of rupees from the people and nearly 6 crores out of it are spent on salaries and $3\frac{1}{2}$ crores go to the Government of India. Less than 40 per cent therefore is all that is spent for the material and moral improvement of the people. Is that a satisfactory condition, I ask? Shall we not try to give a larger return to the people of this country? Remember also that this province will have to bear its share of the Indian taxation, increased price for cloth, for salt, increased postages, increased railway fares and what not, to crush the unfortunate dumb millions of this province. When will the Government realise that they exist for the sake of their people? Responsible Government does not at the same time increase the benefits to mankind, if it cannot raise the standard of living, if it cannot add comfort to the people, I say responsible Government is as bad as bureaucratic Government. There is no use substituting the one for the other, if the substitution is not followed by corresponding benefits to the dumb millions that ungrudgingly pay so many crores of rupees."

Mr. A. RANGANATHA MUDALIYAR:—"I wish to assure the House, Sir, at the outset that I shall not take up its time for more than ten minutes. Last year, speaking on the budget, I pleaded that inasmuch as most of the revenue—whether it be under Land Revenue, Excise, Stamps or Registration—was derived from the poor of the country, their interests should specially be looked after. But I am sorry to observe that much attention does not seem to have been bestowed to their interests either by the Reserved departments or by the Transferred departments.

"My friends have dealt with other departments like the Police, and the Land Revenue. I will not trouble the House any further with regard to them. I will take the case of the Local Self-Government Department. It is no use shutting our eyes to the defects in this, because the local bodies are managed by our people. We do want our men to manage our local affairs; but that does not mean that no control should be exercised over them. The present system has simply added to our burdens without any corresponding benefit. I am afraid, Sir, it is becoming even worse. I have talked the matter over with non-official presidents of district and taluk boards, and they are of the same opinion as myself. The old official presidents were doing the

[Mr. A. Ranganatha Mudaliyar] [8th March 1922]

work as well at least, if not better than, their successors, and they were not costing the tax-payer anything. Some of their successors have made their job a source of profit to themselves. The travelling allowance which some of them are drawing is simply scandalous. It would be worth while to investigate how such of the presidents as are also vakils combine their professional business with so-called public work and draw heavy travelling allowance in connexion with the work relating to either or both.

"Take the Excise Department. What has the Minister done to put down the drink evil? He makes a lip profession that he is as anxious as anybody else to promote temperance. But what has he done or proposes to do? The Council discussed two resolutions on this question, one moved by me and another by Mr. Ramalinga Chettiyar. I did not care for the Minister to acknowledge total prohibition as his goal and take a century to reach it. I pleaded for reduction in consumption. What did he say in reply? He spoke the usual platitudes which did not satisfy me. Finally he said that 'if this is one of the suggestions of the Standing Committee, certainly it will be favourably considered by the Government'. I wish you, Sir, to mark the words 'favourably considered.' I thought that the Minister meant the words he used and withdrew my resolution. What happened afterwards? For some mysterious reason, the Standing Committee got transformed itself into an Advisory Committee and even that was appointed after a great delay, and the question of effecting a reduction in the use of the intoxicants is yet to be referred to the Committee. The truth is, Sir, that these Advisory Committees are more or less a farce. I mean no offence to anybody, for I am myself in some of the Committees. They enable us to draw batta; but so far, they have not been utilized for any good purpose.

"In the Development Department, I fear the Minister has more money than he knows what to do with. It is a department in which indianisation of the services should have been carried; but it has not been done so far to any appreciable extent. Last year, Sir, I urged that the Ministers should lead the way for economy not only in the departments under their control but in other departments as well. But I am exceedingly sorry to observe that I see no indication of such an endeavour on their part. The bureaucracy is, if anything, stronger than ever. In the old days they were obliged to take the responsibility for their actions. But now they can conveniently take shelter under the wings of the popular Ministers. The bureaucracy never wants to part with any power they have, and they objected to the separation of the executive from the judicial functions, and the party in power, I am sorry to observe, betrayed the trust reposed in them and supported the Government in their reactionary attitude. And for what reason? Because the separation may stand in the way of a few more non-Brahmans getting some appointments. Can it be called a good reason? What does it matter to the poor man in the village that the two additional High Court Judges are non-Brahmans? Do they cost less to the tax-payer, because they are not Brahmins? The number of Judges is too many and should be reduced. I am told that the Vakils' Association did not say that the additional appointments were unnecessary till they know that the Brahman lawyers had no chance of being appointed thereto. If this is true, all that I can say is that their conduct is most reprehensible. The poor villagers are not very much concerned whether it is Rama who rules over

8th March 1922] [Mr. A. Ranganatha Mudaliyar]

them or Ravana, so long as their condition remains unchanged, and it behoves all concerned to bear that in mind and revise their attitude if necessary.

"Have the Ministers got power to change the present character of the Government or have they not? If they have not, honesty requires that they should say so, and I think the entire Council should support them in their endeavours either to mend or end the present system. If, on the other hand, they think they have power, they must also bear its responsibility, and tell us, as my friend Mr. C. R. Reddi suggested, what their programme is, what it is that they hope to do, how and when. Otherwise, we shall be justified in telling the country that the party in power does not know its own mind yet.

"The budget, unsatisfactory as it is, has, in my opinion, done us some good, and that is, curiously enough, due to the deficit. That will tempt us to look where retrenchment is possible. We want every pie that we can get. Even if the Central Government gives back our contribution to-morrow, I should emphatically say that not one pie of it should go to the addition of the high salaries of officials. Further, our attempts to effect further reductions should be rigorously continued. No provision has been made for irrigation, sanitation and urgent needs of that sort. Our Ceded districts are always subject to famine. Between the years 1802 and 1905-06 we have had as many as 25 famines, some of them lasting for more than one year. I thought the Hon'ble the Revenue Member would give us the bread of the Tungabhadra project, but he has given us the stone of enhanced land-tax. I tell him, Sir, that we cannot afford to bear the increased taxation. I do hope, Sir, that in the evening days of his life he will not add to our already heavy burden."

The Council then adjourned for lunch and met again at 2-35 p.m.

The Hon'ble Rao Bahadur A. P. PATRO:—"Sir, it is unfortunate for the people's representative to face a deficit budget immediately after one year of the working of the Reforms Scheme. It is said that the Reforms have brought about the financial crisis, and therefore no value could be attached to the Reforms that were conferred upon the country. I believe, Sir, there is a confusion of thought in that statement. Even if the Reforms had not been inaugurated the financial condition of the country could not have been better. It is no doubt an accidental coincidence that along with the inauguration of the Reforms there was also the reorganization of the services. Ever since the year 1913 when the Public Services Commission sat and published its report the whole country was eagerly expecting the reorganization of the services. Resolutions were moved in this Council and also in the Imperial Legislative Council that effect should be given to the recommendations of the Public Services Commission. Effect was not given to them, and the recommendations were suspended because of the war. Immediately after the war the reorganization of the services was taken up. While at this stage the Meston Committee inquired into the financial relations of the Imperial and Provincial Governments. It was then thought that the reforms could be successfully worked with a balance of two crores of rupees to the credit of this province. When the reorganization of services was given effect to subsequent to that we found that the scheme swallowed about three crores of rupees. Therefore there is no relation between the

[Mr. A. P. Patro]

[8th March 1922]

Reforms Scheme and the deficit. The one is not the cause or the result of the other, and the Reforms have therefore nothing whatever to do with the financial crisis we are now in. When the Reforms were inaugurated, every one expected that we would have a prosperous time. Trade depression and economic distress came together one upon the other, and hence we have a deficit budget. It is no good decrying the Reforms or belittling the Legislative Council. It is the duty of every member of this Council on both sides of the House to work the Reforms successfully and wholeheartedly and discover a remedy to meet the situation. That remedy was indicated by His Excellency the Governor, namely, obtaining for the people more responsibility and more of power in order to reach full provincial autonomy. Then we may be in a position to adjust our finances in the best way possible. Unless that responsibility is cast on the people's representatives it will not be possible for them to realize the ways and means of working the Government. It is necessary, therefore, in order that we might understand the budget properly, we must approach the budget with that spirit of trying to obtain power for the people's representatives, trying to understand what it is that is necessary in order that the reforms might be successfully worked. The whole thing depends on the system which is in force. Unless the conditions are modified it will not be possible for the Ministry or for the Council to enunciate or inaugurate a new definite progressive policy. The energies of the Council, the energies of the non-official members, the energies of the country should be directed more in the direction of altering the system on which the whole administration is based. (Rao Bahadur C. V. S. Narasimha Raju—hear, hear). The members should certainly enter into the discussion of the budget in a more harmonious spirit than some of them have done. Mr. Ramachandra Rao and Mr. Ramalinga Reddi stated that the budget should show a national efficiency, and that behind the figures you must be able to find a policy. If they are not able to see a policy behind the figures it is not the mistake of the Ministry or the Cabinet. Behind every figure they will be able to find a policy if only they were a little patient or, as Mr. Reddi suggested, if the rules regarding the budget were changed to allow the Ministers to make a statement of policy before introducing it. Therefore it is the fault of the system and not of the Ministers.

"Now I will approach a subject most important to me and dear to the country—Education. Elementary education first, if you make the head strong you must make the feet also proportionately strong, or else you cannot have a harmonious development. The body will topple down.

"Sir, we have been urging times without number that the expansion of elementary education is an absolute necessity, that we ought to educate the people and the electorate who return us, so that they might understand the social, economic and political conditions of the country. We must carry on a programme of national education of the masses. In order to improve the conditions of the people and to develop elementary education, it is the primary duty of this Council and the country and the Ministers who represent the people, that they should devote all their energies towards the expansion of elementary education. Now if you look up to pages 144-45 of the Budget you will find there is an increased provision for the expansion of education, for the expansion and development of new schemes. In the revised estimate you find a provision of 1.44 lakhs. You will find that in the budget for 1922-23 three lakhs

[Mr. A. P. Patro]

8th March 1922]

of rupees have been provided. In the matter of grant to aided institutions you will find a provision of 27 lakhs as against 26 lakhs in the revised estimate. In the matter of free and compulsory education a substantial step is taken by providing adequate funds for the time. Vocational education receives 1½ lakhs. These two are new provisions. Then again, you will find in page 145 another item for training schools. You may set up new schools in different localities, but unless you have got your teachers properly trained, the educational work will not be carried on satisfactorily. Therefore you will find that a sum of 2.5 lakhs has been provided for over and above the budget of the previous year. Now, in addition to what I have already said for the expansion of elementary education you will find also with reference to the encouragement of agricultural and vocational schools a provision of 1.50 lakhs. Now, in regard to vocational schools, the department of Education have issued a circular asking the managers of different institutions to submit schemes to the department. The department is under the expert guidance of Mr. Porret. After examining them Mr. Porret has framed a schedule which is not yet fully completed. Do not these schemes which we have inaugurated tend towards national efficiency? If this does not mean the inauguration of a new policy in the budget, I do not understand in what way the Ministers and Members of Government would be able to indicate their policy. Then again, while on education, I may venture to draw your attention to page 140 of the budget with reference to secondary education. Certain criticisms were levelled against the Education Department that no adequate provision has been made for secondary education or collegiate education. The figures on page 140 will show that a provision of 1.25 lakhs has been made for the development of secondary education over and above what was made last year. We have taken up the institutions in the Ceded districts and elsewhere where the local bodies found themselves unable to manage those institutions with their slender resources and the special schools for Muhammadans where new forms were introduced and the schools were raised to secondary and they were unable to maintain them. As my friend Mr. Raja has contended, we have also provided for training schools for Panchamas. We have adopted a new policy of assisting the local bodies with contributions so that secondary education might be extended and developed in the best way. Behind these figures let me say at once there is a principle and policy underlying. I admit, Sir, and I am one with you, that it were possible for the Finance Member to give us more money for the development of collegiate and university education. The Cabinet has been this year at great difficulty to make both ends meet and to reduce the estimated deficit as much as possible. This would not be a permanent state of things. As time improves and as financial conditions show a brighter prospect we shall be able to provide better provision for collegiate education and university education. I sympathize with the claim urged on behalf of the university. But the university also should remember that when it looks to the Government for aid and subsidy it must also subject itself to the rules which the Government might impose upon it. (Hear, hear). For an institution or corporation deriving grants and subsidies or aid from the Government, to deny the authority of the Government does not seem to be proper at all. If to any institution grants are given, they would be subject in the same manner as to those given to other local bodies and the rules of

[Mr. A. P. Patro]

[8th March 1922]

the Government will be operated on those institutions. I have briefly summarized the figures in the budget in order to show there is a principle and a policy of development underlying them.

"Sir, I would not detain the Council long. I may refer you to one other matter, namely, how far we have succeeded in the matter of this national efficiency in the administration of higher education. It is not only in the organization of education but also in the administration we were able to satisfy conditions of national efficiency. I would first take up the Indian Educational Service. In that cadre there is a provision for 52 people. We have now only 42 and we have resolved not to fill up those places till conditions improve or till we are able to reorganize the whole system. The Government of India with the sanction of the Secretary of State have fixed the proportion of European and Indian elements in that cadre. This has been fixed under the old system and we must fight against the system. Until the system is radically altered, we must loyally and faithfully carry out the system that has been in existence and carry out the policy as it has been devised for us. Now, of these 52, the sanctioned cadre of the Indian Educational Service, we have now only 42 and 10 places are vacant. Of these 42, 23 are Indians and 19 are Europeans. Does not this tend to national efficiency? Does not this show that we have been honestly endeavouring to bringing in the Indian element as much as possible and to encourage local talent wherever possible?"

"I may tell you there is a scheme which is under the consideration of the Government by which it will be possible for members of the Madras Educational Service and assistant inspectors to be placed in charge of groups of districts. We may have one or two Europeans so that they might give a driving power for others to work. What the final result of the scheme will be it is not possible for me to divine at present, but we are developing the scheme by which district education will be put in the hands of Indians themselves. A second cadre we are going to form as deputy inspectors of schools. This will replace the sub-assistant inspectors. They will primarily be advisors to the district educational councils. With respect to actual teaching methods of secondary education we are considering how far we could delegate the powers to district boards and advisory committees. So that even in the case of secondary education we hope to make it more and more national so that every representative element may be included in the committees. Then certain powers will be delegated to these agencies and the local bodies. Thus you will see that the decentralization would extend to such a large extent that rural education will be completely in the hands of Indians. It is for you and the country to decide what policy you will have and in what manner you will carry it out. This is the outline of the scheme that has been now examined. I am anxiously waiting for the report of the committee appointed by a resolution of this House, and soon after we receive the recommendation of that committee we will be able to go into the matter more fully and reorganize secondary education to make it nationally efficient and nationally serviceable. Thus far I have been able to work within the few months I had before me.

"Members of the Council have referred to the excise policy. I wholeheartedly agree with those enthusiasts who aim at total prohibition as the ideal or goal of our policy. But I will refer them to a recent paper that has been issued by an eminent Englishman, Mr. Frederick Grubb. He has

[8th March 1922]

[Mr. A. P. Patro]

recently sent out a circular containing a summary of the work that has been done in the United States. He said that 'The prohibition law was not the result of precipitate action but was the product of more than one hundred years of agitation'. Within the last one year, members who have been working in connexion with the picketing of the liquor shops or assisting in the putting down of the drink evil, inspired by the awakening that is passing over the country, are aware that they were not able to put down the consumption of liquor. On the other hand, I shall be able to show you by figures how the consumption has increased, how issues from the distilleries have increased. My friend the Raja of Mandasa has referred to Ganjam, and Mr. Sasi Bushana Rath has also referred to the conditions in Ganjam that there has been a considerable fall in the excise revenue in that district. What has been the result? There has been issue of liquor from the distilleries 20 per cent over the normal consumption. My friend from Vizianagram would also say how conditions in that part of the country have developed. Licit sales have been affected and licensees have been put to all kinds of harassment. Unlicensed shops have been opened. Illicit sales have gone on rapidly. My friend Mr. Vellingiri Gounder who yields to none in the matter of honest and sincere work in the cause of the people told me that he gave up picketing this year at the sales, because he found that while certain classes of people were very much benefited on account of this particular kind of agitation, the State has lost a good portion of its revenue, and temperance has not made any progress. My friend from Ganjam has referred to my humble work for four years among the Kalingars and Reddis of Ganjam. After four years I have been able to bring about a reduction of 39,000 gallons in the issue from the Aska factory. But the methods adopted by me are not the methods now adopted by these people. It was by a moral persuasion, by religious lectures and bajans, by making the women take part in the bajans, bringing them together in the evenings and inducing them to use their influence on their husbands, utilizing caste panchayats and caste organization that ultimately, in the third year, we were able to succeed to some extent. I feel certain that the members of this Council would be in agreement with this *modus operandi*.

"There are differences of opinion. We have to collect all these opinions. We have to get together experienced people in the matter

3 p.m.

We have to get together experienced people in the matter from different parts of the country and obtain their advice. It is no use copying down a measure from Scotland, from the United States or from Ceylon. I may tell you, Sir, that the result of the local option in Ceylon is most disappointing. While in one or two taluks there is a fall in the matter of country liquor, European liquor has gone up. In Scotland the result of introducing local option is not conclusive. Therefore I say we have to obtain information from several quarters to see in what way we could evolve a policy suited to the conditions of our country. In considering the system in other countries we have to take into account the singular and distinguishing fact that the toddy extracted from palmyra is also used for sweet juice which is used for the manufacture of jaggery. That almost every backyard or a field is a potential brewery in rural areas. Therefore what are the safeguards we are going to have against illicit distillation. This is one of our great difficulties. Then, again, I find that a new apparatus has been imported from Burma which costs only four or five rupees. With that small apparatus illicit liquor

[Mr. A. P. Patro]

[8th March 1922]

can be manufactured to serve about a dozen people with a cost of 3 to 4 annas each. Such means are adopted when you adopt methods of prohibition. Therefore, it is not such an easy problem as suggested. It has to be worked cautiously and with great care. So that before we introduce the policy of prohibition we have to see what precautionary methods we have to adopt to prevent illicit distillation. The subject has been giving considerable anxiety to me and I have requested some leading persons interested in the matter to meet together, discuss the *pros* and *cons* of it and advise the Government. I have requested Sir Charles Todhunter, than whom there is no one in India who has worked more in the excise administration, to be kind enough to take the chair. When experienced men like him, officials and non-officials, come in and give their opinions, then it would be possible to evolve a policy suited to the condition of our country. I am not one of those who are afraid that the excise revenue would diminish when the people are determined not to take drink. When the excise revenue diminishes we will find other means by which revenue could be replaced or improved. Even though the drink revenue falls our aim must be that people must improve and grow morally and physically. With that principle in mind I am bringing about a committee in order that a national policy may be evolved for this province. While speaking of this I may say that in Calcutta when I was there recently I discussed the matter with the Minister in charge of Excise who said that his difficulties were similar. But they have now adopted what is known as 'the fixed fee system.' As I told you the local option has been a failure in Ceylon and it may be a failure in Madras also if adopted. They have tried it in Calcutta. The committee appointed for this purpose in the United Provinces have made certain recommendations. Now, it is not necessary for me to go into any discussion of the fixed system. Suffice it to say that the fixed system which suits certain districts in Bengal does not at all suit the conditions here as it failed here before.

"Sir, as you see in the Excise Department we have carried out economy in this direction. We have reduced one deputy commissioner and three assistant commissioners. There is also the question of separation of salt and abkari. I fear it will not go much in our favour. We have examined that question to see how far we can effect economy in that direction. Lastly I may say that our excise policy is one which should work for temperance in rural areas.

"The Public Works Department has been criticized and said that the superintending engineers are only post offices. I regret very much for that kind of criticism, because these superintending engineers were not appointed recently. Since 1878 the superintending engineers have been working. If I tell you the details of the kind of work which the superintending engineers have been doing you will be convinced at once of the necessity to have such officers controlling the administrative policy of the districts or groups of districts. While the executive engineer executes the work technically, the policy for the purpose of carrying out large schemes which are investigated is devised and developed by the superintending engineers. The superintending engineer is responsible for works up to one lakh of rupees. Large irrigation projects are to be executed by the superintending engineer. He is not merely an intermediary. He has got original powers of administrative sanction. He has to go about and check actual projects that have been put

[Mr. A. P. Patro]

[8th March 1922]

into force or intended to be investigated. I would ask honourable members to remember that our work in the Public Works Department is not merely building houses and constructing roads, but the whole thing is investigation—investigation of the various projects, preparation of preliminary estimates and obtain sanction to it. Our work lies mostly in the matter of scientific investigation and advice that is to be given to the departments. I would ask the Council to remember that the Public Works Department is an agent to carry out works on behalf of various departments. There is no work done particularly for the Public Works Department. It carries out work for all departments. Whenever a department wants a particular work to be carried out, intimation is given to the executive engineer or superintending engineer, then investigations are made and plans and estimates prepared. There is a certain limit up to which estimates can be sanctioned by a particular officer. The executive engineer is authorized to sanction estimates up to Rs. 2,500 and the superintending engineer up to Rs. 50,000 and the estimates thus prepared are then sent up to the Chief Engineer to see whether they have been prepared satisfactorily. After this stage the work is carried out. All these precautionary measures are necessary, because as exception proves the rule, in certain cases you must have noticed that the preparation of these estimates before complete investigation has resulted in unfavourably to the Government. As we are merely agents to do work for other departments, it is absolutely necessary that every care must be taken in the investigation of schemes and in the preparation of plans and estimates. Therefore the superintending engineer is at once a factor and a link in the administration of the Public Works Department. Then, Sir, he has also to advise and assist the local boards very much in the matter of trunk roads for the maintenance of which the Government contributes a portion. So the Government have got to supervise and check the estimates thereof and the superintending engineer is the person who does this. Therefore, Sir, the work of the superintending engineer is not merely to pass on to the Chief Engineer what he receives from the executive engineer, he has got also original administrative executive powers. Those appointments were created in 1878 and they have got definite duties to discharge. Nevertheless, one circle was recently abolished and as a consequence we have got only six superintending engineers now. In this department I request the Council to realize that we have effected a saving of 6 lakhs in the matter of establishments. If the establishment is cut down further, I fear the efficiency of the department will suffer."

Mr. A. RANGAKATHA MCDALIYAR (*interrupting*):—"Out of how much, Sir, this 6 lakhs economy was effected?"

The Hon'ble Rao Bahadur A. P. PATRO (*continuing*):—"The honourable member can see that in the budget estimate itself. Therefore, Sir, you will see that in no other department such drastic economy has been effected and it is the Public Works Department that has been able to carry out loyally and faithfully the instructions of His Excellency the Governor to reduce the establishment by 20 per cent. Is it possible, I would ask the Council to consider, to effect further reduction? Therefore, superintending engineers, who are absolutely necessary in the chain of the administrative work of the Public Works Department, should be retained.

"It has been suggested that circles could be expanded and the number reduced. I would submit to the House to consider if it is possible to do this

[Mr. A. P. Patro]

[8th March 1922]

now, As more experience is gained, it is possible for the Public Works Department to examine the whole question. This year, owing to financial stringency, we have not got much money to start new works. For that reason, are we to dispense with the services of persons who have been permanently employed, persons who are gazetted officers and who have put in a number of years' service? Is it possible for you, suppose you have in your own family a man employed to work, to dispense with his services all at once? You would take some time to do so. This is the case with our officers.

"Now, Sir, with regard to minimising the work the policy that has been in vogue in the Public Works Department is this: Until now each department was at liberty to indent on the Public Works Department and order the superintending engineer to prepare estimates for what the department wanted and then after six or eight months when plans and estimates were ready they were being checked by the Chief Engineer and submitted to the Government for administrative sanction. Owing to this policy we have now got estimates for over one crore. Finding that it would be impossible to sanction these we have kept them aside and they are now lying idle. To avoid this difficulty an order has been issued that before proceeding with the sanctioning of estimates the financial sanction must be assured. Unless the Finance Department is going to assure the Public Works Department that the particular work which the department wants to be financed will be financed, the result will be that a large percentage of such works will fail. Therefore, what I want to say is that the items of work have not been reduced. So long as the present work continues it is impossible for us to reduce the number of circles on the strength of economy.

"It is therefore a question of the right method, namely, to reduce the work that these people are doing. It is not a question of reducing the pay, but how best to reduce the work. The course that I have now suggested to you is one that has recently been adopted and the result of it will be seen in a few months. If we go on following that method, experience will suggest to us further details and we will be able to adopt better and even more practical means.

"Then, Sir, I have only a few words to say in regard to the Registration Department. As I told you, registration is an expanding department, and I am very sorry that I have not been able to obtain the necessary funds for opening new offices, because we had to submit to the rules that were framed to the effect that all new schemes should be kept in abeyance or suspended, while we had applications for the opening of new offices in the Registration Department. It is a department which actually yields some revenue, but our policy has been to extend the department more and more as we get surpluses. The object of this department is to obtain revenue for services rendered to the people as in the post office. Just as the Postal Department has raised the rates for registration, so we have raised the rates for registration here also. As you find in all other departments, we have raised the salaries of the various registration officers, we have graded them and have given them a time-scale. The result of that is that it involved the Government in large expenditure. Therefore, in order to meet the expenditure and to keep up the efficiency of the work of the department, we have adopted the method of raising the registration charges just as the Government of India have increased their postal, registration and money order rates.

[Mr. A. P. Patro]

8th March 1922]

Honourable members will therefore see that it is not merely to make the rates heavy or excessive but it is to meet the demands and the charges we have already incurred that the rates are increased. No doubt the revision of the rates will result in an additional revenue of about 7½ lakhs, but if the prospects of the budget are brighter next year, I can assure the House that we will be able to open new offices, and even in the course of a year it may be possible that we may be able by reappropriation to open more offices. I say by reappropriation because even now the whole work of the department is under examination. My friend Mr. Munshi Muhammad Abdur Rahman has been systematically attacking us on the question as to whether an inspecting officer for the Registration Department is necessary. I have examined the question and it may not perhaps be difficult in course of time to abolish that post or substitute it by another more economical and perhaps by an equally efficient method. Similarly, with reference to the question of having two district registrars in some districts, we were examining that question even before and we would examine it still further. In some of the southern districts we have no doubt got two district registrars for each, as the work there is too heavy, and the inspection work also is so large that it is not possible for us to reduce the number to one, but after changing the jurisdictions, it may be possible for us to so reduce the number. That matter of jurisdiction is also under examination. Therefore, while on the one side we want to economise in the matter of establishments in the Registration Department, we wish to develop more and more, and we have raised the fees in order to meet increased expenditure and have sufficient revenue so that next year we may be able to carry on the work of the development of this department. I tell you that behind these figures in the budget you may see national efficiency. I have almost finished the time allotted to me. I have summarized what we have done and have shown to you that we have not neglected our responsibilities. On the other hand, we have carried out as efficiently as possible under the circumstances the policy that runs behind the budget. I only ask the indulgence of this House to remember this, namely, that it is not so much by reducing an office here or reducing a salary there that we can make up our revenue or wipe out the deficit. On the other hand, your endeavour and my endeavour should be to alter the system and to modify the system so that if this is done the House and the country may be in a better position, and when higher responsibility comes on us then you and I will be able to see the budget in a more responsible and harmonious spirit than we do under the ordinary circumstances." (Cheers.)

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—"Mr. President, the subjects under my charge which came in for a fair share of criticism are Agriculture, Co-operation and Industries. I say a fair share because I too had my share of the meed of appreciation from the Leader of the Opposition when he admitted that these departments were nation-building departments and that they required more money."

Sriman SASI BHUSHANA RATH Mahasaya (interrupting) :—"May I know, Sir, who the Leader of the Opposition is?"

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (continuing) :—"I am not referring to Mr. Rath. The Leader of the Opposition, Sir, said that those departments deserved greater expenditure and greater development. Still there was some criticism which I shall try my best to meet in the order of the departments I have mentioned."

[Mr. K. Venkata Reddi Nayudu]

[8th March 1922]

"I shall take up the Agricultural Department first. The criticism on this department may be divided into three heads. There is my friend, Mr. C. R. Reddi, whose advent into this Council will be hailed by all of us as a welcome addition and who asks for a policy to be declared along with the policy in education which my friend (the Hon'ble Mr. A. P. Patro) has just now enunciated. Then, Sir, there was the criticism that we should attend to indianisation of the agricultural service. And thirdly it is said that the department has a plethora of experts whose work some members have not been able to see and realize.

"Now, Sir, on the question of the policy of the Agricultural Department it is stated in one word. It is to make two blades grow where one grows now. This policy is one of increased production, not merely for consumption in this country but for export purposes, so that our national wealth might be increased. In pursuing that policy the methods adopted in this country and by this Government are the same as those adopted by all civilised Governments. By applying the knowledge of science and bringing to bear the results of research on practical agriculture by the introduction of new methods, by carrying on experiments in rotation and in manures, by examining the soil by analysis and finding out what the soil is defective in, so that the ryot may be told what he is to put in there, by introducing new machinery, by these various means it is expected and hoped that the production in this country would be increased. I shall be able, Sir, at a later stage, to deal with experts and say what has been done in this direction and what can be expected of them hereafter. I shall not therefore further dwell on that question of policy just now.

"Then, Sir, the next objection is that we have not sufficiently indianised our agricultural service. I am sorry to remark, Sir, that this criticism is due to prejudice or inexcusable ignorance in understanding facts. It will be remembered, Sir, that the Public Services Commission recommended that, in the course of a series of years, 50 per cent of the agricultural service should be indianised. The Indian Government did not accept that decision, because they thought that it would be difficult to find men sufficient to reach the limit of 50 per cent in the coming few years. And now, Sir, what are the facts? Before I took charge there were two Indians in the Indian Agricultural Service—I am not speaking of the Provincial Service—and no question of Indians in the Provincial Service arises at all for the simple reason that all are Indians therein. And to-day what do you find? Ten Indian members in the Indian Agricultural Service out of a total of twenty-one. (Cheers.) What does it show? The 50 per cent which the Government of India thought it would take years to reach has been secured within the space of a single year. May I ask whether the criticism that is levelled against this Government is in any way justified or whether it is a result of inexplicable ignorance or unimaginable prejudice?

"Then, Sir, the more important thing is about the experts. In this matter the members who criticised our policy seem to have been shocked to find a large number of experts in the service. We are told that they did not do much work, at any rate such as they, the critics, could see and realize and account for in rupees, annas and pias. No wonder, Sir, that certain honourable members have not been able to understand or realize what is being done by these experts. I am reminded, Sir, of an instance in the life

8th March 1922] [Mr. K. Venkata Reddi Nayudu]

of Faraday, and that is given by Lockey in his introduction to 'Democracy and Liberty' where he speaks of an incident concerning Faraday when he discovered that electricity could be generated by mechanical movement and mentioned it to Mr. Gladstone. So great a scholar and so astute a statesman as Mr. Gladstone is said to have cried out 'But what is the use of it?' The shrewd scientist, however, replied 'Sir, I submit, in a few years it is quite possible you may tax it.' And to-day you find that electricity is taxed and is bringing in large revenues. The same, Sir, might be said of what our experts have been doing.

"I shall now take these experts one by one, Sir, and point out what they have been doing. But before doing so, I may be permitted to state that it is unfair and unjust to expect that immediate results would follow from what a scientist is doing at his research laboratory. It is on a number of failures of experiments that he builds up his success and it would naturally take long before the results can be announced and much less utilized in practical agriculture. He is not like the Indian magician of whom most of us know who spreads a cloth in the street, plants a mango seed thereunder and by the mere waving of his magic wand in two minutes not merely grows a beautiful mango plant, but takes out from it a fruit and gives it to a wondering child. And if any honourable members expect the experts of the Agricultural Department to be able to do that kind of jugglery, I may say at once, Sir, that they will be disappointed. If, on the other hand, they are prepared to accept the example of similar scientists all over the world, and if the results that are now produced by them are not commensurate with the money that we are spending upon them, and if the members are not convinced after what I am going to say to-day that the experts have done their duty, then of course will be time for me to consider if a change in the policy is necessary. But as I said the whole criticism is the result of ignorance and I hope I will be able to dispel it by the facts that I will now put before the House. Now, Sir, we have various sections. The first is the chemistry section. Let me remind the House that the arable area in our Province comes to about 39 million acres, ranging from the sea-level to 7,000 feet above the sea. And our experts have to deal with a population of 29,000,000.

"Coming now to the chemistry section, the routine work of this section consists of the analysis of various samples of soil, water, manures, feeding stuffs, etc., which are received either from the general public or from officers of the Agricultural Department and other departments. For example, the Public Works Department sometimes send down samples of irrigation water for analysis in order to judge if it is fit for irrigation or what the quantity and value of silt is which is borne in such water. Officers of the Agricultural Department who are in charge of district agricultural stations frequently need the help of the chemist in analysing samples of manures and agricultural produce or work in collaboration with him when laying down experiments with manures, etc. Other experts again may require his help. For example, the sugarcane expert requires to know the quality of the new seedling canes produced by him and the amount of sugar which they contain. Close upon 5,000 such samples of new seedling canes are analysed each year in this section. They also do the work of milk analysis. Then, Sir, this section is engaged in research work of various other kinds, such as, the conservation and utilization of available manure supplies

[Mr. K. Venkata Reddi Nayudu] [8th March 1922]

which include experiments in the different methods of storing cattle manure and the rate of decomposition of different oil-cakes in varying types of soils and the action of lime and other substances in accelerating this process. This work is being done in collaboration with the Government Agricultural Bacteriologist and district officers.

"Secondly, there is the work of investigation of manurial substances at present unutilized as, e.g., mineral phosphatic deposits which are found in large quantities in the Trichinopoly district.

"Thirdly, a large amount of work has been done in order to ascertain the manurial requirements of the coconut tree by analysing the different parts of the plant in various stages of growth. These have given a very clear idea as to the chief chemical substances which are required by the plant and the indicated information is now being tested in the field at the coconut stations in the West Coast.

"Fourthly, a method is being worked out for testing the ripeness of sugarcane *in situ* without having to cut and crush cane and make a trial boiling.

"Fifthly, work has recently been started with a view to ascertaining how far the plant food in the soil accounts for the variations in the quality and the length of staple in cotton as there is considerable variation in these characters when the same seed is grown on different classes of soil. We may then be able to produce threads of higher count which will enable cloth of superior quality being manufactured from our own cotton. And I am sure that experts have been trying to produce such cotton.

"Sixthly, Sir, there is the improvement of the coconut jaggery industry on the West Coast. The coconut, as well as other palms, yield a juice capable of producing a very good quality of jaggery. But the jaggery, as produced on the West Coast, is inferior in quality and will not keep. The reasons for this have been ascertained by our Agricultural Chemists, and methods have been worked out which will lead to the production of jaggery of excellent appearance and reasonable keeping quality.

"This, Sir, is some account of the work of the chemical section.

"Then, coming to the bacteriological section, I may point out that this section has been in existence for a little more than one year and already some useful work is in progress. The Government Agricultural Bacteriologist has, in collaboration with the Government Entomologist, been inquiring into the possible causes of the premature shedding of the cotton bolls, and there is evidence to show that this is due—in part, at any rate,—to infection by bacteria and there are also indications that these bacteria are introduced into the young boll by the agency of various sucking insects which hitherto were not considered as harmful. Such investigations, it will be admitted, will have far-reaching effects in our agricultural development.

"Then, Sir, we have got a sugarcane expert. Now, Sir, to those who do not understand what is being done by this expert, my request is just that they should go and pay a visit to the Government Agricultural College at Coimbatore and see for themselves what this expert is doing there."

Mr. A. SUBBARAYUDU (*interrupting*):—"How have these experiments been beneficial to the agriculturists? The experiments are only being done in the farm by the experts themselves. How can the people understand that these experiments are useful to them?"

8th March 1922]

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*continuing*):—"I may at once mention, Sir, that it is easy to take a horse to the water, but it is impossible to make him drink. All the Government could do is to investigate and find out the means of improvement in agriculture and publish the results in the form of pamphlets for the information of the public. A number of pamphlets were already published by the Agricultural Department and the Publicity Bureau and pamphlets are being circulated throughout the country and our demonstrators are doing their best in propagandist work and if the people cannot take advantage of them what else is expected of the Government to be done?"

Mr. A. SUBBARAYUDU:—"Of what use are these pamphlets when experts themselves are not able to understand what is contained therein?"

The Hon'ble the PRESIDENT:—"The honourable member first wanted information as to how the results of the experiments are made known to the public. That was a perfectly legitimate question and it has been answered. But the honourable member now wants to force his own opinion about experts upon others. He is welcome to have his own opinion, but he cannot force it on others in this way."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU:—"With regard to the sugarcane expert, he has been in correspondence with over 20 foreign countries with a view to improvement in this line. He has been able to produce new varieties which stand the climate of this country and which give a large quantity of juice. Once more, I would request honourable members of this House to pay a visit to the Agricultural College and see what is being done."

Mr. C. RAMALINGA REDDI (*interrupting*):—"I would like to know what is being done to familiarise the people with these varieties of sugarcane?"

The Hon'ble the PRESIDENT:—"Before proceeding further, I must mention for the honourable member's information, as he is new to the House, that whenever a member wishes to speak, he must do so from his place and not from another honourable member's place."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*continuing*):—"As soon as the expert arrives at a certain result it is communicated to the Director of Agriculture and on approval by the latter it will be printed in pamphlets and also translated into the various vernaculars. They are also available for sale for a nominal price of one anna. But owing to the illiteracy of the country at the present moment, it does not produce as much result as one would expect from the spread of such information broadcast. But the demonstrators go to the village and explain these results as far as possible. I do hope that with the spread of education the result will be much better. Meanwhile, may I appeal to honourable members as representatives of the people to spread the information contained in the bulletins and pamphlets to as many cultivators as possible in their constituencies?"

"I will now give a few instances of the usefulness of our expert. At Gurudasapur in the Punjab, a Coimbatore seedling Co-205 has been given in weight of jaggery to the acre 33 per cent more than the best local cane. The local department has since extended its trial to four other district farms in consequence. At Thara in the Central Provinces, half a dozen of the new Coimbatore varieties have proved superior to the best of

3-45 p.m.

[Mr. K. Venkata Reddi Nayudu] [8th March 1922]

the local kinds in net weight of jaggery obtained to the acre, the calculated extra net profit from two of them being about Rs. 200 to the acre. At the Central Farm in Coimbatore, Co-1, besides being distinctly superior to the best local cane both in quantity and quality of jaggery, has proved comparatively resistant to the attack of jackals, a point of some importance in the district. Similar results are being reported from the other farms most of which are steadily increasing the area under the Coimbatore productions. At the present day over 180 lots of selected seedlings are on trial in the various North Indian farms.

" Besides the above, some of the importations from the overseas though primarily intended to serve as parent in the cross-breeding work at the station have been distributed to various localities, have been found useful and are in demand for planting. Such are D-74 at Peshawar, J-33-a in Mysore and Fiji B at Nellikuppam. The station is in touch with 22 oversea countries with the object of importing such varieties. This, Sir, is a brief account of what is being done by the sugarcane expert. I leave it to honourable members to judge for themselves whether he is worth his salt or not.

" Then, Sir, I will come to the Biologist. Honourable members might be aware that a notable example of the work of this section is the treatment of a disease attacking arecanut gardens of the West Coast which locally goes by the name of Mahali. The effect of the fungus is to cause many of the young fruit to drop and to arrest the development of the rest. The treatment in this case consists of spraying with a mixture of copper sulphate, lime and resin. Then, Sir, there is the disease known as *mildew* on grapes. There was an instance where a long tope of vineyard extending over a big area has been affected by a kind of disease which destroyed all the crops in two years and no one was able to find a remedy. It was left to the Agricultural Department to come out with a solution and the result is to be found in what has been recorded by the department. In the Madura district, last year 259 vines were sprayed at a cost of Rs. 89. As a result of this spraying a good crop of grapes was produced worth Rs. 3,950. In the previous year before any spraying was done the crop obtained was only worth Rs. 710. Mark the difference—by expending the small sum of Rs. 89 they were able to get Rs. 3,950 as against Rs. 710 in the previous year, thus giving them an increase in the yield of over Rs. 3,000. I wish to ask whether this is the work of the Agricultural Department or not. Then, Sir, there is the disease known as *smut* which affects the cholam crop. The treatment was discovered by the Agricultural Department and it consists of steeping the seed for sowing in a solution of copper sulphate. The work was first demonstrated in the year 1914-15 when seed intended for sowing 1,300 acres was treated. This work has now been extended by the district staff who sell the materials for steeping the seed to the villagers and in the Ceded districts alone in 1919-20 seed sufficient for sowing 2,000 acres was thus treated. It is difficult to estimate what the value of such a treatment is, but at a moderate estimate this is put down at Rs. 1-8-0 per acre. That is all what is required for its treatment and thus this 'smut' has been prevented to a large extent. Then, Sir, the 'bud rot' in the palmyra and coconut palms is a well-known disease and it will be seen on all hands that after the department has handled this disease of the palmyra it has almost disappeared from the Kistna and Godavari districts. Then, Sir, there is the

8th March 1922] [Mr. K. Venkata Reddi Nayudu]

'bleeding disease' of the coconut. The presence of this disease is shown by the exudation of a red viscous liquid oozing out from the stem of the tree. Its control consists in cutting out the affected part entirely. A similar class of work has been done in the case of the 'red rot' in sugarcane by introducing a disease-resisting variety. Much also has been done to prevent the diseases known as the 'blast' of paddy, 'fruit rot' of chillies, 'leaf rot' of ginger, 'scab' of lemons and limes, 'brown blight' in tea, 'second leaf fall' in rubber, etc. Now, if you just go to the districts where these diseases were prevailing and see what has been done by the department and how far the ryots have been benefited by them, you will find what a lot of money the ryots have been saved on account of the efforts of the Department of Agriculture. Well, Sir, I do not wish to worry the House with greater details. The Entomologist also has done his work and several diseases were averted or cured by the department and so did our cotton and paddy experts.

" One honourable member of the House told us that the only way the experts could cure the cotton disease was by uprooting the cotton plant. It is true, Sir, that under the Pest Act cotton plants would be directed at a particular period of the year to be pulled out of the ground; for a certain period, known as the 'close period'. Well, Sir, with all the knowledge which science has at its command, this has been found to be the only remedy available. It is in itself a scientific remedy. The mischievous little thing which takes hold of cotton has a wonderful way of developing in particular months. If there is cotton available to feed on, the bacilli multiply themselves usually tenfold. We all know that certain foods are congenial for the spread of certain diseases. So these bacilli multiply themselves on a congenial soil more readily and more frequently than upon other soils. It has been discovered that by the time the month of August is reached, whereas they have been multiplying themselves tenfold, say, in January or February, they begin to multiply two hundredfold or four hundredfold, so if at that time that is in August and September the cotton plant is allowed to remain in a particular field, the result will be that huge number of these millions of mischievous things, on account of the air drifting them into the neighbouring fields, will destroy the other fields also. It has thus been found necessary—and I shall be glad to show to any honourable member the diagrams which I have got with me showing how these things terribly multiply over the cotton field area as time advances—that pulling out the plants is the only remedy. And what is the result? It has been estimated that the advantage to the crop has been something like several lakhs of rupees during the last one year, and it has been admitted by all the scientists that this is so in the case of the fields which have been left vacant or in which the plants have been pulled out more than in the other fields. Therefore, Sir, it is unjust to say that the department has not done anything except uprooting plants after swallowing all those very grand salaries as scientific experts—who I think with their intelligence and scientific knowledge if they had worked in their private laboratories, would have invented something which would have paid them ten times or even more than what we pay.

" I will just give another instance. One honourable member said that it was said by me last year that much had been gained by the single seed planting and by the reduction of the seed rate but that he later on learnt that

[Mr. K. Venkata Reddi Nayudu] [8th March 1932]

it was a very well-known thing even before the Agricultural Department was known. I do not know, Sir, whether the criticism of the honourable member was that after inquiry he learnt that this was known to the country already. Sir, many things were known to this country which were not practised. When the aeroplanes were introduced, I have heard my countrymen say 'Oh, it is not a new thing to us, because did not Indrajit in the Ramayana move in the air and fight from the skies? That giant, Gatotgaja, in Mahabharata fought from the air, so that is not a new thing to us'. I have no objection, Sir, to any one trying to lay such a flattering unction to his soul. Let us face the fact. The honourable member coming from Ganjam went on to emphasize that it was known to the country already."

Sriman SASI BHUSHANA RATH Mahasayo (*interrupting*):—"Certainly, I have got reasons to say so."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*continuing*):—"My honourable friend said he came to know of it only after subsequent inquiry. I do remember to have mentioned this last year in this House. In the speech which the honourable member made here he said he did not know it before he made the inquiry."

Sriman SASI BHUSHANA RATH Mahasayo (*interrupting*):—"I find on inquiry in my district that it was not introduced by the Agricultural Department. The department has not put in its appearance in Ganjam. I learnt that the ryots were doing it themselves."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*continuing*):—"I know it for a fact—and I say with great respect to the honourable member from Ganjam—that it was not there before nor in the Gōdāvari and the Kistna districts which I know from my personal knowledge. And what is the result?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*interrupting*):—"May I know, Sir, from the honourable member whether he means that the single seed planting was not known in the Gōdāvari and Kistna districts before?"

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*continuing*):—"What I was saying is this: that the single seed planting coupled with the seed rate was not known in the Kistna and Gōdāvari districts."

The Hon'ble the PRESIDENT:—"Before presumably it was introduced by the Agricultural Department. Now of course it must be known to the ryots." (*Laughter.*)

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*interrupting*):—"I should like to tell my honourable friend that so far as single seed planting is concerned, apart from those technical terms of the department which my honourable friend is giving out, the single seed planting itself has been known in these districts so far as I know within my knowledge of thirty years."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*continuing*):—"The point is this. The single seed planting must be coupled with what is known as the seed rate. Formerly, I have known of my own lands of over six kunchams of paddy being used for an acre for seedlings; and now, Sir, by the use of the single seedling and what is known as the seed rate, by the reduction of the seed required per acre, we have been able to reduce the quantity of seed to three kunchams per

8th March 1922] [Mr. K. Venkata Reddi Nayudu]

acre, and the result is that we gain three or four kunchams per acre. Now, we have got 11 million acres under paddy cultivation and one-third of these 11 million acres is cultivated by the transplantation system, and now for every acre we gain three or four kunchams of paddy and so about 12 million kunchams of seed is now saved to the ryots. That would mean more than half a crore of rupees saving per year as things stand at present. Now, I ask whether at least the extension of this principle, if not its introduction, and the saving of half a crore of rupees to the cultivators is not the work of the Agricultural Department. I think, Sir, I have said enough to show the work of the Agricultural Department. There is yet more information which it is not possible for me to condense in the short space of time that can possibly and reasonably be allowed to me. I am however at the service of the honourable members of this House at any moment to show to them all that is being done by the department. Very shortly will come out a book which is already being written as to what this department has done and from which I have read extracts to this House. Unfortunately, Sir, this department, I consider, has committed one great blunder and that is they do not know how to blow their own trumpets. Now, of course, I shall try my best to see that they also blow their trumpets. I think I have finished with the criticism on the Agricultural Department.

"I shall now proceed to the department of Co-operation. During the last three or four years, Sir, the Co-operative Societies have increased in such large numbers due to the policy that has been inaugurated and pursued by one of the ablest servants of the Civil Service, whose services are by the cruel hand of Death taken away from us. We have lost in that officer one who could not be said to be a foreigner to this land, who moved with the people, who lived with them and told them what co-operation meant, preached to them the virtues of co-operative societies and worked a long way in reducing the chronic indebtedness of the ryots in this land. The main purpose of the Co-operative Department is, Sir, to see that money is supplied to those poor agricultural people in times of need so that they may not go to the proverbial sowcar paying a heavy rate of interest. Last year, Sir, in this House various criticisms were levelled against this department, and if I may speak of myself, Sir, I can claim to have loyally and faithfully followed every criticism that was made in this House and to have done my best to give effect to it. They said that deputy collectors were costly; they wanted officers of a lower grade should be put in; they wanted that outsiders who have received a training in co-operation should be put in. Let me tell them that I have obeyed them and followed them faithfully and loyally fulfilled all the conditions that were demanded of me in this House (hear, hear from Mr. O. Tanikachala Chettiyar). Now, to come forward again with criticism on that very department, I should say, Sir, is in the least (a member—ungrateful). I don't say ungrateful because I am not entitled to any gratitude for I have only been doing my duty. I say it is unfair and I will leave it at that, Sir. We have effected a saving of about Rs. 30,000 or Rs. 40,000 in that department. My friend, Mr. Ramalinga Chettiyar, was saying that the abolition of the post of Joint Registrar was not a matter on which the Government could take any credit, because they have simply followed the resolution of this House. Let me join issue with him and say that he is not quite correct. The House had not resolved upon its abolition and it was I, in response to the feeling of this House, that abolished it,

[Mr. K. Venkata Reddi Nayudu] [8th March 1922]

because the sum of Rs. 12,000 put in the budget still stands there in spite of certain attempts made to reduce or omit it."

Mr. T. A. RAMALINGA CHETTIYAR (*interrupting*):—"May I suggest this: that the Hon'ble the Minister gave the assurance that the joint registrar will go and that the personal assistant to the Registrar will take his place, and it was on that assurance that the resolution was withdrawn."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*continuing*):—"There is no doubt about it, but the fact remains that the budget figure was allowed to remain there. The Government have not utilized that amount but abolished the post. I gave the assurance to respect the feelings of this House. By reducing the pay of the newly-appointed assistant registrars to Rs. 250 we have saved a lot of money, because deputy collectors have to be paid even Rs. 700 or Rs. 800 a month. Then again, we have abolished the system of allowances so far as the new recruits are concerned. Six such new recruits have been appointed and we have saved Rs. 600 a month and it will come to Rs. 7,200 a year. I have already given the total saving above. There is one other matter to show that I have tried my very best to follow the wishes of this House. Of the six appointments made one was given to a member of the depressed classes; he was an untouchable; one was given to a Muhammadan gentleman; one was given to an Indian Christian gentleman; while the other three were given to officers who were in other departments some of whom have already served there."

"I shall now proceed to the Industries Department. The policy of the Industries Department, Sir, I may say, is to assist the people in developing the industries of the country, to see that things which are at present in a raw condition, are as far as possible manufactured if not into a finished article at least to an intermediate stage. Sir, the industries of any country cannot be brought into existence by any Government alone, and that in a year or two. It requires the co-operation of the people, their own co-ordination and organization, their desire and willingness to pool their funds and such help as the Government can give. I can assure the House that this Government is prepared to give so long as it does not go out of the way. I am making a certain reservation and I shall presently explain what it is. So far as the Ministry is concerned, we can only go to start the industries up to a certain stage and as soon as the stage is reached when the people have seen enough of it and found that they should or could have adopted the industry themselves, then we will sell the concern and wash our hands off. It is not the duty or the desire of any Government to compete with private enterprise and if that is recognized you will find it is the case with our glue industry, with our pencil factory and also with the aluminium factory. An attempt was made to sell the glue factory or to lease it out, but we could not do it, and the result is the Government themselves are working it."

"In this department also, Sir, we have effected some changes. My honourable friend Mr. C. R. Reddi has asked me whether we have considered the system that was introduced by Mr. Campbell. We have considered it and may I say we have practically revised it? The honourable members will remember that under Mr. Campbell's scheme there were three assistant directors on Rs. 800, Rs. 600 and Rs. 900 respectively; in fact, there were five at one time. We reduced the number to three and in the place of assistant directors we are going to introduce assistant engineers on a much smaller

8th March 1922] [Mr. K. Venkata Reddi Nayudu]

salary. For, Sir, we divide our industrial work into four parts, the investigation portion, the chemical portion, the engineering portion and the commercial part in which we will have to find out markets for the goods that are made in the country. It is this way, Sir, we examine the trade returns. We find that certain articles are being imported into this country. We then see whether any raw material is produced from our land and if the material is available in sufficiently large quantities, we will investigate into the possibilities of a commercial concern. That is our first stage, the stage of investigation. We leave it to our chemist next. I will just give the House one example. Take the case of coconut oil. What we do is to find out how much quantity of oil is being imported into this country in some shape or other. We investigate, and our officers go and find out whether sufficient coconut is available. If sufficient quantity is not available, we stop there, for there would be no use in starting a factory because there will not be the materials. Then, Sir, the next portion is that of the chemist. We will have to ask him to see if oil on any commercial scale can be extracted. He is also to tell us whether the yield will be satisfactory. If he says 'no', we are down. Then, Sir, we have to ask individuals in the particular area if they are prepared to form a joint stock company and work the concern. If that is not done, we undertake it ourselves and we begin the factory. Here the engineer has to come and attend to the construction of the building of the factory. Lastly, for the oil manufactured we have to find out a market. All these investigations will have to be made before we start on the industry. Now, Sir, that will give the honourable members an idea of what it means to push on the industries here. It is very easy for critics to ask us what we have done in these twelve months. I shall presently tell them what enquiries I have set on foot and at what stage they are. Let them consider, let them take this example and let them see whether there is not much difficulty. If our chemist should say that the yield was not satisfactory, was not good enough, or cannot be extracted, under our climatic conditions or if the chemical assistant says that the quantity is not such as would yield any profit, we stop. If our engineer says that the materials available, coal or wood, cannot be brought to that place except at an enormous cost which would make profits impossible then we have finished. When all these facts and factors are staring us in the face, is it possible, Sir, to take a rapid stride? I do not know what the Heaven-born Minister would have done. But as a human Minister let me tell you that there are difficulties in our way and we are trying to meet them and do our best in time. If my personal views are wanted, I would only draw the attention of the House to the evidence that I gave before the Fiscal Commission. I do not know whether any other Government has held the same view as this Government, but this Government, I may mention, Sir, have sent a small sheet of paper with eight or ten recommendations in which they have supported protection for this country for the development of industries. I should like to know whether there is any other Ministry or Government in the other provinces who have so boldly come forward with a policy of their own to protect the industries of the country, advocating protection and rejecting free trade."

"It was asked, Sir, what we had been doing. I would give you a few instances. We give general assistance to trade and industry, carry on experiments regarding the starting of new industries, run pioneer factories,

[Mr. K. Venkata Reddi Nayudu] [8th March 1922]

assist cottage industries, attend to pumping and boring operations for which we have a special department. We gave concessions to contractors to quarry granite with the help of modern machinery. We also gave electricity and cement concessions. Messrs. Best & Co. have taken prospective licences for finding coal. Personally, Sir, from office, I have started investigations into the matchmaking industry, coconut oil industry, about rubber manufacture, about the manufacture of tartaric acid from tamarind, about citric acid from limes, about saltpetres, about fibre industries, about the paper industry, cotton industry, groundnut industry, and about crushing phosphatic nodules."

Mr. A. SUBBARAYUDU (*interrupting*):—"What are the Government now doing as regards the paper factory started at Rajahmundry? Are they helping it financially?"

The Hon'ble Mr. K. VENKATA REDDI NAYUDU (*continuing*):—"Let me tell my friend, Sir, in reply, that there seems to be a practical difficulty in the way of lending any money. It comes in this way. Under the Devolution Rules a loan of this kind does not seem to have been covered by the cases for which loans could be raised. But there is one which refers to the Provincial Loan accounts under which loans can be borrowed if there be any special law. Unfortunately, there is no special law now in existence for the borrowing of loans and we are considering the question of introducing legislation for the purpose, so that we can come under the provision and so that also we may easily recover the loans granted.

"I think, Sir, I have given a list of the various subjects in which investigation is being carried on. As I have already told, there are many difficulties in the way, and let not honourable members demand results all on a sudden in a short time.

"There is one other point to which I should like to draw the attention of the House. One honourable member asked us what we have done for the cottage industries. That is furnished by an answer which I gave to a question. Either by Government directly or through institutions to which aid is being given by Government the following cottage industries are being encouraged; hand-loom weaving in regard to which honourable members are aware of what the peripatetic parties have been doing and also of certain provision made in the budget for purchase of machinery with which it is expected that sized warp will be supplied to save time and energy and enable people to earn more than what they do at present, also jewellery making, rattan work, lacquer work, cabinet making, carpentry, carpet-making, lace embroidery, needle work, mat making, brass work, fibre work, blacksmithy, cane work. These are the cottage industries to which help is being given through either aided institutions or institutions which are directly under Government.

"There are then, Sir, one or two criticisms of some honourable members which I wish to refer to. I have already told the House that I have the greatest pleasure in seeing my friend, Mr. Ratnaswami, here and I may tell, Sir, that I have the greatest regard for him and whatever comes from him will receive the greatest attention from me. But he said, Sir, that there was much movement but no motion in this department. Will he pardon me if I say, Sir, there is perhaps more wit than wisdom in that statement? Every movement may not produce motion, but motion is impossible without movement. And it also very often happens in this world of ours that while the

8th March 1922] [Mr. K. Venkata Reddi Nayudu]

motion takes place and while we are ourselves being moved away in that motion, we do not feel that we move. We are on the surface of this earth which moves at a tremendous speed and yet we feel that we are not moving. Even in the train, Sir, we may be travelling at the rate of 60 miles an hour, still we may be writing our letters sitting in our chair in the train and feel that we are not moving. Well, Sir, so it is in this department. And if our motion is not perceptible enough it is because, as I have said a little while ago, we are not blowing our own trumpets. I have given sufficient information, Sir, to the House which would make me to claim from my honourable friend the recognition of the fact that after all there is some motion even in the Industries and the Agricultural Departments.

"Then Sir, anything that comes from my honourable friend, Mr. MacDougall comes with the weight of one who has got an authority to speak on the subject. He asked us why the soap factory at Calicut should not be sold away, because there was a loss this year. About the loss we have to mention to this House."

Mr. A. M. MACDOUGALL (*interrupting*):—"I only said referring to the soap factory that the Government consider the possibility of closing it without spending more money on it."

The Hon'ble Mr. K. VENKATA REDDI NAYUDU (*continuing*):—"I accept that position, Sir. I am sorry I have not correctly stated the honourable member. Whatever it is, Sir, last year he said that there was a profit and that the factory should no longer be retained by the Government, and now that there is a loss we should not retain it any longer. So that, profit or loss, it must go."

Mr. A. M. MACDOUGALL (*interrupting*):—"I think, Sir, I said the same last year that the Government ought to consider the possibility of closing it down."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*continuing*):—"I am only saying that, Sir. As there was profit last year, it must be closed down, and as there was a loss this year, it must

4-15 p.m. must be closed down. That is the position of my honourable friend. I may bring to the notice of the House that there is really no such loss under this head. No doubt there was some loss before, but during the last three years, Sir, we have had so much profit over this factory that in fact the capital cost on the whole concern has already been recovered. That will show that it is not a losing concern. I may bring to the notice of the House in this connexion of a resolution which was moved in this House and to which, Sir, you added the weight of your opinion during the course of the reply to it from the Government benches (I am referring to our beloved President). Well, Sir, you gave half a dozen reasons why this factory should continue— all of which it is not necessary for me now to recapitulate, but one or two of them I will give. This is an experimental station intended to train people to take to soap-making and there are also experiments to be conducted on various things, not merely on soap, but also on such things as candles, glycerine and so forth. Owing to the inadequacy of space there, we have not been able to carry on experiments yet on a large scale. Secondly, in this institution intended for training young men, we could not take any young men because there was no space. It will thus be seen that it is necessary to carry on this for a little longer period for the realization of our

[Mr. K. Venkata Reddi Nayudu] [8th March 1922]

cherished hope of extending the usefulness of this industry into every town and of training our young men how to make these soaps and also to learn how to make glycerine and candles and other allied articles.

"There is only one other point, Sir. It has nothing to do with the Government, Sir. It is only an answer connected with the party to which I have the honour to belong. Yesterday my friend, Mr. Siva Rao—I do not find him here to-day—was telling this House that communal resolutions were being passed here, and that national interests were not being cared for at least in some instances. He blamed this House and depicted this House as an ethnological museum in which live-stock is being exhibited. I am glad, Sir, that he has given expression to such a view to show his abhorrence of these wonderful exhibits which are being exhibited here as in an ethnological museum. But is he prepared, may I ask, Sir, to extend his principle to the country—outside this House? Then he will find that the whole of Southern India is but a huge ethnological museum where every caste has a wing of its own and where every sub-caste is in a glass case, air tight, water tight, transparent which every one who has eyes can see."

Mr. A. RANGANATHA MUDALIYAR (*interrupting*):—"Is that an ideal to be perpetuated here, Sir?"

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*continuing*):—"Not at all. I do not say that. I only say that so long as the country remains an ethnological museum, those who represent it here cannot but reflect what it exhibits. The party to which I belong has always at heart this one object, if it is possible to attain it, of killing this ethnological museum aspect of it. Sir, in order that this country might become a nation, the people must be of one race, and in order that they might claim to be of one race, there must be relationship of blood and such a relationship cannot exist so long as one caste cannot marry into another. Nor can there be fusion of castes unless equality between the several castes has been established, and the one aim of the Non-Brahman party has been to restore that equality, to see that that equality is established between the various castes in their various spheres of activity, in their social life, in their political life, and in their public life in every aspect, so that when once that equality has been established, it will be an easy thing for that fusion of the various castes into one race and into one nation which alone can produce a united people. I hope my friends on the other side will assist us in our attempts towards the attainment of that object." (*Applause.*)

The Hon'ble Rao Bahadur A. P. PATRO:—"Sir, I regret very much to have to take up the time of the House again. In the speech which I made just now I made a serious omission in not referring to the allotment for free and compulsory education that has been inaugurated. We have received under section 37 of the District Education Act applications from a large number of municipalities and local boards. Now we have resolutions of four municipalities for free and compulsory education to be introduced, and, out of 28 local boards, 12 local boards have also resolved to introduce free and compulsory education. We have placed a special officer to investigate into the financial as well as the local conditions of the municipalities and local boards and on his reports, after personal conversation with these local boards and municipalities, Government have sanctioned certain schemes. In cases where the local boards and municipalities have imposed a special education cess, an amount equal to that has been guaranteed to them from provincial

8th March 1922]

[Mr. A. P. Patro]

funds. To that extent provision has been made in the budget. You will find in the budget a provision of 2.5 lakhs made in order that free and compulsory education may at once be introduced in these provinces without having to wait for other schemes. In the case of these schemes that are now ready, a beginning is going to be made and in the case of those which require further help, subsidies will be given which will be gradually carried on in the course of the next budget year. This is the principle that lies behind the allotment made in the education budget.

"I may also give another piece of information. While dealing with the Excise Department, I should have mentioned this that after the reorganization of the Excise Department, further recruitment from England has altogether been abandoned. Therefore all recruitments for the Excise Department will be made locally.

"In speaking of the Public Works Department budget, while defending that the Superintending Engineers were necessary, I should have said also that after the reorganization we have also resolved not to make any further recruitment of officers from England for the time being so that the cadre already sanctioned may be equalised, so, for some years to come in that direction also we have decided to suspend recruitment from Europe."

The Hon'ble Mr. P. RAMAAYANINGAR:—"Sir, while sympathising with my friend the Hon'ble the Finance Member in his agonised state of mind in presenting a deficit budget, I am glad to find that even in the expression of his distress, the Hon'ble Sir Charles Todhunter's manner is nothing but agreeable. As one of the previous speakers has observed, his speech is full of interest and affords delightful reading. (Hear, hear.) Sir Charles Todhunter has endeavoured in his speech to reconcile between the ancient and modern systems of finance. He has adopted the classifications of Chanakya in explaining his budget for 1922-23. Nor does he seem to be handicapped in his explanation by following the ancient method. In fact, he has, by adopting the ancient method, done homage to the ancient Indian wisdom; in a way he has attempted to nationalise the method of dealing with a budget. (Cheers.) I have no doubt that, in spite of what my friend Mr. Ramachandra Rao has observed, the attempt is sure to appeal to the sentiment of many a member in this House. (Hear, hear.)

"Sir, the budget that has been presented is unfortunately a deficit budget and betrays a deplorable state of our provincial finance. But who is responsible for this state of affairs? I am sure this responsibility cannot be traced to any want of care on the part of either the Finance Member or the Government of this province. Sir, as honourable members are aware, the two contributory causes to bring about this deficit budget are (1) the unconscionable demand of provincial contribution to the Central Government and (2) the activities of the non-co-operators. So far as the first of these causes is concerned, this Government has been repeatedly protesting against this demand pointing out to the Government of India that it is as arbitrary as it is unbearably excessive. The latest of these protests was by way of sending the deputation to the Government of India headed by my honourable colleague Mr. Reddi Nayudu. But, Sir, in spite of these protests there has not been any promise of relief from the Government of India. No doubt, Sir, hopes are held out, but those hopes are very vague and distant. Until they are realized, we cannot be sure of them.

[Mr. P. Ramarayaningar]

[8th March 1922]

"As to the second of the causes that I referred to, the activities of the non-co-operators, this Government cannot adopt a policy which is not in consonance with the general policy of the Government of India. The non-co-operators have been allowed to adopt their own way of working their plans with the result that, as Sir Charles Todhunter has pointed out, the Provincial Government is to-day out of pocket to the extent of more than a crore of rupees. Sir, but for the activities of the extremist politicians, there would have been no loss of excise revenue, no extra expenditure for the increase of the police force. In fact, there would have been no occasion for introducing taxation bills into this Council. But for their activities the people of this Presidency would not have been driven to the necessity of being asked to pay increased stamps or enhanced court-fees. Is not this a lesson to our moderate friends? Those of us who are co-operators with the Government must realize that it is not to our advantage to allow non-co-operators to go on with their revolutionary activities.

"Now, coming to the general criticisms that have been raised against the budget, I must first of all refer to the criticisms levelled against the budget itself on the ground that sufficient funds have not been allotted for the administration of the transferred subjects. Sir, I do share with my friends in their regret for more funds not having been allotted for the transferred branches of the Government. But at the same time, Sir, I cannot ignore the fact that the allotment of funds depends upon the availability of finance. Unfortunately at present we are in the midst of a financial crisis. We have a deficit budget to deal with. We have not enough of money to launch upon new schemes on any extensive scale. Sir, the time is come when we have to restrict our expenditure.

"We have therefore to discriminate between the schemes that are urgent and those not urgent. I can assure the House that in this discrimination the greatest care has been exercised and all the schemes of urgent nature have been included in the budget for the coming year.

"Sir, coming now to the particular criticisms which have been levelled against the Local Self-Government Department I must first refer to the remark made by my honourable friend opposite from Coimbatore that the amendment of the Local Boards and District Municipalities Act to extend the obligation of taking oath of allegiance to the members of the local bodies is a repressive measure. The local bodies are creatures of this legislature and this legislature recognizes the sovereignty of King George. Now, Sir, is it repression if the membership of the local bodies be limited to those who owe their allegiance to the King? How is the amendment repressive? For my part I cannot see how the measure can be characterised as a repressive measure. That it is repressive or not is however a matter of opinion and the opinion more or less depends upon the mentality of persons. Sir, the honourable member from Thambu Chetti Street, Madras, has criticised the Public Health Administration."

Mr. A. RANGANATHA MUDALIYAR (*interrupting*):—"Is that a constituency, Sir?"

The Hon'ble Mr. P. RAMARAYANINGAR (*continuing*):—"Sir, there are four members for Madras. If I say the member for Madras it may mean any one of the four members. There is one from Thambu Chetti Street, one from Linghi Chetti Street, one from Washermanpet and one from Triplicane. In

8th March 1922]

[Mr. P. Ramarayaningar]

order to be precise, I referred to the particular member as the member from Thambu Chetti street as he comes from that part of the city."

Mr. A. RANGANATHA MUDALIYAR (*interrupting*):—"I think, Sir, courtesy requires that they must be referred to by the constituency they represent or by their names."

The Hon'ble the PRESIDENT:—"There is no question of courtesy involved. I do not think anybody need be ashamed of living in Thambu Chetti street. (Cheers.) I do not think the Hon'ble Minister meant any discourtesy when he referred to the honourable member as living in any particular street. Apparently he found some difficulty in identifying the honourable member by the constituency when there are four members representing that particular constituency. If, however, the honourable member who lives in Thambu Chetti street objects—"

Rao Sahib U. RAMA RAO (*interrupting*):—"I do not object, Sir. But I do not live in Thambu Chetti street, Sir, he could not have said 'the honourable member from the City of Madras'. But he could have said, 'the first member', 'the second member', the third member, and so on."

The Hon'ble the PRESIDENT (*continuing*):—"I am by no means certain about that; because there will at once arise the question as to who is the first member, 'the second member', and so on."

Rao Sahib U. RAMA RAO (*interrupting*):—"The member who gets the least number of votes may be called the last member."

The Hon'ble the PRESIDENT (*continuing*):—"Pending the question of seniority which may be dealt with on a more suitable occasion, I think we may allow the Hon'ble Minister to proceed. Probably he may mention the name of the honourable member whom he wishes to refer to."

The Hon'ble Mr. P. RAMARAYANINGAR:—"I mean Mr. U. Rama Rao. (Cheers.) He seems to direct his attack against the cheapness of treatment in the hospitals under the management of the local boards. I do not see what exactly the idea of the honourable member is in taking objection to the comparatively less costly nature of the treatment. The cheapness is due either to the cheapness of drugs or to the economy practised in the way of prescriptions. Well, so far as the cheapness of drugs is concerned."

Rao Sahib U. RAMA RAO (*interrupting*):—"When I said the cost was cheap, I meant the cost of treatment and diet in the hospital. I cannot see how a patient can be taken care of at a cost of one anna four pies a day."

The Hon'ble the PRESIDENT:—"That is the point which the Hon'ble the Minister is meeting."

Rao Sahib U. RAMA RAO:—"He is not meeting that. He simply says 'Rama Rao says that the cost is very cheap.' There is a good deal of difference between this and that."

The Hon'ble Mr. P. RAMARAYANINGAR (*continuing*):—"The treatment will be cheap if we are in a position to purchase medicines at cheap rates or if we adopt economy in prescribing medicines. Sir, what is really wanted is the cure. If the patients that resort to the hospitals have no complaint against the cure they have from the treatment received from the hospitals, I do not think why we should take objection to the cheapness of treatment."

[8th March 1922]

Rao Sahib U. RAMA RAO (*interrupting*):—"It is not as an objection that I raised that point. I said that the state of affairs were like that."

The Hon'ble Mr. P. RAMA YANINGAR (*continuing*):—"Sir, the next attack is more general. He said that after I assumed charge of the department I have done nothing. Here is a statement of the programme of work done during my tenure of office."

"The progress effected in the Local Self-Government Department during the last one year—

"*The Medical Department.*—(a) Hospitals newly opened: (1) The tubercular hospital opened at the temple gardens. This takes in in-patients and is different from the tubercular institute which is open only to the out-patients; (2) the Government taking over the women and children's hospital at Vizagapatam which was in a neglected state. (b) The next item is the sanction accorded to the opening of medical institutions. There are some 25 of them and if the House will not be wearied, I will read them out: Boirani, Amalapuram, Nachiarkoil, Swamimalai, Rajapalayam, Abhiraman, Melvishram, Karunambra, Kottur, Vishnupuram, Bantumala, and so on. The list is rather long. (Laughter.) All of them are sanctioned and some of them have been opened within the last one year."

Sriman BISWANATH DAS Mahasayo (*interrupting*):—"Is any money spent on these accounts? So far as my knowledge of this is concerned, no money has been spent at Boirani."

The Hon'ble Mr. P. RAMA YANINGAR (*continuing*):—"Is it not a taluk board dispensary?"

Sriman BISWANATH DAS Mahasayo (*interrupting*):—"It is."

The Hon'ble Mr. P. RAMA YANINGAR (*continuing*):—"The taluk board has to spend money upon it."

Sriman BISWANATH DAS Mahasayo (*interrupting*):—"It is not yet started."

The Hon'ble Mr. P. RAMA YANINGAR (*continuing*):—"I have already stated that although 25 dispensaries have been sanctioned, only some of them have been opened. The next item is the nursing staff. The question has been engaging the most anxious attention of the Government and Rs. 10,000 have been provided in the next year's budget for improving the nursing staff. The next item is the indianization of medical services."

Rao Bahadur C. B. RAMA RAO (*interrupting*):—"The Hon'ble Minister's attention was invited yesterday to the fall in the figure from 80 to 44 under the head of nurses in the Madras City hospitals. No explanation was forthcoming in the figures. None is offered now. I would like to know how the sudden fall has taken place."

The Hon'ble the PRESIDENT:—"I do not think I can allow that question now. If there is anything which the Hon'ble the Minister has stated which is not correct, the honourable member can correct it. But the honourable member's point apparently is that he made a certain statement which has not been replied to by the Hon'ble Minister."

The Hon'ble Mr. P. RAMA YANINGAR:—"I have not yet come to Dr. C. B. Rama Rao's criticisms."

[8th March 1922]

The Hon'ble the PRESIDENT:—"If these challenges are allowed to be made indiscriminately, it will greatly protract the debate. It is open to a Member of the Government either to answer a point or not. Conceivably he may take the view that a particular point raised by a particular member is not worth while answering."

The Hon'ble Mr. P. RAMA YANINGAR:—"Indianization of Medical Service.—Sir, as regards the indianization of the medical services this Government does not control recruitment to the Indian Medical Service. Under Devolution rules this Government have to employ Indian Medical Service officers in such numbers as may be prescribed by the Secretary of State. This Government have, however, addressed the Secretary of State for a considerable reduction in the number of superior posts hitherto reserved for the Indian Medical Service officers so that some of those reserved places may be available for the Provincial Medical officers. The subject is still under correspondence. As soon as the sanction of the Secretary of State is accorded, more than twenty of these superior places will be open to the Provincial Medical men all of whom happen to be Indians. The position of the Provincial Medical men has been considerably improved by the introduction of the new scale of pay."

"*Medical schools.*—The Government have provided Rs. 50,000 for the aid of the Medical College for Women at Vellore. Arrangements are being made for the opening of a medical school for women in Madras if possible in July this year."

"*Indigenous systems of medicine.*—Then, Sir, as regards the investigation of the indigenous systems of medicine, for the first time effective steps are being taken to investigate these systems. A committee consisting of practitioners of both allopathic and indigenous systems of medicine has been deputed to tour through Northern India, Hyderabad (Deccan), Malabar, etc., to study the working of the indigenous medical institutions there and to report as per questionnaire prepared by experts."

"*The Provincialization of health officers.*—The Government decided to provincialize the service of health officers and have within the last one year trained a batch of fifteen medical graduates as health officers by giving them a nine-month course. Health committees have been formed in five districts."

"*Schemes which are ready but which, for want of funds, could not be taken in hand.*—Medical and sanitary schemes which have been contemplated but which had to be dropped for want of funds are the following: (1) appointment of a public analyst, (2) reorganization of the nursing staff, (3) opening of a medical school at Guntur, (4) appointment of a bio-chemist for the city hospitals, (5) training of an officer to be in charge of lunatic asylums, (6) appointment of a professor of clinical and operation surgery in the Medical College, (7) appointment of more deputy sanitary commissioners, (8) investigation of Kala-Azar, (9) opening of dental departments in hospitals, (10) opening of training centres for nurses and midwives, (11) construction of Chingleput Lunatic Asylum and (12) reconstruction of the headquarter hospitals in Madura, Trichinopoly and Mangalore and the extension of the Rayapuram hostel."

"*Local Self-Government.*—As regards local self-government, the new constitution has been introduced in all the local bodies. Attempts are being made to see that the local bodies improve their tax and non-tax sources of

[Mr. P. Ramarayaningar]

[8th March 1922]

revenue, that is their income from their investments such as markets, railways, tramways and avenues, etc. Local bodies have been advised to extend medical relief and to improve communications both in urban and rural areas."

Sriman BISWANATH DAS Mahasayo (*interrupting*):—"Is it mere advice or was anything contributed?"

The Hon'ble Mr. P. RAMARAYANINGAR (*continuing*):—"Not only advice, but when the schemes are ready and funds are available for such enterprises as the construction of new markets, railways, etc., applications for loans will be considered favourably by the Government."

"*Religious and charitable endowments.*—A committee has been formed to study and propose amendments to the existing law relating to the administration of the religious and charitable endowments with a view to minimize litigation in regard to trust disputes and to enable the trustees to apply the spare income from the trusts to such purposes as would promote public health, education and facilities for communications."

"Then, Sir, as to the criticisms of Dr. Rama Rao regarding the allotment in connexion with Hookworm disease, the Doctor that is investigating is paid by the New York Board; but this Government has undertaken to meet only the incidental charges. Even in connexion with the incidental charges there has been an increase of Rs. 1,500. Dr. Rama Rao is not right when he said there was reduction."

"As regards the second of his objections in regard to the appointment of personal assistant to the Surgeon-General, that appointment is at present reserved to an Indian Medical Service officer. As soon as the Secretary of State sanctions the recommendation of this Government, the place will be open to a provincial man. The present incumbent, Major Gray, is a distinguished Indian Medical Service officer. He is the fourth District Surgeon and the Superintendent of the Royapetta Hospital. He gets only Rs. 225 extra for being the Personal Assistant to the Surgeon-General. If we have to appoint either a civil surgeon or an assistant surgeon, it will cost us considerably more, and I do not think that Dr. Rama Rao's suggestion is likely to result in economy."

"Another of Dr. Rama Rao's criticisms is that we have allotted Rs. 50,000 for the Medical College for Women at Vellore. There was a school working there from the year 1911. The Medical School was doing excellent work, and the Government thought that by subsidizing that school, they could have it raised to the status of a Medical College for Women and thereby supply a long-felt need. The Mission body agreed to the proposal. The present Government have to keep their promise and pay the amount. For this purpose Rs. 50,000 is allotted in the budget for the coming year."

"One more of Dr. Rama Rao's complaints is about the appointment of the Sanitary Commissioner to the Madras Government."

"Sir, there is a Sanitary Department, and if there is no head, the whole edifice will fall to the ground. I do not think that the Government can accept the suggestion of Dr. Rama Rao."

"Sir, the last of Dr. Rama Rao's complaint, is about the difference in the treatment of the Indian and the European nurses. The difference is due to the difference in their qualifications. The Indian nurses are trained only in midwifery, whereas the European nurses have complete training."

8th March 1922]

[Mr. P. Ramarayaningar]

The Government have taken steps to train the Indian nurses both in the General Hospital and in the Gosha Hospital in all branches. When they come out of the training, they will be treated in the same manner as the European nurses are treated at present."

"My friend Mr. Desika Achariyar raised his voice against the Government in not giving 50 per cent grant to the medical institutions. I quite sympathise with him in the matter of these grants to medical institutions other than headquarters hospitals. When funds are available, I am sure Government will find their way to accept the recommendation of the Financial Relations Committee in its entirety. Even this year if, as a result of the budget discussion, we can spare more funds, I hope I will be able to prevail upon my honourable colleague the Finance Member to allot more funds to enable the Government to add to the subsidies to medical institutions."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Mr. President, my friend Mr. Ramachandra Rao commiserated the Law Member; for he was ignored by the House. Being a modest person, I was very pleased they did so. It is a proof my departments are functioning fairly satisfactorily. But it is a mamool on such an occasion as this to have some criticism at least on every department, and therefore I have come into some moderate criticism and I propose to say a few words in answer to those criticisms. Before I do so, I wish to make them clear; that I deeply sympathise with the members of the House in their anxiety to cut down expenditure to the absolute minimum. Again, I deeply sympathise with my honourable friend the Finance Member in his heroic efforts to make the budget square. He has even tried to do the impossible, to make two and two go further than four and into five. He has been good enough to cut down even essential services without which no Government can perform its elementary duties, such as the duties undertaken by the Police in the preservation of order and in keeping peace, by the judiciary in the administration of justice, by the jails in keeping in malefactors and preventing them from doing more injury to the peaceful population of the country. At the same time, he has tried to be generous as far as he can to the Development Departments."

"If the quorum is out, I will stop with great pleasure and go out (finding a thin House and the Hon'ble the President counting the members)."

The Hon'ble the PRESIDENT:—"The honourable member may proceed."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"All the same, Sir, we cannot but have the gloomiest anticipation of the financial future of this province. No progress is possible, no development is possible either in education, sanitation, public health or industries unless this province is allowed to spend its taxes for its own purposes. It is impossible, so long as there is this heavy impost from the Government of India for this province to make any progress whatsoever. Unfortunately, there is to be no relief and we have to face the inevitable. Conventions of official life prevent me from characterising that compulsory impost in terms which will be adequate."

"Now, coming to the departments under my charge, I want to demonstrate to this House that not only have I not been able to get money for the adequate discharge of the duties of these departments, but the most necessary expenditure has been ruthlessly cut out; and at this rate I am absolutely certain that the efficiency of the Government even with regard to the

[Mr. K. Srinivasa Ayyangar]

[8th March 1922]

charge of its elementary duties will be very much impaired. With these few preliminary observations, I shall now deal with the department of Administration of Justice.

"I would have been extremely pleased if any helpful suggestions to diminish the expenditure in that department were made. I confess I had really none. Proposals were made by one honourable member that all the temporary courts should be abolished and that same gentleman complained of the tardy justice in courts. It looked as if he wanted temporary courts to be stopped because cases were not disposed of quickly and arrears were accumulating. It may be logic but I do not understand it. The present position is this: It is easy to complain of the large number of courts, but nobody looks to the increase in litigation; remember these courts bring in revenue enough for the purpose of supporting these very courts. It is already time that every one of the temporary courts now existing should be made permanent. We want to spare a few thousands of rupees for this purpose and we are not able to do so. It works hardship to a large number of very deserving officers and to the parties also. Now, I had some figures made up for me. I will take the courts from bottom upwards.

"I find that the file in the munsifs' courts has been increasing, so that the number of courts now existing are just able to cope with their ordinary file. They are unable to make any impression on the arrears. There has been nearly three times the number of cases in the subordinate judges' courts, that is, in the higher kind of litigation. Although the subordinate judges are turning out practically the same quantity of work as was fixed as a standard for them in 1904, there is no chance of their being able to clear off the arrears even with the existing courts for a long number of years. Then, Sir, complaint was made against the work of the district judges and my friend from Madura gave a picture of two learned judges coming in at 12 o'clock to the court, gazing over the courthouse, going in for lunch at 2 returning at 3 and going off and at a game of tennis, or a walking exercise at 4-30 and so on. I was wondering how those gentlemen were able to take such a prolonged holiday in the hot climate of Madura. I asked the High Court to give me the number of days which these gentlemen could spare for civil work. I find that in Madura the learned judge had 100 and odd days for civil work and in Ramnad, 37 days. The rest of the days have been spent mostly in sessions work and honourable members here know that during sessions, at any rate, the judge is obliged to come to the court at 11 and do the day's work sitting even till after 5. From this it looks as if it was an exaggerated story that the House had heard. Then, I made a calculation with regard to the work turned out by the district judges and the increase in their file; and I find that two more additional judges have been appointed—an increase of about 9 per cent of the total number which existed in 1911—to cope with a very much larger increase of work. There is no justification whatsoever for the criticism that we have got more courts than are needed. As a matter of fact, we have got a much smaller number of courts than what we really want if justice is to be administered with reasonable promptitude.

"In connexion with this it is my duty to draw the attention of the House to the severe but just remarks made of the Privy Council about the enormous length of the pendency of suits

5 p.m.

8th March 1922] [Mr. K. Srinivasa Ayyangar]

in this country. Unless you give an adequate number of courts it is impossible to do justice to the clients who really pay for justice.

... Their Lordships cannot part with this case without expressing once more their regret as to the interminable course of litigation in India. It cannot be for the welfare of the community that the purchaser of property bought in good faith should be liable to endless quarrels arising out of his purchase, which continue, as they do in this case, and as they must be in many, beyond the period of his natural life. The man who bought this property never knew what it was to be free from the anxiety of a law suit until the day he died; even then the litigation was not ended, and has been pursued until the present appeal. This has itself taken four years to come here from the High Court, and of course no explanation has or ever can be offered of why these delays occur. Their Lordships refer once more to this matter in the earnest hope that a condition of things which they regard as constituting a serious blot upon the administration of justice should be removed.

"This state of things cannot be for the benefit of any country. If you want to promote justice, the clients are certainly entitled to have more courts. Unfortunately the Hon'ble the Finance Member has been unable to give me, even one additional court. He has not been able to give me a petty Rs. 23,000 for the purpose of doing justice to the hard-worked officials serving in the temporary courts. We resolved on making some at least of these temporary courts permanent, but there is no money to give effect to it.

"Then it was asked why we should not have the help of honorary agencies. I wish my friend Mr. Desikachari will set that noble example. He is probably thinking of Ex-Lord Chancellors in England or Ex-judges of the Supreme Court taking part in very heavy judicial work without any payment. He forgets that the Lord Chancellor gets a pension of £5,000, even though he occupies that post for a single day. Again, the judges of the Supreme Court get a pension of £3,500 when they retire. You cannot compare the state of things existing in England with what you have here. I want to mention this to the House: we have constituted village courts, and it is our misfortune to see that the files in these courts are diminishing, even though there is an advantage owing to the fact that no court fees need be paid for cases filed in those courts. Still the clients go to the munsifs' courts. If you want to do justice to these persons you cannot compel them to go to a court to which they do not want to go."

Diwan Bahadur T. DESIKA ACHARIYAR (*interrupting*):—"I said that the jurisdiction of the munsifs' courts should be ousted if the village courts are to be of any use."

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*continuing*):—"Yes, I know; that is, you will have to compel people to go to a court which he does not like, and in which he has no confidence. I think it is the duty of the members of my profession to dissuade persons from going to courts, unnecessarily. That would have been easier rather than suggest to the Government that they should dictate to the persons who are anxious to obtain justice to seek honorary agencies in whom they have no belief.

"Then, again, there is a notion in the minds of at least the lay members of this House that there is far too much of litigation in this country. You find, Sir, that out of the suits filed, 78 per cent are successful or partially successful. This means that in the large majority of cases the plaintiff has a grievance, a real grievance when he goes to court. This does not show that litigation is frivolous. No doubt the value of suits in a large number of cases is small; but then the people are so poor. It is bare justice that we should give them facilities for settling their rights in as short a time

[Mr. Muhammad Habib-ul-lah Sahib] [8th March 1922]

That includes expenditure on account of charges of Survey and Settlement, Land Records, Inam Commissioner, etc., while items under General Administration include establishments in districts, subdivisional offices and the like with a total of Rs. 53,84,000.

“If we exclude the items which I have enumerated above from the total expenditure of 163.56 lakhs we arrive at an expenditure of not more than 19 per cent, but I maintain and maintain strongly that even the 19 per cent cannot be regarded as the legitimate expenditure of the collection establishment. For, it should be realized, and I feel convinced the House is aware of the fact, that the land revenue establishments are not merely responsible for the collection of land revenue, which is over 7 crores, but they are also responsible for the collection of various items on behalf of other departments. They make a total collection of 75 lakhs on behalf of the local bodies, and I am very soon going to raise a question whether local bodies should not be called upon to contribute some portion towards the revenues of the province on account of the trouble and time devoted by the revenue establishments for collecting this sum on their behalf.

“Then there is a sum of 290 lakhs which is being collected by the officers of the Revenue Department on behalf of the Hon'ble the Minister in charge of Excise. There is no contribution whatsoever made towards the Land Revenue department for the time and trouble devoted by them for the realization of such large amounts and it is again a moot question to be considered whether there should not be at least something like a paper adjustment for the purpose of indicating what amount should legitimately be debited against the accounts of the Abkari department as compensation for the large collections which the officers of the Revenue Department make on their behalf.

“Then there is also the amount of income-tax which is being realized and collected by the members of the Revenue Department on behalf of the Income-tax department. Taking all these facts into consideration I can hardly understand the justification of the remark that the Land Revenue department is spending so much as 30 per cent out of its total demand for the realization of that demand. I cannot accept a higher figure than 14 per cent. And if 14 per cent is regarded as in any way high for the purpose of raising the total demand extending to several crores, then I can hardly understand the justness of the argument.

“Then, Sir, suggestions were made by some of the honourable members who spoke as regards the lines of retrenchment which should have been adopted for the purpose of producing a better financial position; and whilst speaking about my own department, the suggestions which have been made will, I think, be worth a few remarks from me in the shape of a reply. In the first place, a very big order was issued by one of the honourable members who suggested that the number of districts in this province might conveniently be reduced to 20. And one honourable member made a definite suggestion that in so far as the re-distribution of districts took place as a result of Sir William Meyer's scheme, the whole thing might be scratched and we might go back to the state where we were before the introduction of that scheme. I am perfectly sure this House is aware that we in the Madras Province are

8th March 1922] [Mr. Muhammad Habib-ul-lah Sahib]

the most hard-worked in every department. The size of our district is incomparably larger than the size of any district anywhere in India. I shall certainly not weary the House with a comparison of the facts in regard to minor provinces. But I shall merely take the two major sister Provinces of Bombay and Bengal and shall be able to convince the House how unwieldly the size of any district in the Madras Presidency is as compared with the size of districts in the other two provinces. I merely wish to show that as it is we have got, amongst our own district establishments, the most willing horses that have been working on our behalf, and let us not whip them to death. What do we find, Sir? As a matter of fact a Madras district is 5,692 square miles, while the size of a district in Bengal is no more than 2,914 square miles and that of Bombay again is 4,918 square miles. May I in this connexion incidentally remark that in Bengal where the size of a district is only 2,914 square miles they have got a permanent settlement where it is none of the business of the district collector or divisional officer or tahsildar to bother himself with various tenures, no resettlements to conduct, no village accounts to maintain, no jamabandi to conduct? What do we find in Bombay? It may be said that the Bombay Presidency approaches very nearly the size of a district in Madras. It is true that in Bombay it is 4,918 square miles whereas in the Madras Presidency, it is 5,952 square miles. May I again here institute a comparison? In Bombay they have got what are called chiefs' estates covering extensive areas of taluks and districts, whereas in the Madras Presidency, barring a few estates here and there, we have not got such a continuous chain of estates under the charge of chiefs in which the duties of the revenue officers are far less than the duties of the revenue officers in Madras. Therefore, I ask this House whether in our Presidency the idea of amalgamating districts or reducing the number or increasing the size of districts could at all be regarded as practicable. Similarly, Sir, in the case of divisions. I am not at all in a position to understand how the honourable member who made the suggestion that all sub-collectors and revenue divisional officers should be abolished intended to carry on the administration. Presumably he regarded the sub-collector or the divisional officer on the same level as an intermediary between the tahsildar and the collector and therefore on the principle on which we have heard so much in this House that all intermediaries must go, for they are no more than post offices, every sub-collector and other divisional officer must go. He probably did not remember that a time will come when the post of district collector will fall vacant and the tahsildar will then have to step into the shoes of the collector!

“Then, there were various other proposals of the same nature. Some honourable members would not allow more than three divisions at the most in any district. But may I tell the House that this very question as regards the reduction in the number of divisions in the Presidency was considered by His Excellency the Governor in connexion with the 20 per cent retrenchment that we had started investigation of? We consulted the Board of Revenue on the matter as to whether one in every five divisions could be abolished and the emphatic answer which it gave is that the adoption of this course would cause the officers concerned either to let the most important part of the work to get into arrears or they will have to work at such high pressure that efficiency is likely to be seriously affected. Now, in the light of that pronouncement, I do not think it can reasonably be inferred that there is

[Mr. Muhammad Habib-ul-lah Sahib [8th March 1922]

any possibility of reduction in the number of divisions. My honourable friend from Vizagapatam was quite right when he told us that it is none of their business to suggest definite schemes, for they are not fully cognizant of the fact whether the adoption of a particular suggestion would seriously interfere with the efficiency of work; they are all anxious that efficient work should not suffer and therefore it is for the Government to consider each scheme from the standpoint of efficiency. Then, Sir, there was something said about the abolition of the personal assistants to collectors. My honourable colleague the Finance Member has in his speech referred to the fact that of the eleven personal assistants who were employed in this province last year four personal assistants have been abolished, and as regards the other seven, I am not sure whether honourable members have read the decision which was arrived at by Government, in which after examining the whole question carefully, they gave immediate effect to the abolition of four posts, and as regards the remaining seven posts, this is what they say in their order:—

‘To enable collectors to discharge their duties under the altered conditions, it is imperative that they should not be saddled with a large mass of routine work which the abolition of the posts of personal assistants would throw on them. Moreover the Government have under consideration a proposal to transfer the control of the district treasuries to the Indian Audit department, and when this materializes, the treasury deputy collectors, who until now have been personal assistants to collectors, will soon cease to form part of the district revenue establishment and would be entirely under the control of the Audit department. The need for a responsible officer at the headquarters to assist the collector in the efficient discharge of the responsible duties of a diverse nature is thus obvious and will be carefully investigated, and therefore Government do not think it safe to abolish the personal assistants in the remaining seven districts at present. Some doubt has been expressed as to the necessity for the post in one or two of these districts. This question must however await the result of the contemplated transfer of treasury work to the Indian Audit department.’

“So, until the treasury work is transferred to the Indian Audit Department it is not possible to give effect to the entire abolition.

“Then, Sir, something was tried to be made out by more than one honourable member that inasmuch as a lot of the local fund work has been taken away from the district and divisional officers, so much of the time is at their disposal and that therefore they have less work than they have been doing previously; and hence they should take on a little more of the responsibility than they do at present. I would respectfully beg to differ from that opinion. I am aware of the nature and quantity of work that the collectors dis-

5-30 p.m. charged as presidents of district boards. I am aware of the period of time that they used to devote every day for the transaction of that work. I am also aware of the extent of local fund work which a divisional officer had to do, but, Sir, I refuse to believe that by transferring this work to a non-official gentleman, the former will be able to save such a large portion of his time as to enable him to take up additional work. Let us not at the same time forget the fact that at the present time every divisional officer has got to be constantly on the move in his division with his eyes open, his ears open, his intellect sharpened and his knowledge of law up to date, so that he may cope with the situation readily and not allow a single minute to be wasted. Well, that is the present position. Even nearly twenty years ago the Government accepted the position that the work and responsibilities of a revenue divisional officer necessitated more relief being given to him in the shape of the splitting up of divisions as much as possible to enable him to transact only as much work as was possible for him

3th March 1922] [Mr. Muhammad Habib-ul-lah Sahib]

to transact. Here is a picture, which I cannot so vividly draw as has been drawn, by no less a member of the Civil Service than Sir Frederic Nicholson with whose name every one of us is very familiar. This is what he says—

In this Presidency every divisional officer is a first-class magistrate with appellate powers over the whole of his division and is largely responsible not merely for the trial of numerous important cases, but for watching the Sub-Magistrates and also the Police. His revenue work proper is illimitable: wholly apart from the desk work which so unduly absorbs him, his out-door work, if done, would occupy the best part of every day for three-fourths of the year. In this Presidency, the division comprises scores of thousands of holdings and many hundreds of Government irrigation sources each with its separate area of irrigation and almost every one precarious or irregular in supply; the climate is uncertain and in very many divisions everything depends upon the proper distribution of a very few inches of rainfall. By the customs of the Presidency and by the necessities of the season in June to the latest harvest in March or April in and be watched from the beginning of the season every village and every irrigation source in a village has to view to claims for remissions on waste or withered crops from week to week in the correctness of the state of cultivation and the condition of the crops from week to week in the correctness of the reported on not only for statistical but for administrative reasons; on the other the justice information depends on the one hand the revenue of Government, and on the other the Revenue which is dealt out to the ryot in times of drought and the chances of famine. In Madras, the officer can diagnose the condition of the people and the village work, and his jamabandi is satisfactory. ‘Famine,’ moreover, is a Revenue officer has to know each village and each village work, and his jamabandi is satisfactory to himself and to the people just in proportion to his local knowledge. ‘Famine,’ moreover, is becoming an item of the regular administration and involves not merely a minute knowledge of the condition of the people but of the usual works available and the persons and staff obtainable. In the matter of collections the due working of the system largely depends on the Divisional officer; when for instance, the season is normal, systematic and energetic officers will collect punctually almost without coercive process which others will issue by lakhs; in an adverse season he will recommend to the Collector the suspension of the wet demand when there is much in the way of waste or withered crops so as to avoid unnecessary collections. On his shoulders lies the responsibility for the proper grant of takkavi, and it may be said at once that just in proportion as the divisional officer interests himself in this matter so far will takkavi be widely and usefully expended and so far will there be freedom from misappropriation and eventual loss to Government. Owing to the hereditary nature of the numerous village offices and the esteem in which they are held a large part of the divisional officer's time is occupied in settling disputes about office, while the disposal of complaints against the men is also a heavy item. The best officer is the one who most feels the impossibility of fully dealing in person with these and many other important branches of business from general personal knowledge, as the divisions are at present constituted. Hence, I contend that the divisional charges must be not merely equalized but subdivided.

“Now, therefore, if the picture of the duties of divisional officers which I have just now read out applied with any force then, it applies with greater force to-day; for we have to take into account the political conditions of the country very largely.

“In regard to the Survey department, and the Settlement Department my friend Mr. Balaji Rao Nayudu made one indefinite suggestion; he will pardon me if I say indefinite, inasmuch as the whole suggestion of his consisted in an indiscriminate reduction by 50 per cent of the expenditure incurred. While I am unable to see what exactly is his aim, so far as the Settlement department is concerned, his whole idea was that we might take up district by district and then proceed along. I hope he is aware that in the matter of settlement operations we have got a working programme and that programme gives an indication of the number of districts which have got to be taken up each year. This programme is based upon the knowledge as regards the expiry of the period of thirty years in respect of every district. And therefore, if the suggestion of the honourable member, that he will not allow us to take more than a district at a time, is put into force the inevitable consequence of such a suggestion will be that you will have to indefinitely postpone the re-settlement of districts, for if you work at the rate of one district every year, I am afraid that it will take you several years

[Mr. Muhammad Habib-ul-lah Sahib] [8th March 1922]

before you reach a district that is thirty years old already. That is a suggestion which will result in loss of revenue, rather than in economy, for the revenue which we hope to realize will be absolutely lost to us for a number of years.

"Then, Sir, a question was asked by Mr. Balaji Rao Nayudu as to why we have not done anything in the matter of reduction of establishments in the Board of Revenue Office. I may at once invite the attention of the honourable member to the figure appearing in the budget itself. However, for his information, I may tell him that we have taken into account the recommendations of the committee which sat for the purpose of deciding whether the Board of Revenue should continue or be abolished and that in connexion with the same, the committee had suggested that we should carry out a few reductions in the establishment by the amalgamation of the two secretariats employed in the Boards Office, i.e., one under the Commissioner of Land Revenue and the other under the Commissioner of Land Revenue and Settlement and as a result we have been able to accomplish a saving of about Rs. 35,000 a year. As to the matter of the abolition of one of the posts of Secretary, the scheme has been submitted to the Government of India for their sanction.

"Then, Sir, a suggestion was made that all temporary and additional deputy collectors must go and that we must keep only the sanctioned permanent cadre. It is forgotten at the same time that the sanction of permanent cadre is intended for particular duties which are germane to the Revenue Department. Very often demands are made on the Land Revenue department for deputation of deputy collectors for various services. There are a number of them employed in the Co-operative department, in Labour department, some of them in Agricultural department, some of them in the Secretariat departments, and some are on duty on land acquisition work. If a railway is going to be surveyed, harbour constructed, a new canal formed, there goes a deputy collector for the acquisition of land. So for all such additional duties we spare our deputy collectors. Does common-sense demand that their places must not be filled up for the transaction of their duties and acting deputy collectors appointed till the permanent men revert? I cannot understand, Sir, how with one stroke of my pen I can abolish all temporary and additional deputy collectors without getting back my permanent men who are working in these departments. It must be remembered that it does not mean additional expenditure for the department; for every department which seeks the services of a deputy collector has to pay for such a man.

"Of course a great deal has been said in regard to the increasing of the pay of village officers and we have been found fault with for not having translated our own feelings into action. I believe I have to level the same charge against the House. In deference to their expressed wishes, in deference to the sympathy which they from time to time were prepared to extend towards the village officers, and in deference therefore to the demand of the House, may I say, Sir, for the increase in the pay of the village officers, we set ourselves to a very careful and detailed investigation of the possible ways and means for the purpose of meeting the wishes of the Council, as indeed meeting the legitimate demands of a hard-worked class of officials. We found that there was in this very province a separate cess for the purpose of realizing the necessary revenue to meet the salary of the two separate class of officials employed in ryotwari as well as in proprietary estates. We examined

8th March 1922] [Mr. Muhammad Habib-ul-lah Sahib]

the history of the whole question. We found that at a certain period in the history of this Presidency these two cesses were allowed to disappear from the Statute book for reasons which no more exist. They were removed under circumstances which no more exist and we were fully assured that anything we did would meet the wishes of the whole House, and that the House was of one mind, one mood, and one temper to help these poor village officials. We were confident that we were suggesting the ways and means for the purpose of meeting the legitimate demands of village officers and that we would carry the House with us, but unfortunately it so happened that the House did not accord its sanction for even the introduction of those Bills. We are therefore where we were. We would have to face an additional deficit of 38.40 lakhs if we intend to give effect to the resolution of the Council. In the matter of the increase of pay to men employed in the proprietary estates and the increase of pay to headmen employed in ryotwari estates, the question I would ask is where is this money to come from? My honourable friend to my left will simply tell me that I am really out of Court, for he has already shown us a budget with a deficit of 22.5 lakhs. How is this liability then going to be met? If the honourable members of this House will show me some means whereby I could meet the legitimate demands of these people I should indeed be glad to help my village officers, for let me repeat what I said on the last occasion and repeat it with all the emphasis that I am capable of, that my heart goes forth for them. I feel that they are the foundation and the basis for the whole of this edifice. I know they have worked loyally and faithfully in the past, barring of course a few unfortunate

5-45 p.m. exceptions which I am not going to dilate upon. I have met them, I have taken peculiar pleasure in their well-being and prospects and I was very nearly hopeful that my efforts on the last occasion would be crowned with success, and that I would have every reason to congratulate not only myself and the House on the large-hearted magnanimity they showed but also congratulate those unfortunate poor village officers in having after all convinced the House for putting their feelings into action. But all these hopes of mine, Sir, have been dashed to the ground, not on account of my indifference towards their interests, not that I possess no heart for them, not that I have not the same sympathy for them even to-day which I exhibited on all previous occasions, but because the Council rendered it impossible for me to go further. All that I can say at the present moment will be that nobody would be gladder than myself if means could be found for the purpose of increasing their pay. (A voice: 'Borrow'). Well, Sir, I hear a voice from behind me 'Borrow'. I do not know whether my Hon'ble Colleague the Finance Member would encourage me to embark on that financial policy. However, let me assure the House that if I can devise some means whereby I could get some money, it will give me the greatest pleasure to utilize it for the purpose of payment of these village officers.

"I have been sometimes found fault with and on other occasions condoled with, may I say, for the very poor allotment which has been entered in the next year's budget under Irrigation. Some honourable members have also drawn attention to the very optimistic speeches with which I treated them at some of the meetings of this House in which I had told them that I had set my heart on the development of the irrigation resources of this Presidency, that I was determined to get as much money as I could for that purpose and

[Mr. Muhammad Habib-ul-lah Sahib] [8th March 1922]

that I had installed a separate and a distinct irrigation project division for the purpose of vetting, if I may say so, all the schemes which had either previously been shelved or which had not reached the stage of final investigation or which might have been regarded as doubtfully remunerative. I was hoping when I made those promises that the financial condition of this province would not be as despondent as it is to-day. Surely neither the Finance Member nor myself could with any magic wand in our hands try to develop the financial resources of the province to the extent that we might consider would admit of our demands being met adequately. I know the Hon'ble the Finance Member has often told me that his heart was bleeding for me. (Laughter.) So he has not only applied, as I told the House, the pruning knife of retrenchment with almost a degree of vengeance against the Revenue Department of which I am in charge, but he has done worse in the case of the Irrigation Department too. But I realize as a Member of Government the desperate attempts which the Hon'ble the Finance Member had to make for the purpose of making both ends meet. But in spite of all his endeavours, and in spite of every possible means which he exploited he found that he had yet to face a deficit. In any case, responsible as I also am for the administration of this province, I should certainly not have advised the Finance Member to produce larger financial depression by making provisions in the budget more than what it was possible for him to do. There is, at any rate, one fact that I have to refer to and it is this. Probably the House would ask 'why not some provision be made for new schemes which can be financed out of loan funds?' May I tell the House at once that we are no more in that period when the execution of irrigation schemes could have been undertaken at that rate of expenditure at which either the Gōdāvari delta, or the Kistna delta or the Canavery delta irrigation schemes were constructed. In these days the cost of every scheme is nearly four times what it was in those olden days. The rate of interest is abnormally high. The money market does not respond to us so freely as it probably might have done before the war. We have therefore to devise a financial policy whereby it would be possible for us to defray the additional loan which we may have to raise by means of the schemes which we launch. The schemes must be therefore sufficiently productive to enable us to secure enough for the amortisation of the loans which we may think it necessary to borrow for these purposes. Working on these principles, it has been found and demonstrated too, that the water rate which we shall have to levy from the people who would be benefited by these schemes, cannot any longer be the old water-rate, but that a new data must be devised to obtain a higher water-rate so that the income thus realized from any scheme must be sufficient to defray the principal and the interest on the money that is borrowed. But it must at the same time be remembered that no scheme which can be conceived to-day can be executed to-morrow. Any scheme will take a number of years to develop. It will take its own period during which it will remain under execution, when there will be no revenue realized at all. For that period at any rate the revenues of the province will have to be expended for the purpose of paying interest. Is our province in such a rosy condition at the present moment to encourage us to contemplate even the idea of borrowing for the purpose of spending on irrigation schemes the productive nature of which has yet to be carefully investigated and the readiness of the people to pay a higher rate of water-tax has yet to be

8th March 1922] [Mr. Muhammad Habib-ul-lah Sahib]

proved? In anticipation of all these things it was considered not very profitable to load the budget with items of expenditure for which probably it may not be found possible to find funds in the next year. But let me again share with those honourable members who expressed themselves on this subject their regret that it has not been found possible for Government to have made a larger allotment in the next year's budget under Irrigation.

"I shall certainly not weary the House, Sir, with answering all the questions that have been raised in the debate at this late part of the evening. There is only one statement made with a degree of what seemed to me amusement on the part of the honourable member from Coimbatore who, probably for the purpose of charging us with being reckless in the entry of figures in the budget or for the purpose of showing that for the future we had raised the pay of the sub-collectors three or four times what it was last year, told us that while in the current year the number of sub-collectors shown was 76 and their total expenditure was 3 lakhs and odd, the number of sub-collectors shown in the next year's budget was only 50, whereas the figure of expenditure entered against that number was 5 lakhs. So, he naturally asks 'What is it? When 76 sub-collectors cost this province 3½ lakhs, how could 50 sub-collectors cost 5 lakhs, unless it be that the pay of the sub-collectors has been so largely raised as to be ridiculously high?' But, Sir, unfortunately, there is a way of reading the budget. Clearly the entry in the current year's budget shows merely the total sanctioned cadre under the head of sub-collectors. That does not mean that all the 76 sub-collectors are working. Every one of the honourable members knows that there are divisions which are locally known as sub-collectors' or Indian Civil Service divisions and most of these divisions were in charge of Indian deputy collectors because it was not possible for us to secure the required number of Indian Civil Service officers to be put in charge of those divisions. That is one of the reasons why I have had to carry forward a large list of acting deputy collectors because I had to provide deputy collectors to be put in charge of divisions which are called Indian Civil Service divisions or sub-collectors' divisions. Now during the current year, we were not able to put more than 35 Indian Civil Service officers in charge of divisions. Their cost therefore during the current year was no more than 3 lakhs and odd, but on account of some Indian Civil Service officers having recently returned from leave and also the probability of a few more officers coming next year to hold charge of their divisions, we have on the advice of the Board of Revenue calculated that there would be about 50 Indian Civil Service officers in charge of divisions during next year, and according to the sanctioned pay they have to get, the total expenditure would be about 5 lakhs and we have therefore entered that sum, not that we intend paying 50 sub-collectors more next year than we paid 76 sub-collectors last year. Sir, I do not want to take up any more time of the House."

The Hon'ble Sir LIONEL DAVIDSON:—"Mr. President, notwithstanding your proper indulgence, I propose to subject myself to the self-denying ordinance of the 20 minutes' limit, and hope to conclude before that period of time shall have elapsed."

"Of the departments in my special charge, I propose first to deal with the Agency. I do not think, Sir, that there is any need for me to repeat the general justification of the policy of creating a special Agency division,

[Sir Lionel Davidson]

[8th March 1922]

which I gave this House just a year ago, on the 10th of March 1921. That justification holds good to this day and my only regret is that the paucity of funds makes it impossible for us to give effect to the actual developments which Mr. Harris, Mr. Cotterell and I myself hoped would have become practicable this year, that is to say, in the coming financial year. But unfortunately, Sir, the application of the pruning knife has cut short all possibility of such developments for the present. The particular item to which alone I propose to refer in any detail is the case for the creation of a district and sessions judge in the Agency tracts. That, Sir, is the outcome of practical experience and of very careful consideration of local needs. Mr. Palmer, I think, said 'Certainly such an appointment could not be justified. Why should the naked and poor Koya be saddled with a district and sessions judge?' Sir, it is in the interest of the 'naked and poor' Koyas and Khonds that a district and sessions judge is required. For, otherwise, they would have to face the alternatives of remaining, it may be for months together, in the sub-jails of the Agency division until an officer can find time to deal with their cases, or of being sent down, after long and weary marches to the plains, to Rajahmundry or Waltair, there to await trial in a climate and an atmosphere to which they are quite unaccustomed and which cannot but act prejudicially on their health.

"That is broadly the reason why we do desire and do need a district and sessions judge who can tour in the Agencies and try cases on the spot. When last year sanction was given for the appointment of a judicial assistant, the anticipation was that we should be able to find an officer of the grade of subordinate judge, of sufficient seniority perhaps to deal with appellate work from the Agency assistant commissioners. We could not get any officer of that rank and we had to be content with a young officer from the district munsif's grade. The Agency Commissioner felt, and felt quite rightly, that it was not possible to entrust so junior an officer with appellate powers over senior assistant commissioners. In consequence he had either to take up such work himself or to make other suitable arrangements. The problem was discussed at a conference of Agency officers in August last and their considered conclusion was that the appointment of a special district judge was the only practicable alternative. This proposal came before the Agency Advisory Committee last month and the Agency Commissioner, Mr. Cotterell, himself personally explained the need for the change. It was suggested in one quarter that some of the appeals might be transferred to district judges in the plains. The answer made was that such judges would not be able to hear the cases in the Agency, and that the parties and their pleaders would have to be present in the plains. It was pointed out again that the Assistant Commissioner of Jeypore alone had so many as 82 sessions cases in the year and that the Agency Commissioner himself and his assistants generally were so overburdened with the trial of sessions cases that it was practically impossible for them to carry out their legitimate duties of examining the possibilities of developing the Agency tracts.

"A further point taken was that litigants themselves were by no means willing to have their suits tried by the judicial assistant. And finally it was urged that trial by courts in the plains would involve heavy expenses by way of payment for batta for witnesses and other cost. These, Sir, are the main reasons why the Government consider it necessary to make provision for the Agency District and Sessions Judge.

8th March 1922]

[Sir Lionel Davidson]

"The only other item specifically relating to the Agency division which I need mention is the isolated comment that additional expenditure to the extent of one lakh is proposed for the Agency Police. I may at once explain, Sir, that a sum of about Rs. 80,000 out of that item relates to Agency allowances. Now the Agency allowance is the one type of allowance the necessity for which is, I believe, universally conceded; even Mr. T. A. Ramalingam Chettiyar does not find fault with it. It is necessary to give the lower paid officers in the Agency allowances in order to make them render contented and willing service.

"I pass on, Sir, from Agency to Criminal Justice. And here I see no need to deal with the remarks passed by one or two members about the alleged inadequacy of the working of district judges, district magistrates and subdivisional magistrates. These items have already been dealt with sufficiently either by the Law Member or by the Revenue Member, or if not so dealt with, at least they call for no detailed comment from myself.

"I will now pass on to the item of honorary magistrates. It was urged in various quarters that we might find some means of economy by the introduction of honorary magistrates in lieu of stipendiary magistrates. The same point was taken last year and I contented myself then with the general remark that a good deal had already been done in the way of employing benches of honorary magistrates, but that we often had to invoke the aid of stipendiary magistrates to preside over such benches, and that we found it still more difficult to find honorary magistrates who were both capable of sitting singly and had the leisure and the inclination to do so. I can only repeat these remarks now, but I will supplement them by figures showing the extent to which honorary magistrates are being increasingly employed. In 1910, Sir, we had 372 such magistrates; in 1915 there were 730; in 1918 the figure was 1012; and in 1920 it was 1288. I think, Sir, that justifies my remark that we are increasingly employing honorary magistrates.

"My next topic, Sir, is Police. Last year there was a general tendency in the Council to approve the expenditure proposed on the Police Department. And, notwithstanding varieties of criticisms which have been passed on points of detail, I can still detect a general feeling that the Police Department is the last of all departments in regard to which hasty retrenchment should be attempted. I must, however, refer to some of the detailed criticisms. Proposals for the abolition of various grades in the department cover a large extent and are, to say the least, somewhat excessive. I will mention them serially in order that the House may realize how extensively this method of reduction has been proposed.

"It has been variously proposed to abolish the post of deputy inspector-general of police; the post of deputy superintendent of police; the post of inspector of police, and particularly the prosecuting inspector; the post of sub-inspector; and the posts of police talayaris. Now, Sir, there are very good reasons against complying with any one of these proposals; but I cannot at this late hour embark upon the task of justifying the present organization of the Police Department. It is the outcome of a very careful investigation by an experienced Commission many years ago and practical experience has convinced us that broadly speaking the organization is sound. I will deal just for a moment with the case of the deputy inspector-general

[Sir Lionel Davidson]

[8th March 1922]

of police. If any honourable member wishes to know what the duties of the deputy inspector-general of police are, he will find a brief summary in paragraphs 92-94 to the first volume of the Police Orders. A much fuller exposition of the case would have been given if the passage of time had not cut out a resolution on this very subject by Mr. Abdur Rahim. An elaborate note on the subject was prepared for the purpose of answering that resolution; but the substance of the case is that it is really not possible to dispense with the assistance of the class of deputy inspectors-general of police in a department which employs upwards of 30,000 men, for if the class were abolished a large portion of their work would inevitably devolve upon the Inspector-General of Police. It is the custom in this House to give lip service to decentralization. And it is very often only lip service. One must recognise that the head of large department cannot possibly look into every detail and every local complaint. One honourable member, Mr. Sivasankaram, seems to think that the Home Member himself can equally look into every detail and he would apparently carry centralization a stage further and ask me to examine local complaints without so much as a suggestion that they are well founded. He referred specifically to a question of his in regard to an allegation that a head constable in Hindupur had tom-tommed all round the town an invitation to come and drink without fear and he added the sarcastic remark that the Government 'did not even care to make inquiries,' although he had personally verified the facts. That he had personally verified the allegation and took responsibility for it was brought to my notice for the first time to-day. The question was asked in August last and the inquiry was whether my attention had been drawn to a letter in the *Andhra Patrika* by a correspondent, and if it was a fact that the head constable had made such a proclamation and if so under whose authority. I do not read the *Andhra Patrika* except on occasions when extracts from it are brought to my notice. I had not read this particular passage and the answer given to the honourable member accordingly was that the Government had not seen the letter and had no information on the subject. As an answer might have been required for the anticipated supplementary question, the Secretariat proposed that in that event I should answer that the Government saw no reason to call for a report. I noted 'Yes, unless the Legislative Council Member will take some responsibility for the statement.' The time of the Government and of Government servants cannot be taken up with the investigation of random statements by newspaper correspondents. As Mr. Balaji Rao Nayudu suggested in a question the other day, there are many many false statements which appear in the newspapers and the Government cannot undertake the contradiction of all such statements.

"Before leaving the subject of Police, I would deprecate Mr. Bisvanath Das's methods of comparison with other provinces, a method adopted also by Mr. Ramalinga Reddi. The comparison was in the one case with Behar and Orissa, the United Provinces and Bengal and in the other case with Ahmedabad. I do not think, Sir, that we need emulate the example of police administration in any of those places. But on the general question of comparisons I would deprecate any such random comparison with other provinces; unless and until you go carefully into the details of the local conditions, there is nothing more rash than to base a comparison on total figures.

8th March 1922]

[Sir Lionel Davidson]

"I come next, Sir—leaving police but to return to it in respect of the item of punitive police if time permits a few minutes hence—6-15 p.m. to the question of Forests. There is no department with which I am concerned that has occupied more time of this Council since August last. We have had first the usual attack on the intermediary officers, in this case the conservators. I have no time to justify the continuance of that office in detail; and I must refer honourable members who are interested in it to the catalogue of the duties of the conservator which is to be found in Chapter 5 of the Madras Forest Code. I have in my hand pages and pages prepared for me giving details on the subject which I shall be happy to place at the disposal of those who really think that the conservator is a mere useless post office and can be easily dispensed with.

"I am very glad to find that there has been no adverse criticism of the proposal to create a new supervisory staff for the purpose of carrying forward the forest panchayat movement; because that is a movement which I have very closely at heart, seeing in it as I do, the most hopeful means of obviating the constant friction between villagers and forest subordinates. A more important development which I have even closer at heart is the application of modern methods of exploitation to the great evergreen forests of the Presidency. I have done my best, Sir, by flooding this Council with literature on the subject to make honourable members realize how very important that development is. I dare say a further opportunity for the exposition of that aspect of the case will come later on. But I now take this opportunity to implore honourable members to read the literature put before them or at least the more important portions of it and to realize that neither I nor Mr. Cox—I shall be gone from the Presidency in a few weeks and Mr. Cox may not be here a year hence—that neither of us has any axe to grind in this matter; that neither of us wishes to create appointments unnecessarily; that neither of us desires to furnish European firms with special opportunities of making profits, but that we both of us desire simply to advance not the interest of the Forest Department but the interest of the tax-payer in Madras. We are both convinced that in the proper development of the Forest Department on modern lines and on modern methods lies the best hope of increasing the revenues of this Presidency without recourse to additional taxation. One member of my Advisory Committee, Mr. Namberumal Chetti, has drawn my attention if time had permitted he would have addressed this Council on this subject, but by your ruling, Sir, that the time after lunch should be reserved to Members of the Cabinet he has been out, he has drawn prominent attention to the fact that in commercial matters you cannot expect to achieve success without taking ventures and with regard to the comparisons so lightly drawn with other provinces by Mr. O. Tanika-chala Chettiyar, he has pointed out one important factor which appeals strongly to him as a practical business man—and that is to the great difference in the facilities for transport. He has drawn my attention to the fact that the Punjab is the place of five rivers with river transport along five different lines and that in Burma the flowing channels of the Irawadi furnish admirable natural means of transport, whereas we in Madras have for the most part to make our own transport. And we have not yet been able to make much of it, because adequate funds have not been expended on the development of our forests, on the creation of roads, on the creation of railways and on the creation of timber slides. We know, Sir,

[Sir Lionel Davidson] [8th March 1922]

that without expert guidance it would be folly to embark on large schemes of that description. But with such guidance we have every hope of developing very large revenues. In the meantime we have no reason to be ashamed of the returns on our capital expenditure during the last thirty years. If honourable members will refer to the statement given at page 14 of the First Selection of papers on the Forest Department that has been communicated to the House, they will find that in the past thirty years the surplus has averaged, I think, 39.5 per cent of the expenditure."

Mr. O. TANIKACHALA CHETTIYAR (*interrupting*):—"May I point out, Sir, that thirty years ago the expenditure was 12 lakhs and the income Rs. 4 lakhs. Now it is Rs. 53 lakhs and we have lost Rs. 3.95 lakhs last year and we hope with an expenditure of Rs. 52 lakhs to make three lakhs this year. So we have not progressed forward but we have gone backward. We are now paying four times what we have paid thirty years ago."

The Hon'ble Sir LIONEL DAVIDSON (*continuing*):—"The honourable member will find the answer to that line of criticism in the Chief Conservator's administration reports for the last two years. The point is that in the past the Forest Department has been starved in regard to capital expenditure and that we hope in the future to remedy that starvation. The fact remains that, whereas the sowcar or the money-lender thinks twelve per cent a good return on his money, the Forest Department during the last thirty years has earned nearly 40 per cent. We hope for even more return in the future if reasonable investments of capital are not refused. What I do want to impress on the House is that both the head of the department and I as the Member responsible since His Excellency the Governor handed over the portfolio to me a year ago, regard this as a matter of the very first importance and I do not wish by any heat of manner or ill-judged use of words or anything of that sort to keep members of this House back from the path which we are sure will lead them to a substantial source of revenue."

"I was, Sir, about to deal with political aspects and the question of the action recently taken in Guntur. But my self-denying ordinance prevents me from doing so. I will therefore close with the remark that I see nothing to apologise for in the action taken in Guntur or elsewhere. With regard to what are sometimes styled repressive measures, I am quite prepared, if directly challenged and given sufficient allowance of time, to answer detailed criticisms in any respect. For the present, I will merely content myself with repeating the words of Dr. Natesa Mudaliyar so far as I have noted them—I do not wish to misquote the honourable doctor and will therefore refer to the note that I made of his remarks, there. In referring to Mr. M. Ramachandra Rao's complaint of inconsiderate and provocative action, he said 'rather I should say that the Government have erred on the side of waiting too long and trying to please the professional agitator.' I find Sir, much more reason for that criticism than for any charge of 'inconsiderate and provocative action'. The provocation, Sir, has all come from the other side."

The Hon'ble Sir CHARLES TODHUNTER:—"Sir, I have been searching in the rules for a rule under which I might hand in my notes and request you to take them as read and release the honourable members whose courtesy has

[Sir Charles Todhunter] 8th March 1922]

detained them here till this late hour of the night. I am afraid, however, that that was a provision belonging to the bad old days before the reforms for I cannot find in the new rules any rule under which I can hand in a written speech. I take it therefore that I must inflict my notes upon this Council but I will endeavour to save time as much as possible by adopting the unorthodox method of reading from them.

"I must first of all thank the Council for giving a reception to the budget which, if it has not been favourable—that could hardly have been expected—has certainly been fair and kindly in the extreme, and I know from my own feelings in the matter how keen must have been the feeling of disappointment of many honourable Members at the lack of adequate provision for projects which they have at heart. I am greatly afraid that I have a further disappointment in store for some honourable Gentlemen who have been pleased to compliment me on the reduction of the original deficit of Rs. 144 lakhs to Rs. 105 lakhs. I fear these gentlemen have failed to realize that Rs. 29 lakhs out of that difference represents the provision for increase of the pay of the village staff which was removed from the budget when the Council refused to vote the money."

"Among other far too kindly critics one honourable Member has been pleased to refer to the Finance Member as the conscience of the Council. May I say, if I do fill that capacity, that the conscience of the Council abhors a deficit, and that, if the Council had listened to its still small voice, there would have been no deficit to deplore to-day; the budget of the Government would not have closed with a deficit. As my honourable Friend the Revenue Member has explained, if the Cesses Bills had been accepted and if cesses had been imposed at rates sufficient to cover both the increase already given to the village officers and the further increase now proposed to be given, the budget would have closed not with a deficit, but with a surplus. I fully recognize that we were asking a good deal of the Council in asking them to undertake the imposition of that taxation in addition to the other taxes which are being imposed. But the Bills represented the conclusion of the combined Government as to the best means of meeting our difficulty, and I put it to the Council that in rejecting that conclusion they took upon themselves the discovery of a better alternative."

"But it has been said that this is not the only deficit, but one of a series and that what is objectionable is not the meeting of a single temporary difficulty by loans, but a continuous policy of living on them. I recognize the justice of the criticism. But I would ask honourable Members to let me disentangle the figures of our expenditure on provincial purposes and explain the circumstances which have led to a series of deficits, which no one in this Council can deplore more than I do myself. While I venture to think that the Hon'ble Member Mr. Krishna Rao was mistaken in charging us with placing before the Council figures which are incorrect, I do recognize that, owing to causes for which we are not responsible, it is extraordinarily difficult to arrive at the true figures for purposes of comparison. There is not only the fact that the whole of the heads of revenue and expenditure have been reclassified under the Reforms; further reclassifications have taken place since; the methods of debits and credits in connexion with income-tax have been altered; there are sundry adjustments made, for instance, in respect of income-tax, stationery and cinchona, and there is also this new feature in our accounts that we have since the Reforms taken over the loan account

[Sir Charles Todhunter]

[8th March 1922]

and for the first time in the life of the Council utilized loan money on works of permanent utility. If we eliminate all these causes of difficulty, as well as the contribution to the Government of India, we have a position somewhat as follows: our revenue available for expenditure in 1919-20 was Rs. 9½ crores, and calculated on the allocation of revenue under the Reforms Scheme we were, on the data for 1919-20, entitled to assume a recurring improvement of 277 lakhs in the revenues at our disposal for provincial purposes. Further, the normal expansion of the revenues assigned to us under the Reforms justified us in anticipating that in 1922-23 our revenues would amount to over 13½ crores even apart from any reduction of the contribution. The year 1919-20 opened with a balance of 210 lakhs which was due largely to the restriction of expenditure on new schemes during the war. The question that faced us then was whether we should raise our expenditure from a figure of under 10 crores to that of 13½ crores by a series of steady gradations and should for that purpose in the one lean year, as it then seemed, that remained to us before the coming in of the Reforms, utilize part of our accumulated war balances for taking up some of the many schemes which had been put aside on account of the war, or whether we should continue on the 9½ crore basis for another year and then embark upon a double increase of expenditure. With the full concurrence of the then Finance Committee and Council we adopted the former course, and I think that it is no secret that we were partly influenced in so doing by the fact that the argument was being strongly used against us in the discussions connected with the Meston Committee that we could not spend the revenues which were due to us. At the same time, we had very good reason at that time to hope for a very much more favourable issue of the Meston Committee's enquiry than actually resulted. We were fully aware at the time that we had in front of us a very large bill on account of establishments and we pressed that fact upon the Meston Committee. We did not, however, put into the budget an immense lump allotment, because we had no definite figures to base it upon and we anticipated that we would only be laying ourselves open to the criticism that we were fabricating figures for the purpose of the Meston Committee's report.

6-30 p.m. "When the year began, we found that the bill for establishments was going to be larger even than we had thought and as it went on we found ourselves compelled to throw overboard one after another of the schemes on which we had thought to embark in order to meet the ever increasing demand.

"The ensuing year, that is, 1921-22, should have seen us able to make a step forward again. But the desperate slump in trade and exchange reduced our revenue in many directions, while the bill for salaries went on increasing, and that is one reason why I called the budget for last year a 'carrying on' budget. We all thought then that the slump would end after the monsoon, but instead of ending it only deepened and there has been added another cause to this decrease of our revenue, the success of the non-co-operators. To that, again has been added (it is really part of the same thing) the enormous expenditure on the Malabar rebellion.

"In the result, our expenditure on the ordinary functions of Government, instead of advancing, as we had anticipated, from 9½ crores to 13½ crores was 9½ crores in 1919-20, 11 crores in 1920-21, 12½ in 1921-22 and is expected to be 12½ again in 1922-23, and this leaves us with

[8th March 1922]

[Sir Charles Todhunter]

deficits of 147 lakhs in 1920-21 which we were justified in meeting from balances of 137 lakhs in 1921-22 and 28 lakhs for 1922-23. Had the normal expansion of our revenues continued, our receipts for the current and the ensuing years ought to have amounted to 3,370 lakhs against an expenditure of 3,369 lakhs which would have left us still with an opening balance of approximately 60 lakhs. A part from this, if circumstances had been normal, much expenditure which in the budget for 1922-23 had to be diverted to police, jails and reconstruction as a result of the disturbances in Malabar and elsewhere, would have been diverted to those services, such as education and medical, which we are all anxious to see expand. Out of the total deficit for the three years of 312 lakhs, 206 lakhs has been met from our war balances, leaving us a dead-weight debt of 106 lakhs. To that we have to add 100 lakhs, the amount of our provincial loan account which has not yet been cleared, making a total of 206 lakhs. To this, again, we must add an unproductive debt of 21 lakhs incurred on works of permanent utility, grants to the Madras Corporation and famine relief, raising the total to 227 lakhs. We have provided for repayment in 1922-23 at the rate of 14 lakhs and the payment if continued at this rate would leave us clear of this dead-weight debt in 17 years, though of course we hope the revival of our revenues or a reduction of our contributions will enable us to clear ourselves in a much shorter time.

"I do not, for a moment, want to minimise the seriousness of the situation. But I do ask the Council, in justice to the Government, to recognise that had revenue continued to increase in a normal way we should now have no deficit, but a substantial balance in hand and that what we owe the deficit to is in part the rise in salaries as a result of the rise in prices, a factor which the expected growth of our revenues would have enabled us to meet, but mainly the slump in trade, the loss on exchange, the Malabar rebellion, and last but by no means least, the non-co-operation movement, these being factors which we were not in a position to anticipate.

"In this connexion I would also point out that, as was, I think, observed by Mr. Narasimharaju, our proposals do not involve any increase in the gross amount of provincial taxation. Our estimate for the current year was Rs. 1,642 lakhs, for the coming year it is Rs. 1,642 lakhs or a decrease of 29 lakhs. It is therefore a transfer of taxation not an increase which results from our proposals, a transfer from excise to stamps, court-fees and registration or from those who in the main have little property to those who have sufficient property to become subject to legal and commercial transactions.

"And this is my answer to the Hon'ble Mr. Desika Achariyar when he casts in my teeth a quotation from the Arthashastra that whoever doubles the revenue eats into the vitality of the country. It is also my answer to the Hon'ble Mr. Ratnaswami's suggestion that we should cut our coat according to our cloth. It is not a question of cutting a new coat. We had a coat, and I venture to think that it was a good one. Certain mischievous persons have torn great pieces out of it. We came before the Council for cloth with which to repair the gap. We hope they are going to give us two pieces, but the third we asked for has been denied to us and there is therefore still a great rent through which chill blasts of poverty will reach our vitals.

"It is somewhat amazing to me, Sir, in these circumstances to find that, while on the one hand the Government are blamed for budgeting for a

[Sir Charles Todhunter]

[8th March 1922]

deficit, on the other, honourable members propose, not only to increase the expenditure very largely in numerous directions, but in particular to add to our commitments a sum of 28.96 lakhs for further payments to village officers, a sum which will be a recurring addition to our expenditure. With their arguments in favour of paying this additional sum to the village officers I am entirely in accord, though I would observe that in many cases they differ materially from the arguments advanced by honourable members when the Government moved the re-introduction of the cesses on just the grounds which they are now urging. But if I am to be regarded as the conscience of the Council, I must in that capacity raise my voice against a proposal to commit posterity to this recurring charge until we have in sight some means either immediate or future of meeting it.

"The main proposal that has been made for meeting it is that of further retrenchment. As to this, my honourable colleagues have dealt with the proposals relating to their several departments and I think have dealt with them fully. I will therefore confine myself to one or two general observations. I find it difficult in the first place to reconcile the various proposals and criticisms that have been made.

"It has been said that the bureaucrat regards a certain number of personal attendants as necessary to his administrative efficiency. We have all reduced our personal attendants from Members of Council downwards. It is next said that the reduction of a few peons does not mean retrenchment. In fact the Hon'ble Mr. Abdur Rahiman Sahib, differing from the critic I have just quoted, called reduction of peons a mere mockery of retrenchment. The number of the men dispensed with in this grade however is by no means a few, the total number in the class of attendants, peons and constables being 4,765. The Hon'ble Mr. Ratnaswami is to my mind on the right lines when he attributes the bulk of our difficulties to the army of clerks which he says will soon bury the bureaucracy beneath masses of papers; but when we reduce this army by only two per cent we are told that that is not the portion of the service to attack. The whole attack centres on the more highly paid officers of Government. We are told that, India being the poorest country, has the most highly paid services in the world. My honourable colleague the Law Member has already made the mouths of members of the legal profession water by the recital of the prizes available to lawyers in England. May I remind the Council also of the figures which I quoted a short while ago showing that in one department, the Post Office, in England there are 50 per cent more officers on Rs. 1,000 a month and upwards than there are in the whole of the services in Madras? May I remind honourable members of certain comparisons drawn by Sir William Vincent between the prospects held out by India and by the Colonies in the matter of Government service, by no means to the advantage of India? May I remind them further of the table which he put forward showing the increase received by members of the Indian Civil Service taking the quinquennial periods of service from five years upwards? This showed an increase for officers of from five to ten years' service 13 per cent, from ten to fifteen years 15.5 per cent, and from 15 to 20 years 10 per cent, while officers of 20 years' service and upwards are on the average receiving less pay than they were before. It has been said again that an enormous reduction is possible in respect of sub-collectors, 76 of whom cost 3.30 lakhs last year, while 50 are going to cost 5½ lakhs this year. The honourable member who made this

8th March 1922]

[Sir Charles Todhunter]

comparison omitted to notice that last year's was a gross provision for the total cadre from which large probable savings were deducted and that the actual comparison should be between 35 officers employed in 1921-22 at a cost of 3.30 lakhs and 50 officers expected to be employed in 1922-23 at a cost of 5.50 lakhs. Again, Rao Bahadur T. A. Ramalinga Chettiyar has proposed that we should stop all increments, following the example of Mysore. I have ascertained by telegram from Mysore that the Government there has not stopped increments at all. Again, Dr. U. Rama Rao says that we are spending Rs. 30,000 on hill allowance while the actual figures for Government offices is under Rs. 10,000. Again the Hon'ble Mr. Tanikachalam Chettiyar gave us to understand that the cost of a Member of Council or Minister was a lakh of rupees made up of Rs. 64,000 salary and Rs. 36,000 travelling allowance. I should like to assure the honourable member that the total cost of travelling for all members in 1920 to 1921, the last year for which figures are available, was considerably less than Rs. 36,000, the sum which he puts down for a single member."

Mr. O. TANIKACHALA CHETTIYAR (interrupting):—"I find, Sir, a sum of 2.55 lakhs for Members of Council. I do not know: I may be mistaken."

The Hon'ble Sir CHARLES TODHUNTER (continuing):—"That would be the figure arrived at if the Honourable Member were preparing the budget. But the figure which we have actually for all the Members of the Cabinet is Rs. 50,000 instead of 2½ lakhs, which his calculation would give.

"I should, however, like to acknowledge the statement made by this honourable member as well as other honourable members of the Finance Committee that the result of their inquiry into the budget has been to make all the economies that can be made without radical change. I think this is a correct statement of the facts. As regards the suggestions for further economy, I would venture to invite the attention of the Council to a statement in *Justice* which sums up the position as follows:—

"Our position is that no one has showed where the shears may be applied with profit. We have had enough of random statements about the administration being top-heavy, about the services being overmanned and the like. Such general observations are of little practical value. If any one has worked out a proper scheme of retrenchment without impairing the integrity and usefulness of the administration, we, for our part, would have been very pleased to advocate its adoption. We also take it that the party now in power would not have hesitated to give such a scheme their hearty support. But a vague statement such as is now the fashion to flourish in, in the case of some, but the embodiment of a wish, while with certain others, it is a handy instrument to lash the Government with."

"I next come to the question of the further new taxes possible. In this respect I welcome Mr. Venkataramana Ayyangar as an ally. He proposes taxes on lawyers and merchants. I shall therefore look for his enthusiastic support to the proposed increase in the rate of fee for entry as an advocate, vakil or attorney under the Court Fees Bill, as well as generally to the Bill to amend the Stamp Act, which is mainly a tax on mercantile transactions. The Hon'ble Mr. Ratnaswami suggests an advertisement tax, but I am afraid that in the present condition of advertising in the Presidency of Madras that would be regarded as strangling an infant industry at its birth, though I feel sure that if my honourable colleague, the Minister for Development, would take the matter in hand when he has perfected a system for advertising his departments he may, like Faraday, be able to present us in a year or two with something that will yield us taxation. Nor, I fear, without any disparagement of their value is a very great deal to be made out of the proposed

[Sir Charles Todhunter]

[8th March 1922]

monopoly of the brains of our Judges as reported in the Law Reports. Mr. Arpudawami Udayar and Mr. Palmer have both advocated a tax on tobacco, and with them I am much more in accord, especially as such a tax is already enforced by our neighbours in the French Colonies and the State of Travancore. But, as I have said, the matter is one beset with administrative difficulties. To secure anything like an excise revenue from this article, it would be necessary to bring cultivation, manufacture and all the processes of sale under control and to do this would be regarded both as an unwarrantable interference with cultivation and trade, and as giving a means of harassment to a number of subordinates. A still greater objection is that, if we tax this article, in the Presidency of Madras, we will be open to smuggling on the part of our neighbours. It may be possible that we may have to tax this drug to replace the diminishing revenue from excise, but I sincerely hope that it will not fall to my lot to have to introduce the tax.

“Lastly, Sir, a word as to the question of procedure. I quite appreciate the difficulties that arise out of the present arrangements for presenting and discussing the budget, but they are difficulties which are not of our making and are largely a matter of dates. The essential factor is that, in the present state of the law, it is essential for us to get both the budget and the new taxation measures which may arise in connexion with it passed by the 1st April, and we cannot carry over any part of the discussions to subsequent months as is the practice in England. At the same time, the date fixed for the submission of departmental budgets begins early in October and extends to the middle of November; that is to say, a date by which only half the year has run, and it is exceedingly difficult so comparatively early in the year to make any sort of estimate as to how the accounts of the year are going to work out. Now, it may perhaps interest honourable members to know how the time between these two dates has been disposed of in the present instance. The last of the departmental budgets was not received in the office till the 25th December. The budgets so received had to be scrutinized by the Accountant-General, by the department concerned, by the Finance department, by the Finance Committee and by the Cabinet. As it was found impossible to wait for the result of these scrutinies before they were placed before the Finance Committee, the departmental budgets were placed before them as they stood and the different scrutinies continued simultaneously. The Finance Committee sat every day on which a quorum could be secured from the 9th December onwards. They did not complete their consideration of the budget till the 15th February. The Cabinet had begun their examination meanwhile on the 9th February and completed it on the 21st February. The budget had to be circulated to the honourable members in print on the 1st of March. The Finance Department had therefore barely a week's time in which to complete, check and make up the whole of the budget volume as well as to prepare the memorandum, which in point of fact was not completed till the small hours of the morning of the day on which it was presented to the Council. If it did contain mistakes in these circumstances, I submit to the Council it would be small blame to the officers of the Department who have worked devotedly from first to the last. But I think I shall have no difficulty in showing when the time comes that the figures which have been alleged to be incorrect can be explained in every instance as being the results of one or other of the many difficult adjustments which had to be

8th March 1922]

[Sir Charles Todhunter]

made (owing to the changes in the account procedure and which are fully described in the opening paragraphs of the memorandum.

“Finally, may I say that I have already asked for a note to be prepared discussing the matter in all its aspects with a view to an examination by the Finance Committee of the best method to be pursued in the future as soon as the meeting of the Council is over and while they have all the difficulties arising in connexion with the present budget fresh in their minds? I hope that with their aid I may be able to arrive at an arrangement which will get over the difficulties that have been felt this year.

“May I now answer the specific questions raised by the Hon'ble Member Mr. Ramachandra Rao in his very interesting contribution to the discussion. I quite recognise the justice of his criticism as regards the inclusion of the provision for the Rameswaram ship canal without previous notice, though I need hardly say that it was my intention to discuss this proposal fully at what is to all intents and purposes our committee stage, namely, when I moved for the grant. The scheme is a very old one and was part of the original scheme for the Dhanushkodi crossing to Ceylon. It was dropped then after estimates had been prepared and approved on objection being taken by the Admiralty. The Admiralty having since removed their objection, the way was open for the carrying through of the scheme, and a private syndicate has come forward with a request to be allowed to carry it out. Meanwhile there has arisen the very difficult question of finding suitable employment for the thousands of Mappilla prisoners in a place where they could be adequately guarded. This scheme, which provides for a large amount of unskilled labour while it affords facilities for guarding in that the sea can be used to a great extent to prevent means of exit from the camp in which the Mappillas are encamped seems to offer an exceptionally favourable means of securing the return on the employment of these prisoners which several honourable members have expressed a desire to see secured. At the same time, the syndicate were willing to take over any work which might be done by the Mappillas on the canal as part of their undertaking. Accordingly, the Harbour Engineer was asked to prepare an estimate at the earliest possible date for employing them in the way indicated, and in anticipation of formal estimates he has sent a rough estimate for 12 lakhs. It is not proposed to meet this out of revenues. The money is simply a loan which will very possibly be repaid at a comparatively early date by the syndicate.

“In the next place, the honourable member desired that a list of all new appointments made during the year should be appended to the budget. I would remind him in this connexion that we have already promised what the Council asked for in this matter, that is, for a return to be made at the end of each session.

“In the third place, he asks the Government to say what is the relation of the budget to the national income. As to this, I would venture to say the reply is that the new taxes imposed by this Government will affect only the income of litigants and of persons who have occasion to use stamps, who I hope are not the majority of the population.

“May I here refer to the remarks made by the honourable member Mr. Desika Achariyar on the subject of the action taken on the report of the Financial Relations Committee? It is quite true, and it is very regrettable,

[Sir Charles Todhunter]

[8th March 1922]

that we are unable to find the whole of the money which the Committee recommended should be given to local bodies. But may I remind the honourable member that the object of the Committee was not to propose all possible increases of grants, but to suggest more reasonable ways of expending the money which was then being granted? The effect of the acceptance of the Committee's proposals *in toto* would have been an immense increase in the permanent commitments of the Government. As it is, the Government have increased their commitments enormously by undertaking the whole cost of schools, hospitals and veterinary dispensaries which were maintained by local bodies in addition to relieving them of the sum due towards the maintenance, at any rate, of hospitals, while they have given them lymph free of any charge and quinine at a rate which is far below the market rate. As I have more than once mentioned, the increase in the Government budget under the head of 'Medical' in the last ten years is from 18.02 lakhs in 1912-13 to 57.42 lakhs in 1922-23 and I venture to think that there is no local body which has increased its expenditure on that head in like proportion, though I find, with reference to the Honourable Member's statement that the income of local bodies is not expanding, that the total income of district and taluk boards and union panchayats in 1919-20 was 50 per cent more than it was in 1911-12. I should like in this connexion to mention with reference to the complaint that has been made in several quarters of the reduction of the provision for 1922-23 as compared with the year 1921-22 under the head 'Medical' that that provision for 1921-22 included a sum of not less than 3.80 lakhs for back pay to sub-assistant surgeons. While, therefore, I share the regret of the Honourable Member that we cannot give the local bodies all the money that the report of the Financial Relations Committee asked for, I venture to say that that report is not a good foundation on which to base a demand for an enormous increase. It is the fact that the Committee left the question of the actual funds available out of account which makes it so difficult to take satisfactory action on their report.

"In conclusion, may I ask honourable members to join me in a tribute of thanks to the officers of the Finance Department who have worked devotedly for their and our convenience (cheers) throughout the budget season with the result in one case that one of our most valuable officers has broken down completely through sheer overwork and has had to be replaced in the middle by another."

The Hon'ble Sir LIONEL DAVIDSON:—"My I rise, Sir, to supply an omission? It is merely to say that the chief reason that I had for applying a self-denying ordinance as to time to myself was that on Saturday afternoon I moved for adjournment until this afternoon of the discussion of a resolution in which one of our members is interested. There was no expectation that it would be put off to so late an hour as this, and I wish, Sir, on behalf of the Cabinet, to say that the entire Government are ready to take up the discussion of that resolution from now onwards irrespective of time."

The Hon'ble the PRESIDENT:—"It is kind of the Hon'ble the Home Member to suggest that, but I fear I cannot keep the House on any longer; even the small body of honourable members who are still sticking to us will in that case desert us (Laughter). If it is the wish of the House and of the Government, that resolution will be put on the agenda for the next day of meeting, in which case it can come only after legislation. What is the wish

[8th March 1922]

[The President]

of the House? (After a pause) I will have it put on the agenda for the 13th, but it should be distinctly understood that the resolution can come only after Government legislative and financial work is over.

"Honourable members are aware that the next meeting of the House has been fixed for the 13th instant. Before adjourning to that day I should like to mention that the report of the Select Committee on the Court Fees Bill was despatched to honourable members on the night of the 6th instant and the reports of the Select Committees on the Stamp Bill and the Proprietary Estates Village Service and Hereditary Village Offices Bill were distributed this morning. All the three Bills are being placed on the agenda of the 13th instant, subject to any objection which any honourable member may take under Standing Order 44; I do not of course want to anticipate any order which I may have to pass in case such objection is taken. I would, however, mention that under Standing Order 46, 'if notice of a proposed amendment has not been sent to the Secretary six clear days before the sitting of the Council at which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail unless the President, in the exercise of his power to suspend this order, allows the amendment to be moved'. It is clear that in the case of these three Bills it is impossible for any honourable member to give the six clear days' notice required by the Standing Order. I would, however, appeal to honourable members to send in their amendments as soon as possible, and not later than 3 p.m. on the 10th, so that the amendments may all go into the agenda which will issue that night.

"The House will now adjourn and meet again at 11 a.m. on the 13th."

The House adjourned at 7 p.m. to meet at 11 a.m. on Monday the 13th March 1922.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

62344.

D

V2 11, 32 122

122-5510