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TO THE
PROCEEDINGS OF THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS

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Zamindar of Mandasa
See Raja of Mandasa.

The Council assembled at the Council Chamber, Fort St. George, at 11 a.m. on Monday the 18th December 1922, the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR AVARGAL, K.C.S.I., C.I.E., President, presiding.

I

NEW MEMBERS.

The following members were sworn in :—

Mr. EDWARD FRANCIS THOMAS, C.I.E., I.O.S.

M.R.Ry. Rai Bahadur NARASIMHA AYYANGAR GOPALASWAMI AYYANGAR AVARGAL.

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.]

Reduction of taluks in the Tinnevelly district.

517 Q.—Mr. A. M. AHMAD MIRAN SAHIB : Will the hon. the Member for Revenue be pleased to state—

(a) whether there is any proposal to reduce the number of taluks in the Tinnevelly district; if so, what are the proposals and in what stage the matter now stands; and

(b) whether it is a fact that Ambasamudram and Tenkasi taluks have been proposed to be clubbed together making Ambasamudram as headquarters; whether the public of the Tinnevelly district were consulted in the matter?

A.—Proposals have been received and are under the consideration of the Government. The public of the Tinnevelly district have not been consulted.

Sriman SASIBHUSHAN RATH Mahasayo :—“Will the public of the Tinnevelly district ever be consulted in the matter?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“The question will be considered.”

Mappilla prisoners in the Cannanore Central Jail.

518 Q.—Mr. A. D. M. BAVOTTI SAHIB : Will the hon. the Home Member be pleased to state—

(a) the number of Mappillas and other Muhammadan prisoners in the Central Jail, Cannanore; and

(b) what were the arrangements made for them to perform their prayers and to observe fasting during the month of Ramzan in the matter of meals and clothing?

[18th December 1922]

A.—(a) One thousand five hundred and thirteen Mappilla and other Muhammadan prisoners on the 11th November 1922.

(b) (1) Rule 283, Jail Manual, was complied with, viz., all Muhammadans were given every facility to follow their religious observances, compatible with the maintenance of jail discipline. Water for drinking and ablution was supplied in wards or cells occupied by Muhammadan prisoners, and fasting prisoners were given food in the shape of *kany* or rice or ragi cake—whichever preferred—at night. Permission was also granted for prayers to be said at night, provided there was no interference with other prisoners' sleep.

(2) No special arrangements were made in the matter of clothing. All Muhammadan prisoners have since been supplied with trousers, reaching to within four inches above the ankle, in lieu of short breeches.

Government Training School for Mistresses, Tellicherry.

519 Q.—MR. A. D. M. BAVOTTI SAHIB: With reference to my question No. 265 at the meeting of the Council held on 16th September 1922 regarding the training school for mistresses in Tellicherry, will the hon. the Minister for Education be pleased to state—

(a) the names with qualifications of teachers in the Government Training School for Mistresses, Tellicherry, and the model school attached to it;

(b) whether teachers were transferred from the abovementioned training and model schools this year, and if so, how many and to which school or schools; and

(c) whether peons were transferred and if so, why?

A.—(a) *Training section—*

Name.	Designation.	Qualifications.
1. Miss Agnes D'Oras ..	Acting Headmistress ..	Holds Trained Teachers' certificate of the Secondary grade.
2. V. C. Narayani ..	First assistant ..	Do.
3. K. P. Sharada (on other duty in the Government Secondary and Training School, Cannanore).	Second assistant ..	Holds Trained Teachers' certificate of the Secondary grade (Intermediate in Arts).
M. Baladhana ..	Acting assistant ..	Holds Trained Teachers' certificate of the Secondary grade.
4. Miss C. S. Sharada ..	Third assistant ..	Do.
5. Miss T. Britto ..	Fourth assistant ..	Do.

Model School.

1. O. K. Bathi ..	Headmistress ..	Do.
2. Vacant ..	First assistant ..	Do.
3. M. Kalyani ..	Second assistant ..	Holds Trained Teachers' certificate of the Elementary Higher grade.
4. K. Thala ..	Third assistant ..	Do.
5. M. Thambai ..	Fourth assistant ..	Do.
6. K. K. Kalyani ..	Fifth assistant ..	Do.
7. Hanna Stephen ..	Sixth assistant (acting) ..	Do.
8. T. Parvati ..	Seventh assistant (acting) ..	Do.

[18th December 1922]

Name.	Designation.	Qualifications.
1. P. K. Rohini ..	Music teacher ..	Holds Trained Teachers' certificate of the Elementary Higher grade; knows music.
2. P. Kalyani ..	Drawing mistress ..	Holds Trained Teachers' certificate of the Elementary Higher grade; Free-hand Outline Drawing (Intermediate); Painting (Intermediate); Design (Elementary).
3. Miss Armagaden ..	Industrial teacher ..	Needlework and Dressmaking (Advanced).

(b) One teacher was transferred to the Government Girls School, Puthur.

(c) One peon was transferred to the office of the Inspectress to take the place of a peon suffering from smallpox.

Teaching of Urdu in Government colleges and high schools.

520 Q.—MR. A. D. M. BAVOTTI SAHIB: Will the hon. the Minister for Education be pleased to state—

(a) whether the Government are not aware that Urdu is an essential language for Muhammadans and that there are some important Muhammadan religious books in that language;

(b) whether this language is taught in all the Government colleges and high schools;

(c) how many periods in a week the Urdu Munshi of Government Brennen College, Tellicherry, has to work; and

(d) how many forms he has to teach?

A.—(a) Yes.

(b) Urdu is not taught in all the Government colleges and high schools. It is taught in the Government Muhammadan College, Madras, and in all the Government secondary schools specially established for Muhammadans. In other Government colleges and schools, provision is made for imparting instruction in that language if there are a sufficient number of pupils desirous of taking it up.

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

Advertisement regarding soap made in the Kerala soap institute.

521 Q.—MR. A. D. M. BAVOTTI SAHIB: Will the hon. the Minister for Development be pleased to state—

(1) the names of periodicals in Malabar in which advertisements regarding the soap manufactured in the Kerala soap institute, Calicut, appear;

(2) how long have they been appearing in those papers;

(3) whether it is a fact that all those periodicals are owned or controlled as managing directors by either Brahmans or other caste Hindus;

(4) whether there are any periodicals in the district owned or controlled by gentlemen other than Brahmans or caste Hindus; and

(5) what is the total amount spent by the institute on account of advertisements during the last five years?

[18th December 1922]

- A.—(1) (1) "The West Coast Reformer".
 (2) "The Spectator".
 (3) "Kerala Patrika".
 (4) "Manorama".
 (5) "The Malabar Journal".
 (6) "Kerala Sanchari".

(2) In 1—4 since 1920, in 5 since 1921 and in 6 since 1922.

(3) All the papers are owned or controlled by Brahmans or high-caste Hindus.

(4) So far as the Government are aware, there are one or two other papers in Calicut, for instance, the "Mitavadi," which is owned by a Thiyya gentleman.

(5) Necessary particulars are given below:—

	RS.	A.	P.		RS.	A.	P.
1917-18 ..	835	4	6	1920-21 ..	996	1	1
1918-19 ..	1,187	13	6	1921-22 ..	952	14	8
1919-20 ..	3,632	10	11				

Soap expert and Oil chemist in the Kerala soap factory.

522 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Minister for Development be pleased to state—

(1) who was in charge of the Kerala soap factory during the absence of Mr. A. K. Menon, the Soap expert and Oil chemist, in 1921-22;

(2) what was his pay and what is Mr. Menon's pay;

(3) what was the total quantity of soap manufactured during Mr. Menon's absence in 1921-22;

(4) what was the total quantity manufactured during each of the same periods in 1917-18, 1918-19, 1919-20 and 1920-21; and

(5) whether the officer who was doing Mr. Menon's work during his absence is still working in the factory?

A.—(1) Mr. P. S. Srinivasa Ayyar, but from January 1st, 1922, the selling side was placed in charge of a Business Manager.

(2) Mr. A. K. Menon—Rs. 600 per mensem.

Mr. P. S. Srinivasa Ayyar—Rs. 150 plus 30 (temporary allowance) plus Rs. 50, charge allowance (up to 31st December 1921 only) per mensem.

Mr. P. V. Ramunni, Business Manager (from 1st January 1922)—Rs. 300 per mensem.

(3) Between 5th October 1921 and 4th September 1922, 252 tons of soap were manufactured.

(4) In the corresponding periods in—

	TONS.		TONS.
1917-18 ..	306	1919-20	228
1918-19 ..	354	1920-21	256

were manufactured. The amount manufactured varies of course with the demand for soaps.

(5) Both Mr. Srinivasa Ayyar and Mr. Ramunni are still working in the factory.

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Rent paid for the Kerala soap institute building.

523 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Minister for Development be pleased to state—

(1) how long the Kerala soap factory building and its premises have been in possession of the Government;

(2) what is their present rent per mensem;

(3) how long the Government have been paying rent at that rate; and

(4) what was the rate at which they were originally taken?

A.—(1) The present premises have been in the possession of Government since 1916.

(2) Rupees 250 per mensem.

(3) From 1st November 1920.

(4) Rupees 75 per mensem.

Irrecoverable debts on account of the Kerala soap institute.

524 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Minister for Development be pleased to state—

(1) what was the total amount written off on account of the Kerala soap institute as irrecoverable debts during the year 1921-22; and

(2) who was responsible for them?

A.—(1) The amount actually written off the accounts during the year 1921-22 was Rs. 22-13-4. The Government also sanctioned during the year the writing-off of two other large items of loss which have yet to be formally brought to account, the details of which will be found in paragraph 66 of the Administration Report for 1921-22, which has been placed on the Editors' Table.

(2) As regards the first item, the Government have no information. As regards the two large items, the Government have held the Madras Traveller and the Superintendent of the Institute responsible in some degree for the loss.

Admission for training in the Kerala soap factory.

525 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Minister for Development be pleased to state how many applications for admission to the Kerala soap factory for training were received during 1920-21 and 1921-22 and how many were admitted?

A.—In 1920-21, twenty-one applications were received and five admitted. In 1921-22, twenty-six applications were received and eight admitted.

Stock of soda ash in the Kerala soap factory.

526 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Minister for Development be pleased to state—

(1) what was the stock of soda ash with the Kerala soap institute on 31st March 1920, 31st March 1921 and 31st March 1922;

(2) when and at what rate it was purchased;

(3) what was the total quantity then purchased;

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- (4) what is the quantity now in stock ;
 (5) what is its present rate ;
 (6) what is the value of the soda ash now in stock ; and
 (7) what are the Government going to do with it ?

A.—(1) 173 tons.

(2) The details are furnished below :—

When purchased.	Quantity.			Cost.		
	Tons.	Cwt.	Lb.	Rs.	A.	P.
In stock in 1917	4	15	84	662	10	10
Purchased in 1917 in Tanur ..	30	0	0	5,442	2	0
Purchased in 1918 in Calicut ..	15	0	0	2,764	5	6
Purchased in 1918 in Calicut ..	75	0	0	14,612	9	3
Purchased in 1918 in Calicut ..	83	4	1	16,488	6	3

(3) 207 tons.

(4) 167 tons.

(5) Rupees 185 ex godown Madras in cwt. bags.

(6) The book value is Rs. 30,898-5-10.

(7) The soda ash is being sold as opportunities offer.

Repeal of the Madras Planters' Labour Act.

527 Q.—Mr. A. D. M. BAVORTI SAHIB: Will the hon. the Home Member be pleased to state—

(a) what is the total number of coolies and maistris who have been sentenced to imprisonment under the Madras Planters' Labour Act from the first year of its operation to the last year ;

(b) what is the approximate cost to the Government of maintaining these prisoners in jail during the said period ;

(c) what are the chief offences for which these men were sent to jail ;

(d) whether it is the intention of the Government to repeal the said Act in the near future ;

(e) whether the Government consulted the United Planters' Association or other planters on the question of repealing the Act or amending it ; and

(f) if so, when was it and what was the reply received ?

A.—(a) & (c) The hon. Member is referred to the annual reports on the working of the Act which have been placed on the Editors' Table.

(b) There is no separate account to show the cost on these prisoners only.

(d) The matter is under consideration.

(e) Yes.

(f) During the years 1920 and 1921.

The Government are unable at present to publish the papers.

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Record of rights and settlement of rent in Kallikota and Atagada estates.

528 Q.—Sriman BISWANATH DAS Mahasayo: Will the hon. the Law Member be pleased to state whether the report referred to in answer to question No. 1393, dated 27th March 1922, of Sriman Sasibhushan Rath Mahasayo, regarding the record of rights and settlement of rent in Kallikota and Atagada estates has been called for and received ; if so, to place the same on the table ?

A.—The following report was received on the subject but the matter has progressed further since its receipt :—

The ryots of 152 villages in the two estates applied to the Collector of Ganjam for the preparation of the record of rights and a settlement of rents. The Collector has called upon them to make deposits in accordance with rule 5 of the rules framed under section 215 (1), (2), (8) and (9) of the Madras Estates Land Act.

In 52 villages the ryots have deposited the full amounts required by the rule quoted above. In respect of the other villages the applications are defective in not having complied with either section 164 (a) (iv) of the Act or rule 5 of the rules. The Collector is having these defects rectified in consultation with the ryots.

A deputation of ryots of the two estates waited upon the Commissioner of Land Revenue and Settlement on 16th February 1922. The Collector of Ganjam has been asked to submit the applications to the Board at once with his recommendations.

Irrigation projects in the Cuddapah district.

529 Q.—Mr. B. P. DEVARAJULU NAYUDU: Will the hon. the Law Member be pleased to state—

(1) in the order of importance, with a short sketch or description, the several projects that have been investigated during the past thirty years with a view to improve the irrigation sources in the district of Cuddapah ;

(2) whether any of these projects have been carried out and if so, with what results ; and

(3) whether any of the schemes have been allowed to lie over and if so, on what grounds or for what reasons ?

A.—A statement giving the information asked for is laid on the table.*

Pothanur irrigation project.

530 Q.—Rao Bahadur K. GOPALAKRISHNAYYA: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the scheme regarding the Pothanur irrigation project, Ellore taluk, in the Kistna district, in respect of acres 2,000 of unassessed waste land was investigated by the Public Works Department and found to be feasible and beneficial ;

(b) whether it is a fact that the Collector, Kistna, reported to the Government that the scheme should be undertaken by the Government immediately ;

(c) if so, why it is not undertaken ;

* Vide Appendix A on page 901 infra.

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- (d) when the Government is likely to push through the scheme ;
 (e) whether it is a fact that the Cocanada Agricultural Farming Company approached the Government with a request for a lease of the aforesaid waste land for irrigation purposes ; and
 (f) if so, how the Government disposed of the matter ?

A.—(a), (c) & (d) Yes. The project will be considered after the ultimate ayacut of the delta has been fixed.

(b), (e) & (f) The answer is in the negative.

The Educational institutions in the Presidency.

531 Q.—MR. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Minister for Education be pleased to lay on the table a statement showing by communities the number of applicants who sought admission in different educational institutions under Government management, during the commencement of the current school year, in the various classes imparting secondary and collegiate education and the number who were actually admitted and the seating capacity of the various class rooms ?

A.—The Government have no information.

Number of villages yielding beriz of Rs. 5,000 and above.

532 Q.—MR. K. A. KANDASWAMI KANDAR: Will the hon. the Member for Revenue be pleased to state—

(1) how many villages (Government) there are in this Presidency which have less than 2,000 acres, above 2,000 acres and below 4,000 acres and above 4,000 acres of ayacut ; and

(2) how many Government villages there are in this Presidency which yield less than Rs. 2,000, above Rs. 2,000 and below Rs. 5,000 and above Rs. 5,000 beriz ?

A.—(1) & (2) The Government have no information.

Electric installation in the Ceded Districts College Laboratory.

533 Q.—DIWAN BAHADUR P. KESAVA PILLAI: Will the hon. the Minister for Education be pleased to state—

(1) whether it is not a fact that an electric installation was made for the Ceded Districts College for laboratory and other purposes ;

(2) what is the cost of such plant and how many years it has given satisfactory service since its installation ; and

(3) what was the cause of the failure of the plant ?

A.—(1) Yes.

(2) The installation was carried out at the beginning of 1919 at a cost of Rs. 13,343. Certain additions and improvements were subsequently carried out in 1921 at a cost of about Rs. 5,160.

(3) The Government understand that the dynamo and engine are not now in working order and the Public Works Department has been asked to set them right. The Government have no information as to the cause of the failure of the plant, but will enquire.

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Civil Engineering College, Madras.

534 Q.—DIWAN BAHADUR P. KESAVA PILLAI: Will the hon. the Minister for Education be pleased to state—

(1) the net cost of maintaining the Civil Engineering College, Madras, for each of the five years ending with March 1921 ;

(2) the number of successful students in the several grades for each of the said five years ;

(3) the average net cost of Government for each successful student passed out in each of the said years ;

(4) the approximate percentage of such successful candidates as found employment in the Public Works Department of Government, of local bodies and railways respectively ; and

(5) the approximate number of successful students from the said college remaining unemployed to the end of March 1921 ?

						Net cost to Government.
						RS.
A.—(1)						
1916-17	..	..	..	..	..	1,10,163
1917-18	..	..	..	..	..	1,21,708
1918-19	..	..	..	..	..	1,37,846
1919-20	..	..	..	..	..	1,35,129
1920-21	..	..	..	..	..	1,71,216

						Engineer class.	Upper Sub-ordinate class.	Lower Sub-ordinate class.
(2)								
1916-17	..	..	..	..	..	21	39	53
1917-18	..	..	..	..	..	24	43	56
1918-19	..	..	..	..	..	24	43	55
1919-20	..	..	..	..	..	23	40	61
1920-21	..	..	..	..	..	33	41	53

						Net cost per successful student passed out.	Net cost per student in the college.
						RS.	RS.
(3)							
1916-17	..	..	..	..	..	903	215
1917-18	..	..	..	..	..	989	230
1918-19	..	..	..	..	..	1,044	266
1919-20	..	..	..	..	..	1,089	271
1920-21	..	..	..	..	..	1,348	375

Note.—The expenditure incurred on the institution in a year is in respect of all the students in all the classes of the college and not merely in respect of the final year students who pass out of the college. Accordingly particulars as to the net cost per student are also given.

(4) Complete information is not available. So far as reports were sent to the Principal by passed students in regard to their

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employment the approximate percentage of the passed students who found employment under the three agencies is as follows :—

	Government Public Works Department.	Local bodies.	Railways.
	PER CENT.	PER CENT.	PER CENT.
Engineer students.	41	14	2
Upper subordinates.	79	5	$\frac{1}{2}$
Lower subordinates.	43	24	2

(5) The Government have no information.

Road Board and its work.

535 Q.—Diwan Bahadur P. KESAVA PILLAI: Will the hon. the Minister for Local Self-Government be pleased to state—

(1) what work the Road Board has done since it was constituted as per G.O. No. 880, L. & M., dated 19th May 1921, and whether any definite programme and road improvements for trunk roads in the Presidency has been prepared by them;

(2) whether the Government have arranged for the financing by loans for the construction of major bridges, culverts on trunk roads for 1923-24 over and above usual 16 lakhs grant; and

(3) the number of local bodies which are not able to meet from their own savings the expenditure on trunk roads as well as the 14 lakhs of grants pending reconpment for the next year, such as trunk road grant and other grants, and which are forced to overdraw on Government treasuries pending adjustment in the next year?

A.—(1) The Road Board held five meetings since it was constituted. Copies of the proceedings are placed on the Council table. A sub-committee was appointed to draw up a programme for the construction of bridges and causeways on trunk roads and other roads. The question of drawing up a programme of bridge construction on the trunk roads within a radius of 100 miles of the City of Madras is engaging the attention of the sub-committee.

(2) It is under consideration to provide for grant of loans in 1923-24 for bridge works where the local bodies have applied for such loans and where the loans are really necessary.

(3) The question is not clear. If the hon. Member wants to know the number of local bodies which are unable to meet their expenditure on trunk roads from their own funds pending reconpment from Government grants in the year following, he is informed that the Government have no definite information on the point. It was, however, brought to the notice of the Government that certain local boards had overdrawn their balances in the Government treasuries last year.

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The question of making an advance payment of the trunk road and other grants soon after the close of the official year in which the expenditure was incurred pending the final settlement of accounts is engaging the attention of the Government.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ Will the hon. the Minister be pleased to lay the proceedings on the table ? ”

The hon. the RAJA OF PANAGAL :—“ I have no objection, Sir, to place the papers on the table.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ With reference to the answer to question No 535 (2), is the interest on such loans to be borne by the Government, or by the local bodies ? ”

The hon. the RAJA OF PANAGAL :—“ If they are loans, Sir, the interest on such loans has to be borne by the local bodies concerned.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ But as they are trunk roads and as the cost of maintaining trunk roads has been undertaken by the Government, is it not obligatory on the Government to bear the interest on the loans ? ”

The hon. the RAJA OF PANAGAL :—“ Sir, the hon. Member referred to loans. If it is a grant of a loan, it implies that it is lent to the local body and not granted as a gift. The other question does not arise as supplementary to the original question.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ My question has not been answered: Is it not obligatory on the part of the Government to provide for the entire maintenance work whether by grant or by loan ? ”

The hon. the PRESIDENT :—“ It is a matter of argument.”

Reconstitution of the municipal council, Bezawada.

536 Q.—Rao Bahadur A. S. KRISHNA RAO PANTULU: Will the hon. the Minister for Local Self-Government be pleased to state the circumstances under which the municipal council, Bezawada, has not been reconstituted, though the election of the municipal councillors was notified in the *Fort St. George Gazette* about two months ago?

A.—The elections were not finally notified by the Chairman until June 27th. Further delay was caused by the settlement of certain legal technicalities connected with the recommendations received in regard to the seats allotted for nomination and in obtaining the consent of the nominated councillors. The consent of one of them was not received till November 11th. The appointments and date of reconstitution were notified in the *Fort St. George Gazette* of November 14th and the new council came into existence on November 17th.

Draft rules under the Mulgeni Rent Enhancement Act.

537 Q.—Rai Sabib E. C. M. MASCARENHAS: Will the hon. the Law Member be pleased to state when the draft rules framed under the Mulgeni Rent Enhancement Act will be published?

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A.—Rules under the said Act have already been published—vide notification No. 273, dated the 26th May 1922, published at pages 559-562 of Part I of the *Port St. George Gazette*, dated the 6th June 1922.

Revenue Inspectors in the Anantapur district.

538 Q.—Mr. B. MUNISWAMI NAYUDU: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that there were no non-Brahmans among revenue inspectors for some time in the year in the Anantapur district;

(b) the number of non-Brahmans who were serving as revenue inspectors in that district on 1st October 1922;

(c) the total number of revenue inspectors employed in the district on the same date; and

(d) the number of non-Brahman subordinates who are qualified to hold revenue inspectors' posts in that district on 1st October 1922?

A.—The Government have no information.

Sub-Magistrates in the Anantapur district.

539 Q.—Mr. B. MUNISWAMI NAYUDU: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that three Brahmins were recalled from leave and appointed as sub-magistrates in Anantapur district while there were qualified Brahmins and non-Brahmins actually doing duty;

(b) whether it is a fact that a Muhammadan taluk sarishtadar with second-class powers was not appointed to act as sub-magistrate;

(c) whether it is a fact that a Brahman was promoted as tahsildar (acting) and made to oust a non-Brahman who had been acting as tahsildar for some time;

(d) whether it is a fact that a non-Brahman sub-magistrate was reverted to the post of taluk head accountant while there were several acting Brahman sub-magistrates; and

(e) whether the action of the Anantapur District Collector is not opposed to the orders of the Government?

A.—The Government have no information.

Name and caste of certain employees in the Anantapur Collectorate.

540 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the hon. the Member for Revenue be pleased to state—

(a) the name and caste of the Collector's sarishtadar, the English head clerk, and the Treasury Deputy Collector of Anantapur; and

(b) how long the above three present incumbents have been holding these posts?

A.—The Government have no later information than that in the lists supplied to the Legislative Council Library.

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Communal representation in the Revenue establishment of Anantapur district.

541 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the hon. the Member for Revenue be pleased to state the number of deputy collectors, tahsildars, deputy tahsildars and stationary sub-magistrates employed in the district of Anantapur classified under (a) Brahmins, (b) Muhammadans, (c) Christians, and (d) other Hindus?

A.—The hon. Member is referred to the latest quarterly civil list and the District Revenue establishment list which have been placed in the Legislative Council Library.

Muhammadans working under the Collector of Anantapur.

542 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the hon. the Member for Revenue be pleased to call for a statement from the present Collector of Anantapur as to the number of Muhammadans entertained or promoted during his tenure of office?

A.—The attention of the hon. Member is invited to paragraph 6 of G.O. No. 658, Public, dated 15th August 1922, which has been placed on the Editors' Table. The Government consider that no useful purpose will be served by calling for the information required.

Income from taluk boards in Guntur district.

543 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how much income is derived annually from each of the taluk boards in Guntur district;

(b) how much money is spent by each taluk board;

(c) how many miles of metalled roads are maintained by each of the taluk boards in the district of Guntur; and

(d) whether the Government will be pleased to call for information, if not available at headquarters?

A.—(a) & (b) The attention of the hon. Member is invited to statements II and III appended to the report on the working of the local boards and union panchayats in the Presidency for the year 1920-21 which was placed on the Editors' Table.

(c) The number of miles of metalled roads maintained by each of the taluk boards in the Guntur district is as shown below:—

Name of the taluk board.	M. F. FT.		
	M.	F.	FT.
Guntur	95	2	359
Sattenapalle	79	0	61
Tenali	86	6	592
Repalle	29	6	402
Bapatla	168	1	164
Ongole	98	1	156
Narasaraopet	176	4	509
Palnad	113	1	336

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Income from toddy sales in the Guntūr district.

544 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the hon. the Minister for Education be pleased to state how much income was derived from toddy sales in the different taluks of the Guntūr district for the last two years as compared with the present year?

A.—The information available is furnished below:—

					Rentals fetched in 1920-21.	Rentals fetched in 1921-22.
					RS.	RS.
<i>Municipalities.</i>						
Guntūr	..	..	..	..	14,940	5,760
Tenali	..	..	..	..	15,160	3,024
Ongole	..	..	..	..	4,620	1,224
Narasaraopet	..	..	..	..	2,352	420
Repalle	..	..	..	..	3,600	480
Chirala	..	..	..	..	2,220	816
<i>Non-municipal areas.</i>						
Tenali	taluk	..	..	..	26,226	5,988
Repalle	..	..	..	..	19,020	2,319
Bapatla	..	..	..	..	17,616	8,664
Ongole	..	..	..	..	8,256	2,130
Guntūr	..	..	..	..	25,308	13,893
Sattenapalle	..	..	..	..	4,122	1,287
Narasaraopet	..	..	..	..	2,775	1,158
Vinukonda	..	..	..	..	2,256	708
Palnad	..	..	..	..	5,496	1,092

Figures for 1922-23 are not yet available.

Sale of disafforested reserve lands in the Guntūr district.

545 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the hon. the Member for Revenue be pleased to state—

(a) the amounts realized by the sale of disafforested reserve lands in various taluks in Guntūr district; and

(b) how this money was spent?

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

(b) The sale-proceeds, if any, will have been credited to Land Revenue receipts.

Public prosecutors in the districts of Ganjām, etc.

546 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the hon. the Law Member be pleased to state—

(1) the names of public prosecutors for the districts of Ganjām, Vizagapatam, Gōdāvari, Kistna and Guntūr, with the following information:—(a) age, (b) qualifications, (c) dates on which they were first appointed and (d) caste;

(2) whether any of them were re-appointed in any case after a previous tenure of appointment for three years; and

(3) whether any Muhammadans were appointed as public prosecutors in any of the abovementioned districts in any year?

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A.—(1) The hon. Member is referred to the list of establishments of the Judicial Department. The Government have no other information.

(2) Yes.

(3) None.

Abolition of the District Court of Guntūr.

547 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the hon. the Law Member be pleased to state whether it is under contemplation to abolish the District Court of Guntūr?

A.—No.

Levy of pilgrim tax during Kotappa Konda festival.

548 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any pilgrim tax was levied by the municipality of Narasaraopet during the last festival of Kotappa Konda in Guntūr district;

(b) the amount collected; and

(c) whether any extra arrangements were made for the comforts of the pilgrims?

A.—No pilgrim tax was levied by the municipality of Narasaraopet during the last Kotappa Konda festival in Guntūr district.

Agricultural farm at Lam in the Guntūr district.

549 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the hon. the Minister for Development be pleased to state—

(a) whether any agricultural farm has been opened at Lam in the Guntūr district;

(b) what the amount spent up to date on this account is; and

(c) whether the ryots have appreciated the opening of this farm at Lam?

A.—(a) The opening of a farm was sanctioned by Government in May last.

(b) The Government have no information.

(c) The farm has only been opened very recently. It is too early for the ryots to appreciate the actual work of the farm. But the hon. Member is referred to the following extract from the address presented to His Excellency in July last by the Guntūr District Board:—

“We are thankful to Your Excellency for starting through your Minister for Agriculture an agricultural farm, a long-felt need, at Lam in this district and we expect the development of our tobacco and cotton crops will now proceed apace.”

The Madras Medical College.

550 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the hon. the Minister for Local Self-Government be pleased to place on the table the information said to have been called for in the answer to my question No. 212 regarding the Madras Medical College asked at the meeting of the 14th September 1922, if received?

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A.—The information desired is furnished below :—

Question No. 212—

- (a) The Madras Medical College was started in 1885.
- (b) (i) Number of students reading for the M.B.B.S. course, 334.
(ii) Number of students reading for L.M.S. course, 101.
- (c) Two of the former and one of the latter are Muhammadans; the rest are non-Muhammadans.
- (d) There is no hostel attached to the College.
- (e) A few of the students are accommodated in the Victoria Hostel, Triplicane. The majority, however, are accommodated in lodgings which have to be passed after inspection by the College authorities.
- (f) The construction of a hostel formed part of the scheme connected with the transfer of the General Hospital and the Medical College to the Spur Tank site.

Owing to financial difficulties, it has not yet been found possible to carry out the scheme.

Admission into the medical colleges and schools.

551 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB : Will the hon. the Minister for Local Self-Government be pleased to lay on the table the information said to have been called for in reply to my question No. 214 regarding the admission to the medical colleges and schools asked at the meeting of the 14th September 1922, if received ?

A.—The information desired is furnished below :—

	Number of Muhammadans admitted in 1922.	Number of non-Muhammadans admitted in 1922.
Medical College, Madras ..	2	89
Medical School, Vizagapatam ..	1	59
Do. Rayapuram ..	..	55
Do. Tanjore ..	1	91
Do. Calicut ..	..	48

The Vizagapatam school was filled entirely with Telugu students. Of the Telugu students who could not be accommodated there, some were sent to the Rayapuram school and a few to the Tanjore school.

The Panchayat courts.

552 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB : Will the hon. the Law Member be pleased to state—

- (a) whether the panchayat courts are invested with civil and magisterial powers; and
- (b) whether such panchayat courts as are invested with magisterial powers may be considered as courts of Bench Magistrates ?

- A.—(a) The hon. Member is referred to the Village Courts Act.
- (b) The answer is in the negative.

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Lands in Uppalapadu reserve.

553 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB : Will the hon. the Home Member be pleased to state—

- (a) how the lands in Uppalapadu reserve are disposed of;
- (b) what is the amount realized thereby ?

A.—Unless the name of the district is mentioned, it is not possible to answer the question.

New scheme of forest panchayats.

554 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB : Will the hon. the Home Member be pleased to state—

- (a) whether the new scheme of forest panchayats has been brought into force;
- (b) the districts in which the scheme is put into force;
- (c) whether the scheme is extended to Northern Circars;
- (d) the name, place, and extent of the forest panchayats now existing in the districts of—
(1) Ganjam, (2) Vizagapatam, (3) Gōdāvari, (4) Kistna, (5) Guntūr, (6) Nellore; and
- (e) the income derived from each of the abovesaid forest panchayats ?

A.—(a) There is no new scheme of forest panchayats. The hon. Member is presumably referring to the recent establishment of a special staff to supervise and stimulate the formation of panchayats.

- (b) The new staff will for the present work in the districts of Chingleput, South Arcot, North Arcot, Chittoor, Cuddapah, Salem and Trichinopoly.
- (c) The question of appointing further staff for similar work in other parts of the Presidency, including the Northern Circars, will depend on the success of the experiment now being tried and on funds being available for its extension.
- (d) & (e) The Government are not in possession of these details.

Sale of lands in Gollamoody reserve in Guntūr taluk.

555 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB : Will the hon. the Member for Revenue be pleased to state—

- (a) the amount realized by the sale of lands in Gollamoody reserve in Guntūr taluk, Guntūr district;
- (b) the names of persons who purchased these lands together with the extent purchased by each; and
- (c) whether this amount will be utilized for the uplift of depressed classes and other minorities ?

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

- (c) The sale-proceeds, if any, will be credited to Land Revenue receipts and will not be earmarked for any specific purpose.

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Extent of cultivation in Government villages under the river Sarada.

556 Q.—Rao Bahadur C. V. S. NARASIMHA RAJU: Will the hon. the Member for Revenue be pleased to state the extent of wet cultivation including jirayati and inam lands in Government villages under the river Sarada, Vizagapatam district?

A.—The ayacut is 14,823 acres. Figures of cultivation are not available.

Communal representation in the Anantapur Collectorate.

557 Q.—Rao Bahadur C. NATESA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(1) whether it is a fact that the treasury deputy collector, magisterial clerk, darkhast clerk, abkari clerk and appointment clerk are all Brahmans in the Anantapur Collectorate; and

(2) whether it is a fact that one Balagurunatham Pillai, B.A., who has been acting for six months as tahsildar, has been replaced by a Brahman gentleman who has been only a sub-magistrate?

A.—(1) The present treasury deputy collector is a Brahman. As regards others, the Government have no information.

(2) The Government have no information.

Mr. M. Rajam Nayudu, Private Secretary to the Raja of Ramnad.

558 Q.—Rao Sahib U. RAMA RAO: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that one Mr. M. Rajam Nayudu, Private Secretary to the Raja of Ramnad and President of the Ramnad taluk board, is a member of the Ramnad district board also; and

(b) if so, whether it does not contravene the provisions of the Local Boards Act in that the Raja of Ramnad, the President of the district board of Ramnad, and his paid servant Mr. M. Rajam Nayudu are both members of the same district board?

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

(b) The answer is in the negative.

The lower division clerks of the Secretariat.

559 Q.—Rao Sahib U. RAMA RAO: Will the hon. the Member for Finance be pleased to state whether it is a fact—

(a) that the lower division clerks in the Secretariat, whose initial pay in the time-scale has been fixed at Rs. 40, have to remain in the same pay for about three years; and

(b) that their previous permanent and acting service on a salary equal to their starting pay in the time-scale is not taken into consideration for purposes of increment?

A.—(a) The scale of pay fixed for lower division clerks in the Secretariat is Rs. 40—40—5—65—3—80.

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(b) The rules applied throughout the Presidency in fixing the initial pay of present incumbents in the new time-scales were as follows:—

“Existing incumbents will ordinarily enter the time-scales at the stage next above the lowest rate of salary per mensem drawn by them on any date within a period of three months prior to 1st March 1921 or their temporary pay on 28th February 1921, if that is greater, provided that, if such salary or temporary pay represents any definite stage in the new scale, they should start at that stage. The term ‘salary’ includes substantive pay, temporary increase thereon . . . acting allowance and personal allowance, if any.”

“When initial pay has been fixed according to the foregoing rules, the individual concerned will be considered to have entered the appropriate stage of the time-scale on 1st March 1921 and will be eligible for the next increment, if any, in the time-scale only after the expiry of the full period of stay provided for in the stage concerned.”

Imprisonment of Messrs. Kaleswara Rao and Seshiah of Bezwada.

560 Q.—Diwan Bahadur M. RAMACHANDRA RAO PANTULU: Will the hon. the Law Member and the hon. the Minister for Local Self-Government be pleased to state—

(1) whether it is a fact that Mr. A. Kaleswara Rao and Mr. A. V. G. R. Seshiah of Bezwada were charged by the police in Mis. Case No. 6/22 before the Additional Magistrate, Bezwada, under section 107 of the Criminal Procedure Code and whether the said Magistrate directed them to furnish security for Rs. 500 each and that on their refusal to furnish such security, the accused are now undergoing simple imprisonment for one year;

(2) whether the Magistrate has directed the above accused to furnish security on the ground that the accused “not only advocated non-payment of the municipal taxes in their speeches at the meetings referred to, but also got the fact published by beat of tom-tom on more than one occasion and that the existing municipal council has been constituted by Government in the due exercise of its powers, and the only remedy for any grievances consists in a proper constitutional agitation for its redress, and that the action of the accused tends to the dislocation of the present machinery of the municipality resulting in a breach of the peace or the disturbance of public tranquillity;”

(3) whether the Government have issued any instructions that those who carry on any agitation for the rectification of municipal grievances should be bound down to keep the peace; and

(4) whether there has been an inordinate delay in the reconstitution of the Bezwada municipal council under the Municipal Act of 1920 and whether considerable dissatisfaction existed and exists at Bezwada in regard to the action of the Government in postponing from time to time the elections to the municipal council and whether the accused took part in an agitation intended to draw the attention of the Government to the state of the municipal administration of Bezwada?

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A.—(1) & (2) The Government have not a copy of the order.

(3) No.

(4) The hon. Member's attention is invited to the answer to question No. 1309-A asked at the meeting of the Legislative Council on 18th February 1922. The elections have now been held and the new council came into existence on 17th November 1922. The Government have no information in regard to the other points.

The hon. Mr. K. SRINIVASA AYYANGAR :—" Sir, after I had sent my reply to the question, the hon. Member himself supplied me with a copy of the judgment, from which I am able to say that the cases are correctly stated in paragraphs 1 and 2 of the question."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I asked the hon. Member whether he was aware of the judgment, whether he would consider the desirability of issuing instructions for the release of Mr. A. Kaleswara Rao, and whether the Government would make any supplemental answer with regard to that part of my request."

The hon. Mr. K. SRINIVASA AYYANGAR :—" I have never had any such question. Excepting this question, there was no other question asked as to whether the Government would consider the question of releasing Mr. Kaleswara Rao. If the question is put, I will answer."

Recruitment of specialists in the Agricultural and Industrial departments.

561 Q.—Rao Bahadur T. A. RAMALINGA CHETTIYAR: Will the hon. the Minister for Development be pleased—

(a) to state how the specialists in the agricultural and industrial departments are recruited at present;

(b) to give a list of specialists recruited for a limited period in the agricultural and industrial departments within the last twelve years and to state whether in any of these cases the specialist was replaced by a competent Indian trained by the specialist;

(c) to give a list of specialists kept on after the period for which they were recruited was over and the reasons for the same; and

(d) to state whether the Government have considered the possibility of recruiting all specialists for a limited term and having Indians trained under them to take their place; and if so, what is the conclusion they have come to?

A.—(a) In the Agricultural Department the specialists are recruited as members of the Indian Agricultural Service on probation for three years with guarantee of permanent retention on the satisfactory conclusion of their probation. In the Industries Department they are generally recruited on short-term contracts.

(b) & (c) In the Agricultural Department the post of Entomologist was originally sanctioned for a term of five years and a European officer appointed to it, but as at the expiry of that period no Indian of adequate attainments was available for the post, the Government decided to retain the European officer permanently.

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The following is a list of European officers in the Industries Department recruited on special contracts during the last twelve years :—

Dr. E. F. Marsden, Industrial Chemist.

Mr. A. Guthrie, Leather Expert.

Mr. W. Fyfe, Inspector of Industrial Schools.

Lieut.-Col. Watts, Industrial Engineer.

Mrs. Bryant, Manageress, Fruit Preserving Institute.

The period for which No. 5 was recruited is not over yet. Nos. 1, 2 and 3 were retained after completion of the original period of contract as the Government found they had ample work to do which could not be done by any local recruit. No. 4 was replaced by an Indian trained in the United Kingdom. The last mentioned is the only vacancy filled up, after the Reforms Scheme has been introduced.

(d) The possibility has been considered.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" With reference to question No. 561 (b), it is not stated whether the matter has been considered and what conclusions have been arrived at."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" There is no necessity for a supplementary question, Sir. A statement of fact is made."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" No, Sir, that is not the answer to the question."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" The answer is contained in the previous answers. It is not at present possible to give effect to it."

Agricultural circles in the Presidency.

562 Q.—Rao Bahadur T. A. RAMALINGA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(1) the number of Agricultural circles at present; what districts are allotted to the different circles;

(2) when the number of circles and distribution of the districts was fixed;

(3) what the pay is of the officers in charge of the circles and to which service they belong;

(4) whether any assistants are appointed or sanctioned to these circles in addition to the officer in charge of the circle; and

(5) what the experience is of the officers in charge of the circles in agricultural work either in India or elsewhere and what it is in India alone?

A.—(1) The attention of the hon. Member is invited to page 27 of the Villagers' Calendar, 1922-23, available at any Government publishers.

(2) There were two divisions in the Presidency until 1st January 1914, when a third division was formed. The reorganization of the department sanctioned by the Secretary of State in 1915 provided for the division of the Presidency into seven circles. These seven circles were formed as suitable men

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became available, one in November 1916, one in April 1918, one in November 1920 and one in June 1921. An eighth circle was added in November 1920.

- (3) The Circle officers are designated Deputy Directors and they are on a scale of Rs. 350—1,250 with an overseas pay of Rs. 150 to 250 in the case of officers of non-Indian domicile. There is a selection grade from Rs. 1,250—1,500. They belong to the Indian Agricultural Service.
- (4) Yes: it is intended that each circle should ultimately have an Assistant Director, a member of the Madras Agricultural Service. At present only three circles have got an assistant.
- (5) Of the eight officers in charge of circles four, of whom one is a European, were educated in the United Kingdom, and in the course of their education did practical agricultural work. In the case of three of these officers, their Indian experience dates from the time of their appointment, a period varying from one to three years. The fourth officer had served as an Assistant Director for nearly twelve years before his promotion to the Imperial Service. The training and experience of the remaining four officers has been entirely in India. The most junior of them has completed eight years' service.

Location of police hospitals.

563 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state the number and the places of police hospitals in the Presidency which are located in places where there are other public or private hospitals?

A.—There are ten such hospitals at Anantapur, Vellore, Coimbatore, Mangalore, Kurnool, Cannanore, Sivakasi, Salem, Palamcottah and Koraput.

Mr. A. RANGANATHA MUDALIYAR:—“Have the Government satisfied themselves that there is need for the continuance of the police hospitals in those places where there are other Government hospitals? I find that in a number of places there are police hospitals in addition to public and private hospitals.”

The hon. Mr. K. SRINIVASA AYYANGAR:—“I understand, Sir, that some of these hospitals are being amalgamated into general hospitals.”

Representation of the depressed classes in the local boards of Bellary.

564. Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

- (i) whether there is any member of the depressed classes on the Bellary taluk board; and
- (ii) whether there are other local boards also without such representatives, and if so, which?

A.—(i) The answer is in the negative.

(ii) A statement of the members of the depressed classes appointed to local boards in the Presidency will be furnished to the hon. Member.

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Mr. A. RANGANATHA MUDALIYAR:—“Will the next opportunity be taken to give representation to those unrepresented classes, viz., the depressed classes?”

The hon. the RAJA OF PANAGAL:—“Government will be pleased to consider the request.”

The Government Muhammadan College.

565 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Education be pleased to state the strength of the College department of the Government Muhammadan College, Madras, in the current year and in each of the two previous years as well as the receipts and expenditure of the College in each of the last two years?

Strength of the Muhammadan College.

A.—1920-21	..	Forty-two at the beginning and 31 at the end.
1921-22	..	Thirty-two at the beginning and 21 at the end.
1922-23	..	Twenty-nine at the beginning and 28 at present.

		Receipts.	Expenditure.
		RS.	RS.
1920-21		1,716	34,168
1921-22		2,850	34,223

Mr. A. RANGANATHA MUDALIYAR:—“I wish to know, Sir, whether there are no Muhammadan students reading in the Presidency College or other first-grade colleges in Madras?”

The hon. Rao Bahadur A. P. PATRO:—“There are Muhammadan students reading both in the Christian College and in the Presidency College.”

Mr. A. RANGANATHA MUDALIYAR:—“If that be the case, Sir, is it not possible to provide the 28 students now reading in the Government Muhammadan College with adequate instruction in the other colleges?”

The hon. Rao Bahadur A. P. PATRO:—“The matter was considered, and it was found impossible to provide instruction to these Muhammadan students in the other first-grade colleges of Madras in the subjects which they have taken up for their University examination.”

Mr. A. RANGANATHA MUDALIYAR:—“Will not the provision for a chair or chairs on such subjects meet the situation and relieve the state of the huge expenditure which is now being incurred?”

The hon. Rao Bahadur A. P. PATRO:—“If the hon. Member wishes to make any suggestion, a resolution may be brought forward, and the opinion of the Muhammadan community in the matter will be ascertained.”

Working of the courts under the Village Courts Act, 1920.

566 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state whether the Government have issued any and if so what orders to meet the practical difficulties felt by Collectors in the working of the courts under Village Courts Act, 1920, in the matter of suitable court rooms, establishment to carry on clerical work, furniture and stationery, etc.?

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A.—The Government have already issued orders on the points referred to by the hon. Member. Copies of these orders will be furnished to him.

Publication of the Village Courts Act, 1920, in the vernaculars.

567 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state when copies of the Village Panchayat Courts Act of 1920 and the rules framed thereunder will be available in the chief vernaculars of the province for the benefit of courts and the public?

A.—They are already available at the Government Press.

Amount of loans advanced in famine-affected areas.

568 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(1) the amount of loans advanced in the famine-affected areas during the official years 1920-21 and 1921-22 respectively and the amount of loan outstanding out of the total advances made; and

(2) the amounts which have so far been found after inquiry to be irrecoverable and recommended to be written off?

A.—The report due from the Board on the subject has not yet been received.

Diversion of the river Tungabhadra.

569 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state—

(1) whether the suggestions of the Collectors of Bellary and Anantapur, that the Tungabhadra river may be diverted into a perennially running channel starting from the north-east corner of the district and that an existing channel leading from the Hagari river may be widened so as to provide irrigation facilities for an additional extent of 500 or 600 acres, have been referred to the Chief Engineer for Government for consideration; and

(2) if so, the conclusions which the Chief Engineer has arrived at as a result of his examination of the schemes?

A.—The proposal of excavating a channel from the Tungabhadra river has for the present been given up as there may be some difficulty in obtaining adequate river supplies during the low season for the lands in the Bellary district. As regards the other scheme—widening an existing channel leading from the Hagari river—investigation is being made regarding the discharge in the river and the scheme will be considered after completion of this investigation.

Foresters in the Bellary, Kurnool and Anantapur districts.

570 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(1) the scale of pay of the foresters in the Bellary, Kurnool and Anantapur districts;

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(2) the number of foresters in each of the above districts who know only to sign their names; and

(3) whether ability to read and write is not among the qualifications required for appointment of persons as foresters?

A.—(1) The scale of pay sanctioned to foresters in all districts is as follows:—

Rs. 30, 35, 40, 45 and 50.

(2) The Government have no information.

(3) The answer is in the affirmative.

Mr. A. RANGANATHA MUDALIYAR:—“With reference to paragraph 3, the answer is not quite clear, Sir. I want to know whether literacy is or is not a qualification for the appointment of officers as foresters?”

The hon. Mr. A. R. KNAPP:—“The qualification is, Sir, that the foresters should be able to read and write in vernacular.”

Communal representation in Government service.

571 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the hon. the Member for Finance be pleased to state, with reference to the last sentence of paragraph 277 of the Madras Presidency Administration Report, 1920-21, the percentage of posts in the superior service held by communities other than Muhammadans on the 1st April 1921 out of the six main subdivisions referred to in G.O. No. 658, Public, dated 15th August 1922?

A.—The hon. Member will be able to obtain the information he wants from the return which will be published in accordance with G.O. No. 658, dated the 15th August 1922.

Reference to Muhammadan representation in service in the Administration Report.

572 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the hon. the Member for Finance be pleased to state the circumstances under which a special paragraph in regard to Muhammadans in the service of Government is being inserted annually in the Madras Presidency Administration Report and when this practice was commenced?

A.—The practice of inserting a special paragraph in the annual Presidency Administration Report in regard to Muhammadans in the service of Government was introduced under instructions from the Government of India in 1885.

Knowledge of Urdu on the part of Inspectresses of Muhammadan girls' schools.

573 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the hon. the Minister for Education be pleased to state whether the Inspectresses of girls' schools who have to inspect Muhammadan girls' schools possess a knowledge of the Urdu language; if not, which of the Inspectresses do not possess a knowledge of Urdu and whether the Government or the Director of Public Instruction have taken any steps to see that the Inspectresses of Muhammadan girls' schools possess a knowledge of Urdu for the purpose of efficient inspection?

A.—Two out of the five Inspectresses of girls' schools have some knowledge of Urdu.

The answer to the latter part of the question is in the negative.

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Indians in the Board of Examiners in the Madras veterinary college.

574 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the hon. the Minister for Development be pleased to state—

- whether any Indian has ever been appointed to the Board of Examiners in the Madras veterinary college during the past ten years;
- if not, the reasons for the exclusion of Indians from the board;
- the qualifications prescribed for the examiners;
- whether the Madras Government has any control in the matter of appointment of the Board of Examiners for the veterinary college; and
- if so, whether they ever considered the question of appointing a qualified Indian as one of the examiners?

A.—(a) No.

(b) Examiners throughout India have hitherto been Imperial Officers. No Indian in Madras occupied this position till recently.

(c) No qualifications have been 'prescribed' for examiners.

(d) Yes.

(e) The question is under consideration.

Minimum prescribed for students of the veterinary college.

575 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the hon. the Minister for Development be pleased to state—

- whether it is a fact that the present high percentage of marks required for passing the annual examinations affects the admission of students to the veterinary college;
- whether the minimum number of marks required for passing the annual examination was 35 per cent in each of the subjects;
- whether this 35 per cent was increased to 45 per cent;
- if so, when and on what grounds; and
- whether the minimum prescribed for students of the Medical College and similar institutions is only 33 per cent?

A.—(a) The Government are not aware that the percentage of marks prescribed for examinations in any way affects the admission.

(b) The minimum ranged from 20 to 50 per cent.

(c) & (d) A uniform percentage of 45 was fixed in 1917 on the recommendation of the Board of Examiners on the ground that the system of making the pass mark as low as 20 per cent in some subjects while a 50 per cent of total was required was unsatisfactory both from the point of view of the examiner and the examined.

(e) The minimum prescribed for the Medical College student varies from 33½ to 50 per cent. The pass marks at the Forest College are as high as 50 per cent for the Honours Certificate and Ranger Higher Certificate and they are 40 per cent in some subjects and 50 per cent in others for the Ranger Lower Certificate. Fifty per cent of marks are required for a pass for the First examination in Engineering and Bachelor of Engineering Degree examination.

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Muhammadan stipendiary students of the veterinary college.

576 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the hon. the Minister for Development be pleased to state—

- the number of Muhammadan stipendiary students who passed out of the veterinary college during each of the last five years; and
- the number that have obtained Government appointments?

A.—The information is furnished below:—

Year.	Number passed.	Number appointed in Government service.	Year.	Number passed.	Number appointed in Government service.
1918 ..	..	..	1921 ..	2	1
1919 ..	1	1	1922 ..	..	..
1920 ..	1	1			

Memorials submitted by the students of the Madras veterinary college.

577 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the hon. the Minister for Development be pleased to state—

- whether the memorials submitted by the students of the Madras veterinary college in February 1921 have been received by Government;
- if so, the orders that were passed on the prayers contained in the said memorial; and
- whether the Government will be pleased to lay on the table a copy of the orders passed?

A.—(a) Yes.

(b) & (c) A copy * of the orders is placed on the table.

Oral and written examinations in the veterinary college.

578 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the hon. the Minister for Development be pleased to state—

- whether it is a fact that only an oral examination is conducted in the case of the students of the veterinary college; and
- if so, why no written examinations have been prescribed in addition?

A.—(a) Yes.

(b) A written test in addition to an oral test involves a greater tax on the examiners and the supply of possible examiners has been very limited, but the question of introducing a written test is already under the consideration of Government.

Term fee for paying students in the veterinary college.

579 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the hon. the Minister for Development be pleased to state—

- whether it is a fact that the term fee prescribed for a paying student in the veterinary college is Rs. 400 per term of nine months in a year and on what basis this fee has been prescribed;
- whether in any other professional college or colleges such a high rate of fee has been prescribed in the Madras Presidency; and
- if so, in which institution and what are the rates of term fees?

* Vide Appendix B on page 904 infra.

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A.—(a) Yes. The fee was prescribed with reference to the average cost of educating a student at the college.

(b) & (c) In the Agricultural College, the fees prescribed are Rs. 400 per term for the diploma course and Rs. 200 for the certificate course, while the fee in the Forest College is Rs. 900 a year.

Muhammadan pupils in the veterinary college.

580 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the hon. the Minister for Development be pleased to state—

(a) how many Muhammadan pupils applied for admission in the veterinary college during each of the last three years;

(b) how many of them have been admitted;

(c) the seating accommodation in the college; and

(d) the number of Muhammadan students that are undergoing the course at present in the Madras veterinary college in each of the three years' courses?

A.—(a) & (b)—

	Applications.	Admissions.
1920	29	11
1921	26	9
1922	33	9

(c) Forty in each class.

(d) Six in the first-year class.

Three in the second-year class.

Two in the final-year class.

Free supply of books and instruments to stipendiary students of Government medical schools.

581 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that all the stipendiary students of Government medical schools in the Presidency are supplied gratis with medical books and instruments;

(b) whether the students of the veterinary college are similarly supplied; and

(c) if not, why not?

A.—(a) Yes.

(b) & (c) The veterinary students are not, at present, supplied with books and instruments free of charge. The approximate cost of free supply is estimated at Rs. 5,100 a year.

For the present, the Government have allowed the Principal to obtain from the Government Medical Stores, instruments and appliances and supply them to students at cost price.

Sanitary conditions of tanks in the Trichinopoly municipality.

582 Q.—Mr. A. P. I. SAJIYID IBRAHIM RAVUTTAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(1) whether the Government have perused the petition, dated 24th July 1922, of one T. Diraviyam Pillai and others of Trichinopoly;

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(2) whether immediate steps have been taken to restore the existing tanks within the Trichinopoly municipality to the best sanitary condition; and

(3) whether the Government have suggested to the Trichinopoly municipality to stop closing the existing tanks pending the disposal of the above petition?

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

(2) & (3) The petition has been referred to the Chairman, Municipal Council, for remarks. His reply has not yet been received.

The abolition of the Revenue division of Koilkuntla, Kurnool.

583 Q.—Mr. K. SARABHA REDDI: Will the hon. the Member for Revenue be pleased to state whether the abolition of the Revenue division of Koilkuntla in Kurnool district is under contemplation?

A.—No such proposal has yet been placed before the Government.

The grouping of villages in the Presidency.

584 Q.—Mr. K. SARABHA REDDI: Will the hon. the Member for Revenue be pleased to state the principle on which the clubbing of villages in the Presidency has been done?

A.—The attention of the hon. Member is drawn to the rules under Act II of 1894 and Act III of 1895 embodied in volume II of the Board's Standing Orders.

The School of Arts.

585 Q.—Mr. T. SIVASANKARAM PILLAI: Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that Mr. N. R. Balakrishna Mudaliyar, who was drawing only Rs. 30 before his present appointment, is acting in the place of Mr. Velayudachari of the School of Arts since his retirement from service;

(b) what are the qualifications of Mr. Balakrishna Mudaliyar and what work he is now doing in the school; and

(c) whether there is no one in the school who is better qualified to succeed Mr. Velayudachari than the present incumbent; if so, why he was not preferred?

A.—(a) It is a fact that M.R.Ry. N. R. Balakrishna Mudaliyar is acting as Assistant Superintendent of the School of Arts in the place of Mr. Velayudachari. But he was drawing a salary of Rs. 180 per mensem before he was appointed to act and not Rs. 30 as stated in the question.

(b) Mr. Balakrishna Mudaliyar's qualifications are the following:—First and second stage examination in Drawing; Design (Intermediate); Technical Teachers' Certificate examination in Freehand Outline and Geometrical Drawing (Intermediate), I Class.

He is doing the ordinary work of Assistant Superintendent.

(c) The answer is in the negative.

[18th December 1922]

District and Sessions Judge in the Agency division.

586 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Home Member be pleased to state—

(1) the number and description of suits instituted during 1921-22 in the Court of the Agency Commissioner which had to be transferred to the District Courts of the adjoining districts by reason of their "involving important issues and interests of considerable magnitude";

(2) the amount of judicial work done by the Agency Commissioner during the year 1921-22;

(3) whether it is a fact that the Local Government at the time of applying for sanction for the post of the Judicial Assistant Commissioner promised that no new posts would be created;

(4) if so, the circumstances that led to the creation of the post of District and Sessions Judge in the Agency division within one year of such promise; and

(5) whether the necessary sanction for the appointment of a District and Sessions Judge has been obtained and when it is likely to have the new office opened?

A.—(1) None in 1921. Information for 1922 is not available.

(2) The hon. Member is referred to the answer to clauses (1), (2) and (5) of question No. 496.

(3) & (4) No.

(5) The matter is under correspondence with the Government of India.

Sriman SASIBHUSHAN RATH Mahasayo:—"Will the present Judicial Assistant Commissioner's place be retained?"

The hon. Mr. A. R. KNAPP:—"I do not think, Sir, it is contemplated at present, but if any reason is brought forward for doing so, it will be considered."

Grant of land to the daffadar, Berhampur taluk office.

587 Q.—Sriman SASIBHUSHAN RATH Mahasayo: With reference to my question No. 243 (b), (c), (d) asked at the meeting of 14th September last, regarding grant of land to the daffadar, Berhampur taluk office, will the hon. the Member for Revenue be pleased to call for the required information?

A.—The Government do not consider that any useful purpose will be served by calling for the information.

Grant of land to Bombay merchant in Aska taluk, Ganjam.

588 Q.—Sriman SASIBHUSHAN RATH Mahasayo: With reference to my question No. 304, dated 16th September 1922, regarding grant of land to Bombay merchant in Aska taluk, Ganjam, will the hon. the Member for Revenue be pleased to call for the necessary information?

A.—The Government do not consider that any useful purpose will be served by calling for the information.

[18th December 1922]

The American Mission hospital, Ranipet.

589 Q.—Mr. A. TANGAVELU NAYAGAR: With reference to my question regarding the American Mission hospital at Ranipet No. 1183 and the answer given to clauses (b) and (c) of the query, will the hon. the Minister for Local Self-Government be pleased to call for the information required and place the same on the table?

A.—The Government consider that the matter is one with which one local body is primarily concerned. The hon. Member may obtain the information desired direct from the local body.

Incomplete secondary school for Arcot.

590 Q.—Mr. A. TANGAVELU NAYAGAR: With reference to my question regarding the incomplete secondary school for Arcot No. 1152 put at the meeting of the Council held on the 14th December 1921, will the hon. the Minister for Education and the hon. the Minister for Local Self-Government be pleased to call for information as to the disposal of the memorials submitted to the district board of North Arcot and the hon. the Minister for Education praying for the opening of at least an incomplete secondary school at Arcot; and what action the Government propose to take in the matter?

A.—No memorials have been received by the Government. The hon. Member may address the district board in regard to the disposal of the memorials submitted to it.

Nomination of depressed classes as members of Arcot union board.

591 Q.—Mr. A. TANGAVELU NAYAGAR: Will the hon. the Minister for Local Self-Government be pleased to call for information with regard to the following points:—

(a) whether it is a fact that three members of the 'backward class', two goldsmiths and a dyer (Rangari) applied to the president of the Ranipet taluk board for nomination as members of the Arcot union board; if so, how their applications have been disposed of; and

(b) when a Muhammadan gentleman was already returned by election as a member of the Arcot union board, where was the necessity to nominate two more Muhammadans as members thereof in supersession of the claims of the three applicants from the 'backward class'?

A.—The information has been called for.

Re-amalgamation of Chittoor and North Arcot districts.

592 Q.—Mr. A. TANGAVELU NAYAGAR: Will the hon. the Member for Revenue be pleased to state whether it is under contemplation to re-amalgamate the Chittoor and North Arcot districts into one and the same district as it stood prior to the bifurcation in 1911; and, if so, whether the taluk headquarters will be also changed and re-located as they formerly existed?

A.—No such proposal is under contemplation.

[18th December 1922]

Grouping of villages in North Arcot.

593 Q.—MR. A. TANGAVELU NAYAGAR: With regard to the grouping of villages in the North Arcot district it appears that only small villages and hamlets are intended to be clubbed with big villages, but in some cases it is seen that big villages are merged in smaller ones; will the hon. the Member for Revenue be pleased to explain the reason for such irregular procedure?

A.—In the absence of specific details, the Government are not aware of any irregularity.

Admission of an Adi-Dravida as member of the Valavanur Union Board, South Arcot.

594 Q.—MR. A. TANGAVELU NAYAGAR: Will the hon. the Minister for Local Self-Government be pleased to state why no Panohama has been appointed as a member of the Valavanur union board, South Arcot district?

A.—The power to appoint members to union boards is vested in presidents of taluk boards.

Conviction of Mr. G. Vasudeva Ayyar, pleader of Salem.

595 Q.—MR. A. TANGAVELU NAYAGAR: Will the hon. the Law Member be pleased to state whether it is a fact that in the course of the judgment convicting one Mr. G. Vasudeva Ayyar, a pleader of Salem, it was specifically stated that he should be given mixed rice; and, if so, whether such an order is warranted by any Act or Statute in force?

A.—The Government have no information. Magistrates do not issue orders as to the diet which a prisoner is to receive in jail, but they are required by executive order to note on the warrant the diet to which the prisoner is accustomed.

The North Arcot district board.

596 Q.—MR. A. TANGAVELU NAYAGAR: Will the hon. the Minister for Local Self-Government be pleased to state how and under what circumstances the member's seat occupied by M.R.Ry. A. Tangavelu Nayagar Avargal, M.L.C., on the North Arcot district board came to be filled up by another gentleman?

A.—The Government are informed that the hon. Member failed to attend the meetings of the North Arcot district board for three consecutive months and that he was one of the honorary magistrates for the town of Arcot. Thereby, under clauses (h) and (e) of sub-section (1) of section 56 of the Madras Local Boards Act, he ceased to hold office in the district board, and because he continued to be an honorary magistrate he could neither be restored under sub-section (4) of section 56 nor reappointed as a member of the district board.

Increase of wards in the Vellore municipality.

597 Q.—MR. A. TANGAVELU NAYAGAR: Will the hon. the Minister for Local Self-Government be pleased to state whether he is in receipt of a mahazar from the citizens of Vellore municipality praying for the increase in the number of wards in the said municipality; and, if so, what action has been taken thereon?

A.—The answer is in the negative.

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Levy of tolls on carts used for agricultural purposes.

598 Q.—MR. A. TANGAVELU NAYAGAR: Will the hon. the Minister for Local Self-Government be pleased to call for information as to what has become of the mahazar submitted to the district board of North Arcot by the residents of Pudupadi village, Walaja taluk, praying for exemption from the levy of toll on such carts as have to be frequently passing up and down the toll-gate solely for agricultural purposes, such as the carrying of manure, produce of agriculture, etc.?

A.—The Government do not propose to call for the information.

APPENDIX A.

[Vide answer to question No. 529 asked by Mr. B. P. Devarajulu Nayudu at the meeting of the Legislative Council held on the 18th December 1922, page 875 supra.]

Statement showing irrigation projects in the Cuddapah district that were investigated during the past thirty years.

Number and name of projects. (1)	Short description. (2)	Remarks. (3)
1. Chepad project.	The project consists in the excavation of a channel from the Kundera river above the Rajoli ariant. The channel with its six distributaries is designed to irrigate 12,939 acres. The work is treated as part of the Kurnool-Cuddapah Canal system. Estimated cost Rs. 9.42 lakhs.	The work is in progress.
2. Maidkur project.	The project provides for improving the existing Maidkur channel for 3 miles, 30 chains, extending it for a length of 11½ miles and for providing the necessary branch channels and masonry works so as to irrigate an additional extent of 6,000 acres. This work is also treated as part of the Kurnool-Cuddapah Canal system. Estimated cost Rs. 8.06 lakhs.	The work is nearing completion.
3. Ukkayapalli project.	The proposal is to excavate a channel from the Patha-Cuddapah tank supply channel to command an area of 1,600 acres in the villages of Ukkayapalli, Chinchowk and Patha Cuddapah. This work is also treated as part of the Kurnool-Cuddapah Canal system.	The work was completed at a cost of Rs. 78,103 for "Works". As it forms part of the Kurnool-Cuddapah canal, no separate accounts are kept.
4. Nagavaram ariant and supply channel.	The scheme provides for improving the existing ariant and supply channel in the Pullampet taluk with a view to irrigate 343 acres in addition to the existing ayacut of 560 acres.	The work was completed at a cost of Rs. 85,757 for "Works". The irrigation under the tank has not yet fully developed. The net revenue during the year 1921-22 was Rs. 1,853 and this amount fell short of the interest on the capital outlay by Rs. 1,715.

[18th December 1922]

Statement showing irrigation projects in the Cuddapah district that were investigated during the past thirty years—*cont.*

Number and name of projects. (1)	Short description. (2)	Remarks. (3)
5. Sagileru system (Upper).	The project consists in the construction of an anicut across the Sagileru river, excavation of a new channel down to Kalasapad tank and improvements to the Ramachandra kalva down to Pormamilla tank with all the necessary masonry works. The scheme was expected to bring under cultivation an additional extent of 2,000 acres.	The work was completed in March 1907 at a cost of Rs. 8,54,321 for "Works". The project has not been a success. The net revenue during the year 1921-22 was Rs. 5,388 and this amount fell short of the interest on the capital outlay by Rupees 9,479.
6. Papaganni reservoir project.	The proposal is to form a reservoir on the Papaganni river, a tributary of the Penner, by constructing a masonry dam near Velligallu village where the river passes through a narrow gorge. It is proposed to irrigate by means of channels taking off from the reservoir an area of 10,000 acres of wet crop and 17,300 acres of dry crop. Estimated cost is Rs. 42.08 lakhs.	Preliminary reports were submitted, but the schemes were not sufficiently promising to justify detailed investigation. Gauging observations are being made to determine whether the projects deserve further investigation.
7. Pullampet reservoir project.	It is proposed to form two reservoirs, one by constructing a masonry dam across a gorge at Rayavaram in the Palkonda hills, to intercept the water in the Pinchandi and Bahuda, tributaries of the Cheyyar and the other by damming the Mandavyanadhi, another tributary of the Cheyyar, at Veerapally. The water thus stored will irrigate 70,000 acres in the Pullampet taluk. Estimated cost is Rs. 66.80 lakhs.	
8. Tungabhadra project.	The proposal was to construct a reservoir across the Tungabhadra three miles above Hospet with a capacity of 120,683 m.o. ft. to irrigate about 961,800 acres of wet crop and protect 1,000,000 acres of dry crop. The object was to give a large measure of protection to the five districts affected (Cuddapah, Kurnool, Bellary, Anantapur and Nellore), which suffer severely in seasons of drought. Estimated cost was Rs. 13 crores.	As a return of only 2.59 per cent was expected and as it was considered that the Cauvery and the Kistna reservoir projects, which are likely to prove productive, should be given precedence, it was decided that this project should be indefinitely postponed.
9. Vemula tank project.	The project provides for the formation of a new tank at Vemula, Pulivendla taluk, by damming up the two streams—Chakati and Ullavanka—at a point about 1½ miles west of Vemula. The water thus stored will irrigate 464 acres.	The project was completed at a cost of Rs. 60,961 for "Works". It, however, proved a failure owing to the leaky nature of the bund.
10. Thalapula-vanka tank project.	This is a proposal to form a tank on the Thalapula vanka stream near Poddannavaripalli in Kadiri taluk for the irrigation of 300 acres.	The project was completed at a cost of Rs. 54,848 for "Works". The bund breached twice owing to the poor nature of the soil. As the tank would not be absolutely safe even after the necessary improvements were carried out, the scheme was ordered to be abandoned.

[18th December 1922]

Statement showing irrigation projects in the Cuddapah district that were investigated during the past thirty years—*cont.*

Number and name of projects. (1)	Short description. (2)	Remarks. (3)
11. Lower Sagileru project.	It was proposed to construct an anicut across the Sagileru river just below its junction with its tributary the Pokkineru and to excavate a channel therefrom 16 miles long to supply the Badvel and eleven other tanks for the irrigation of 4,164 acres of first crop and 1,000 acres of second crop. Estimated cost was Rs. 2.85 lakhs.	The project was abandoned as it was not worth carrying out even as a famine relief work as it would not pay its working expenses.
12. Chennayyagaripalli project.	The project consists in the formation of a reservoir by means of an earthen dam across the Pedda eru, otherwise known as the Pedda-Tippesamundram tank surplus vanka in the village limits of Kamassalavandlapalli and Chennayyagaripalli for the irrigation of 1,420 acres. Estimated cost was Rs. 4.30 lakhs.	The scheme was abandoned as the supply available was precarious and as it did not fulfil the conditions of a productive or protective work.
13. Dorigalla project.	The proposal was to form a reservoir by constructing a combined masonry and earthen dam across the Muddaleru, a tributary of the Chitravati river, for the irrigation of about 8,000 acres of wet crop. The cost of the scheme was Rs. 18.65 lakhs.	The project was abandoned as it did not satisfy the conditions of a productive, protective or famine relief work.
14. Thambala-gundi tank project.	The proposal was to close the breach in the tank and to raise the bund to 6 feet above M.W.L. for a length of 5,730 feet from the left flank and to 4½ feet for the remaining portion. The scheme would bring an area of 445 acres of dry land under wet cultivation. Estimated cost was Rs. 61,563.	The scheme was abandoned as the return anticipated was poor. Moreover the tank formed of light red soil on a shale foundation was not considered sufficiently water-tight.
15. Chilamakur tank project.	The proposal was to form a new tank at Chilamakur, Proddatur taluk, at a cost of Rs. 1.09 lakhs (for "Works"). The tank after completion was expected to irrigate 300 acres.	The project was abandoned as it was not suitable as a famine relief work and as the return expected was very poor.
16. Itigundlapad tank project.	The proposal was to construct a new tank at about a mile west of Itigundlapad village, Badvel taluk, at a cost of Rs. 49,320 for "Works". The tank after completion was expected to irrigate 225 acres.	The scheme was not promising as regards water-supply since in a bad year there would be widespread failure of crop involving considerable remissions. Moreover the return anticipated was poor and there was also the possibility of the estimate of cost of construction being exceeded. For the above reasons the project was abandoned.
17. Badugavaripalli tank project.	The proposal was to form a new tank at Badugavaripalli, Jammalamadugu village.	The site of the proposed tank was unsuited for the construction of a tank. Moreover the tank after completion would not, owing to the nature of the soil, hold water. The project was therefore abandoned.

[16th December 1922]

APPENDIX B.

[Vide answer to question No. 577 asked by Khan Bahadur Muhammad Sadulla Badsha Sahib at the meeting of the Legislative Council held on the 18th December 1922, page 895 supra.]

Copy of orders.

The Government have carefully considered the several requests contained in the memorial submitted by the students of the Veterinary College in February last and proceed to pass the following orders:—

(1) *Increase of the stipend from Rs. 15 per mensem to Rs. 30 per mensem.*—It is not intended that these stipends should cover the whole expenses of the students; they are only meant to supplement their own resources. The stipends were raised from Rs. 10 per mensem to Rs. 15 per mensem so recently as the year 1919 and the Government are not prepared to increase them further at present.

(2) *Permission to draw stipends for one year of failure.*—The Government are not prepared to grant this concession.

(3) *Free supply of books and instruments.*—On account of the present financial stringency, the Government do not propose to grant this concession in this year.

(4) *Reduction of the amount of penalty fees.*—The Government are pleased to reduce the fees, which students are now liable to refund in case of dismissal, etc., under the rules, from Rs. 400 per annum to Rs. 60 per annum. The liability to refund all stipends received will continue.

(5) *Permission to students to appear for examinations as many times as they desire.*—The Government are not prepared to grant the request in its entirety, but they are pleased to allow a second chance, subject to cancellation of stipends during the period between the two examinations, to any student who fails for the first time in the first-year class.

(6) *Conditional promotion to a higher class of students who have not secured a complete pass in the lower.*—The Government are not prepared to comply with the request.

(7) *Written and oral examinations.*—The Government agree with the Principal that there should, as soon as possible, be two examinations, one on paper for theory and another oral for the practical portion of the course. The Principal is requested to give effect to the above proposal as soon as the number of Imperial officers available for the college permits of its adoption.

(8) *The eighth request relates to the reduction of the minimum number of marks required for a pass.*—The Government are not prepared to comply with this request.

III

PRESENTATION OF PETITION TO THE COUNCIL.

The RAJA OF RAMNAD:—“Sir, I beg to present a petition from the members of the Madras Landholders' Association. It is with reference to the Irrigation Bill which the Government wish to introduce into this Council. It is signed by the Maharaja of Bobbili, the President of the Association, and fulfils all the conditions regarding petitions laid down by the Standing Orders.”

[18th December 1922]

IV

COMMUNICATIONS TO THE COUNCIL.

The SECRETARY laid on the table the *return of officers in the non-gazetted service of the Government who held permanent appointments on Rs. 35 and upwards on 1st April 1922 (prescribed by G.O. No. 658, Public, dated 15th August 1922).

The SECRETARY laid on the table † proceedings of the twelfth meeting for 1922-23 of the Standing Finance Committee of the Madras Legislative Council held on the 18th November 1922.

The SECRETARY laid on the table ‡ notification regarding the abolition of the Anantapur municipality under proviso (b) to section 5 (1) of the District Municipalities Act, 1920.

With reference to the answer given to question No. 94, asked at the meeting of the Legislative Council held on the 12th September 1922, the SECRETARY laid on the table § statement showing the travelling allowances drawn by Superintending Engineers of circles during 1921-22.

V

THE MADRAS HINDU RELIGIOUS ENDOWMENTS BILL, 1922.

The hon. the RAJA OF PANAGAL:—“Mr. President, Sir, I beg to move that the Madras Hindu Religious Endowments Bill of 1922 be read in Council. The Bill, Sir, having been previously approved by the Governor-General in Council in its present form, was published in the *Fort St. George Gazette* in English and in the chief vernaculars of the Presidency. The comments on the Bill as have so far appeared both in the press and in private communications have been encouraging. At present, Sir, the Madras religious institutions are served by the Acts XX of 1863 and XIV of 1920. Of these Acts, the former is altogether out of date and too defective to give adequate scope for the successful management of religious endowments, and the latter though quite modern is too limited in its scope to remedy the defects of the former.

“This question of amending the Religious Endowments Act has been for a long time agitating the minds of the people of this Presidency, at any rate of the thinking section of the disinterested people of this Presidency. As early as 1870, it was recognized that the Act of 1863 utterly failed to attain its object. Ever since, the people have been anxious to introduce amendments to the Bill. The first attempt at legislation to amend the Bill was made by the late hon. Mr. Rama Ayyangar. He drafted a Bill in 1870 and the Bill was referred to the then Advocate-General, who, on examining the Bill, thought that the Bill was incomplete and did not remedy all the defects though it would improve the existing law. Thereupon, the Advocate-General was asked to prepare the outline of a fresh Bill and a committee was appointed with Sir William Robinson as President. The committee investigated the matter and drafted a Bill which was submitted in due course to this Government. This Government referred the Bill with the report and the connected papers to the Government of India who thought

* Vide Appendix C on page 950 infra.

† Vide Appendix D on page 955 infra.

‡ Vide Appendix E on page 957 infra.

§ Vide Appendix F on page 957 infra.

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that the Bill was rather untimely. Later on another committee was appointed whose President was the hon. Mr. Sullivan. That committee too prepared a report which was submitted to the Government of India. On this occasion the Government of India were not willing to sanction the introduction of the Bill. They said they would prefer a Bill which was more limited in scope and less in conflict with the Act of 1863. Sir Muttuswami Ayyar Committee's Bill too met with more or less the same fate. More recently in 1903, an attempt was made by a member of the local Legislative Council, Mr. G. Srinivasa Rao of Madura, to introduce a Bill into the local Council with the object of making provision for the preparation of accounts by trusts as well as for the limitation of the tenure of office of the committee. That attempt too failed. Still later, my hon. friends, Mr. Govindaraghava Ayyar and Mr. Seshagiri Ayyar, prepared a draft Bill, but that also was not allowed to be introduced in this Council on the ground that at that time the Government of India were contemplating to introduce legislation on the matter into their Council.

"That, Sir, is a brief history of the attempts of this Government to introduce an amendment to the law regulating religious endowments. It is indeed a pity that these several attempts have proved infructuous, but I have no doubt that this failure on the part of this Government to get legislation introduced into this Council was due to the repeated refusals of the Government of India. The Government of India objected because they felt a sort of delicacy to interfere in matters religious and because they felt that, after all, they were different from the people for whom the Bill was really intended.

"Sir, although the several attempts made by this Government failed, we have the opinions of the most eminent men recorded in the files connected with this question and I must say I have had the opportunity to study these records and to have a Bill drafted by the committee appointed by the Government with the Raja of Ramnad as its President. I am now introducing the Bill and its provisions are explained in the notes appended to the Bill. Provision is made in the Bill for the diversion of funds for purposes for which the endowments were not originally intended. There is also provision for the constitution of regularly constituted committees with members whose tenure of office is limited to five years. According to the old Act the members used to be life members. This change is considered to be very desirable. There is also another provision enabling the trustees to contribute funds to the local bodies for necessary sanitary and other arrangements. Further, Sir, the committees are empowered not only to control the establishment of religious endowments but also to intervene in their internal administration wherever it is necessary. At the same time care is taken to allow long existing customs and usages to continue without any interference. These, Sir, are some of the changes that have been introduced in the Bill and it is expected that this measure which has been due for a long time and which embodies the considered opinions of most of the eminent men of this Presidency will meet the approval of the Members of this House. At the same time, Sir, I am aware that the Bill is not perfect. There may be many details which require a thorough examination and I assure hon. Members that, when the Bill is discussed in the Select Committee, all these details will be considered carefully and suggestions will be adopted wherever possible. With these few observations, I present the Bill for its first reading."

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The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I beg to second it."

. Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"Mr. President, Sir, it ought to be a matter of satisfaction to this House that after a long time we have a genuine attempt made to have the provisions of the Religious Endowments Act of 1863 modified so as to suit present conditions and meet that clamour of public opinion that there has been for a number of years to ensure the satisfactory management of the religious endowments of this Presidency. And I think that those who are responsible for this Bill deserve the thanks of this House for their having given their early attention to bring into the statute book a measure which will satisfy the needs of the religious endowments of this Presidency. Sir, it is a well known fact that so far as the modification of the Religious Endowments Act is concerned, the need is felt more keenly and more widely in the Presidency of Madras than possibly in any other Presidency in India. The result of having an All-India measure regarding religious endowments in this Presidency was that whenever a modification was suggested to that measure you had to consult the susceptibilities and possibly the prejudices not merely of the people of Madras but also of people elsewhere. And when the cry of 'religion in danger' is raised by interested persons, one can easily understand how attempts to bring about a modification in the original provisions will be thwarted. And now that this Government, this Presidency and this Legislature have a free hand in the matter of modification in respect of this measure, I am glad that the opportunity has been availed of for the purpose of introducing this measure.

"The brief recapitulation, which the hon. the Raja of Panagal has given us of the history of the attempts that have been made for the purpose of securing a modification of the original Act, will go to show how persistent have been the demands to bring about the needed modification. I wish therefore, Sir, with your permission, to confine myself on this occasion to merely indicating certain points in the Bill, as it stands, which, it appears to me, will require the very serious consideration of the Select Committee before the Bill is allowed to become law.

"In the first place, Sir, it will be found that this Bill suggests that, so far as the constitution of the committee which has to administer the religious endowments goes, there ought to be an element introduced into its composition which is solely due to the Government and that the Government should have the right of nominating to the committee members who will not exceed more than one-third of the total number of the committee. That, Sir, seems to me a retrograde step, particularly in the matter of religious endowments. As the House is aware, the previous committees which were formed under the Religious Endowments Act XX of 1863 were all composed of members who were elected and it has not been adequately explained why the Government should at all consider it necessary, at this late stage, to introduce into the committee an element which is solely the creation of the Government. The hon. the Raja of Panagal has not referred to it in his speech, but if we look into the notes which are appended to the Bill, we shall find that it is stated that it is to meet the needs of the minorities. Now, Sir, that is an argument with which we are familiar not merely in regard to this measure of legislation but with regard to other measures of legislation as well. But I am not able to understand why, so far as the religious endowments which are being

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conducted according to certain well-established usages are concerned, why when these endowments, which are being considered by this Bill, are endowments which are to be availed of by the whole Hindu population, there should be any necessity to think that there will be minorities whose interests have to be safeguarded. There is the same temple to which all of us may go; there are the same usages to which every one of us has to conform; and, so far as worship in the temple goes, I take it, there is no difference between the majority and minority; one would, therefore, have expected some fuller explanation before this very radical divergence from the previous measure was thought of and insisted upon. I, for one, Sir, would strongly object to the retention of that provision in the Bill.

"Another matter, to which also I think some importance has to be attached, and in respect of which no adequate explanation has so far been given, is this: it is stated that, after the present committees cease to exist as such, and before the elected committees come into existence in the manner suggested in the Bill, there ought to be the wedging in of committees whose members are to be appointed purely by the Government. Why exactly that should be so, I am not able to understand. If the argument is that there ought to be some time taken for the new order of things, indicated by this Bill, to be established, for the electoral rolls to be prepared, for the election to take place, and that, therefore, during that inter-regnum there ought to be some committees to administer the religious endowments, that may be easily provided for by the present committees who are allowed to continue for another three years; and within these three years, whatever necessary preliminary arrangements are required can be easily gone through. Why, therefore, you should have committees which are solely appointed by the Government, to intervene between the present committees and the new ones, I am not able to understand. But if the object be that the Government want, as it were, to give a lead in the matter and indicate to the electorate and to others what exactly should be the kind of composition that these committees should possess when once the people have it in their power to elect their members, the position is intelligible; but that position is altogether unsound, for so far as election of persons to the committees goes, I am sure there are people who have considerable experience in that direction. Perhaps, the trouble is that they have had too much experience of the committees. Under these circumstances it seems to me that it is altogether an unnecessary provision.

"Then, again, we find that institutions which are under the management of *mutts* are also brought within the purview of this Bill. I, for one, do not object to that course being adopted, but I should think that considerable caution is required in indicating what precisely shall be the limits within which the committees will be allowed to interfere with the management by the heads of these *mutts* of the institutions under their control.

"With respect to the diversion of funds, as the hon. the Raja of Panagal has pointed out, the opinion was strongly expressed in this Presidency that religious institutions which have more funds than are needed for their purposes must be enabled to utilize some of the surplus funds at their disposal for purposes not exactly the same as they were administering hitherto, but also for purposes which are akin to those that are within their purview and which will be highly beneficial to the people. I think it is one

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of the most satisfactory features of this Bill that provision is made for such diversion of funds. But here again, Sir, one would like that somewhat more precise rules are laid down as to how these funds should be diverted. Very probably the reply will be that the matter is one which will come up for the consideration of the Select Committee or which will be more appropriately dealt with by means of rules which this Bill contemplates. If that is to be the reply, I have nothing to say against it.

"Then, Sir, it will be noticed that, so far as this Bill goes, there are certain provisions, particularly with respect to the taking away of the jurisdiction of the Advocate-General in the matter of giving sanctions, which seem to me to be very retrograde. As the House is aware, at present both the Collector and the Advocate-General have it in their power to give, in appropriate cases, sanction for the institution of suits which come within the purview of section 92 of the Code of Civil Procedure and which are compendiously termed scheme suits. One of the provisions in the Bill is—I refer to clause 37 of the Bill—that sections 92 and 93 and rule 8 of Order I of the first Schedule of the Code of Civil Procedure shall have no application to cases which are covered by the Bill and, that without the sanction of the Collector, it must not be competent for any person interested in religious endowments to institute suits for the reliefs which are more specifically mentioned in clause 37 of the Bill. Why the Advocate-Generals' leave is dispensed with, or, rather, why it is prohibited from being given, I am not able to understand; nor do I find any enlightenment in the notes or in the Statement of Objects and Reasons. Now if the Government is going to appoint its own members for the purpose of forming these Committees which are to administer the religious endowments, I think it is a very salutary step that the Advocate-General should be given a free hand to give leave in appropriate cases for the institution of suits. It seems to me, Sir, that in matters where he has to use his own judicial discretion, the Advocate-General is less likely to be under the control or within the influence of the Government than the members of the committee or the Collector who is a direct subordinate of the Local Government. For that reason, Sir, if for nothing else, it seems to me that the retention of the provisions in the measure as we find it now in the statute book is desirable. Of course, with reference to drafting and with respect to certain minor points, it may be that this Bill is capable of improvement, but those are appropriately matters which are to be considered by the Select Committee. I, for one, welcome the introduction of this measure though I must say that I am not quite pleased with every one of the provisions of this Bill."

Mr. R. SRINIVASA AYYANGAR:—"Mr. President, let me preface the few remarks that I am about to make on this Bill by conveying my warm and sincere congratulations to the hon. the Minister for introducing this Bill, which, in my opinion, rests on a democratic basis. If it has a religious side, it is not, I fear, without its material side as well. Within the allotted time at my disposal, it is not possible for me to present a detailed criticism of the various provisions of the Bill. But, in passing, I may refer to a few features of the Bill which seem to me to partake of a retrograde character. Hon. Members of this House are well aware of the fact that, when the Religious Endowments Act XX of 1863 was passed, the Government took great care to divest itself of all control over, and free itself from all responsibility for, religious institutions and endowments and that was the reason

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why care was taken in enacting the old Act to deprive the Local Government of its power to nominate trustees for institutions or members for the committees. But after going through the provisions of this Bill, I am sorry to note, that under clause 37, the Local Government wants to retain the power of appointing members to the committees and also of exercising its jurisdiction, plenary or otherwise, over certain matters of detail. These clauses are clauses 6, 13, 14 and 22 of the Bill now before the House. So far as clause 6 is concerned, there is absolutely no reason why the Local Government should reserve to itself the right, or the privilege, of nominating any members to that body in whatsoever proportion it may be. Hon. Members of the House might be aware that until now the Government did not care to nominate anybody, but whenever a committee was found to be at fault with respect to the holding of an election or in respect to nomination of members, power was given to a district court in its ordinary original civil jurisdiction to call upon the committee to elect a member of its own, or the district court itself was invested with powers to nominate a person of its own choice. The reason, as observed by the Privy Council in one of the earlier cases, is not far to seek; because it is very wise to vest this power in a district judge who, being an officer on the spot, can be expected to be in touch with and to know the public feelings in the matter; and even if the Government wants that there should be some power of nomination, there is absolutely no reason why that power should not be vested in the district judge and why the Local Government, itself an Executive Government, should be anxious to retain this power within its grasp.

"Then turning to clause 13, the tenure of office of the president has been limited to one year. In practical working, I venture to submit that this period may cause serious hardship. There is no reason why it should not be extended to three years or such other period as may correspond to the period of membership of the officer concerned. Again, no provision has been made for the office of vice-president. I beg leave to draw the attention of the hon. the Minister to that omission and request him to see if he cannot see his way to introduce that provision as well.

"Then, turning to sub-clause 4 of clause 13, it is stated that pending the election of a president, the member who has served for the longest period shall exercise the functions of the president; and if any dispute arises as to which of the members has the longest period which will entitle him to be president, reference has to be made to the Local Government who shall determine which of the members shall exercise the functions of the president until a new president is elected.

"This is rather a circumlocutory procedure, and there is absolutely no reason why the committee should not be called upon to convene a special meeting and determine by drawing lots, which of the two competing members is qualified and why this procedure of making reference to the Local Government to settle this matter should be designed. Sub-clause (2) of clause 14 says: 'If such vacancy shall not be filled up within the time prescribed, the Local Government may appoint a person to the vacancy'. Wherever the term the 'Local Government' comes in I would substitute the words 'the district court of the locality'. I think, it is high time that in these days of decentralization, the Local Government should not have anything to do either with the matter of any appointment or with the matter of any reference. I find a curious provision that, in a case where the

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trustee for the time being is removed or dismissed by the committee, power is given to the Local Government to interfere when an appeal is preferred thereto. Sub-clause (4) of clause 22 says: 'The order of the committee under sub-section (1) shall, when no appeal is preferred against it, be final; and when an appeal is preferred the order of the Local Government shall be final'. There is absolutely no reason why the Local Government should pose itself as the final authority for the purpose of interfering with or modifying the order of the committee. In its stead, I would substitute 'the member concerned may be given an opportunity to have the matter brought before a court of competent jurisdiction'.

"I am really very glad that the question of the levy of contributions has been placed on a statutory basis. So far as we in the South Arcot district are concerned, for some unknown reason—we tried to ransack the papers but we were not able to find out—we have been given 2 per cent of the *tasdeek* allowances. But the Bill goes a great way in strengthening our position by enabling us to levy a contribution not exceeding 3 per cent of the gross income. That provision of the Bill which I think is likely to provoke much discussion is clause 33 which deals with the diversion of the surplus funds for purposes unconnected with the endowment. I think that clause 33 has no place at all in this Bill, and I doubt very much, as a lawyer myself, if it is within the competence of the local legislature to divert into a channel any fund or any portion of a fund that might have been meant or ear-marked by the donor for a limited or particular purpose. If I were the donor, I for one would certainly refuse to allow any other person to interfere with any surplus that might be left after the object for which the fund had been established was fulfilled. I think it is a matter which is likely to create a great deal of opposition; for the funds required for general purposes must come from the general revenue and no portion of the surplus of any endowment should be utilized for them. Therefore it was that I began by saying that this Bill is not without its materialistic side.

"There is one other provision to which I would specially call the attention of the hon. the Minister. Sub-clause (2) of clause 23 says: 'The committee shall, in cases of dispute or doubt, determine whether a trustee is disqualified under sub-section (1) and its decision shall be final'. To give a kind of finality to the decision of the committee with respect to the question as to whether a trustee shall be deemed to have vacated his office by means of certain disqualifications is a position which is impossible to comprehend. Hon. Members are fully aware of the fact that there is no such restrictive provision either in the District Municipalities Act or in the Local Boards Act. In the event of a dispute in such cases the matter is disposed of by a reference to the District Judge. I should expect some such provision put in here instead of giving finality to the decision of the committee as in clause 23. Then again, so far as the strength is concerned, it is stated that the minimum is placed as 6 and the maximum as 12. On turning to the Statement of Objects and Reasons, I find in page 12 that in constituting committees the Government will keep in view the principle that committees should be on a territorial basis, the unit being ordinarily a district. Having in view the aims and the scope of the Bill, and having regard to the fact that all institutions getting an income of over Rs. 250 will be brought within the purview of this Bill, I venture to submit that hereafter it will be possible to conceive of at least 70 or 80 institutions in each taluk. Now let

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me try to illustrate my position. Formerly there were over 107 institutions under the South Arcot Devasthanam Committee. Forty institutions have passed out of our hands since that time. If you apply the provisions of this Bill our committee will have to exercise jurisdiction not over 70 but 700 institutions. Therefore, I would submit that instead of having the district as a unit it would be better to have a taluk or a revenue division as a unit, having regard also to the fact that the strength of the committee has been cut down to 12. It will be impossible in the very nature of things for one committee, however vigilant it may be, to exercise careful supervision over a large number of institutions. That is a matter which needs looking into. I am very glad that this Bill, shorn of some of its objectionable features, and deprived of some provisions against which criticisms may be directed, is likely to serve the object in view.

"There is one other point. This Bill will also bring within its scope places known as *patasalas* where religious instructions are now given. I was talking the other day respecting this Bill to a few persons who had founded *patasalas* and who were responsible for their upkeep even now, and they seemed to be opposed to the interference of these committees. All these matters require a great deal of tact and circumspection and a great deal of caution is also equally needed. Before we give legislative sanction to a measure of this kind, which, I must concede, contains very many excellent provisions, but also equally objectionable features, we must have time to consider the provisions in great detail. At present I do not see my way to oppose the Bill. I welcome the Bill so far as it meets my approval, reserving the right to oppose such measures as seem undesirable to me. I hope that a sufficiently strong and representative committee will be formed to subject the various provisions of the Bill to a detailed examination."

The RAJA OF RAMNAD:—"I must warmly congratulate the hon. the Minister for Local Self-Government for introducing this liberal and interesting measure to set right the defects which have existed for over a century in the administration of religious endowments. The first Act is, I presume, Regulation 7 of 1817, and next came the Act of 1863. Though various attempts have been made in various periods, no definite action has been taken till this year.

"Before I proceed to offer a few remarks on the various provisions of the Bill, I should like to say that the introduction of this Bill by a member of an aristocratic family is a direct challenge to the most unreasonable attack which we are accustomed to hear both from the public and the press that members of the aristocratic family, particularly the zamindars, are undemocratic in their outlook and conservative in their instincts. Here is a direct challenge to that statement, and I feel that even the most hostile critic in this Council, or elsewhere, will not deny him that appreciation which the Bill deserves. My position has been somewhat unique with reference to the administration of these institutions. Born a hereditary trustee, I continue to be the hereditary trustee of very many religious institutions, temples and choultries. As a member of the Rameswaram Devasthanam Committee I happen to be a member of the special constitution known as "the scheme". As a member of the Kumbakonam Devasthanam Committee I come under the direct application of Act XX of 1863. My experience though unique, has not been very agreeable. I have had several troubles and worries and the worst of them was in getting through the proceedings securing the quorum

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for the meetings. I have had to travel from Ramnad to Kumbakonam and return after three days without getting the quorum. Under the provisions of the Regulations members are not allowed even travelling allowance.

"I agree with some of the critics who say that the Bill has not been before the public for a sufficiently long time; for, in my case, the time was very short owing to the breaches and floods. Though I agree that the time has been very short for the public to offer their criticisms, yet when I saw the Bill I welcomed it with a sigh of relief. Therefore, Mr. President, I would earnestly request the hon. the Minister to give us the assurance that, after the Bill is considered in the Select Committee, he will offer sufficient time to the public to present their remarks.

"With these observations I request permission to refer to the various provisions of the Bill. This Bill, unlike its predecessor, includes private trusts within its scope for the first time. No distinction has been made in this Bill between public and private trust. There is only a distinction made between non-hereditary and hereditary trusts. That is a very serious position and it requires considerable scrutiny before definite action is taken. For instance, there may be a private trust—I speak from my own experience: there is a temple within the four walls of my house—"

The hon. the RAJA OF PANAGAL:—"May I say, Sir, that any private trust does not come under the operation of the Bill?"

The RAJA OF RAMNAD:—"I am glad to have that assurance, Sir. So far as I can see there has been no attempt to have a list of private trusts made. There is no attempt in this Bill to investigate and ascertain which particular temple is private and which particular temple is not. If any such attempt is made, it will be all right. But, according to the definition, I thought that every temple which allowed the worship of outsiders could be called public. That requires further consideration. I only appeal to the hon. the Minister to have that matter carefully considered in the Select Committee.

"Coming to the constitution of the committees, I find that there is no provision made for depriving a member of his seat on the committee if he fails to attend a certain number of meetings consecutively. There are cases where members have not attended any meeting for all their life. As there is a provision in the Local Boards and the Municipal Acts depriving members who fail to attend a certain number of meetings of their seats, I think that a similar provision may be introduced in this Bill also.

"In the constitution of the committees, I think, it is not necessary that Government should have the power of nominating members. The reason given for reserving this power is that they wish to retain powers analogous to those found in the Local Boards and Municipal Acts. The provisions in those Acts are intended to secure representation of minorities. But the Devasthanam committees are to be composed only of Hindus. People of alien faith cannot come in. There may be no harm if Government nominates members to represent certain interests. But there is one danger with regard to this provision which I wish to place before this House. There are several classes of people who are denied admission into temples, rightly or wrongly. That is the custom and usage as admitted even by the highest tribunals in this country. Every Hindu is entitled to be in the committee and become a trustee but the Government is sure to be forced to nominate as members to the committee persons who are not generally admitted into the temples, and

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then what will be the position? I think that the matter is sufficiently clear and I need not dilate upon that. I think the hon. the Minister will be taking a very serious responsibility in this matter if this provision is retained. I, therefore, think that the Government had better not retain such powers. Owing to their so-called religious, social or sectarian neutrality it will be impossible for the Government not to yield to the wishes of the Hindu community to nominate one of them to a seat in the committee.

"The next question that we have to consider is about the desirability of the hereditary trustees becoming members of the committee. I think that hereditary trustees should not be debarred from becoming members of the committee. The president of the committee is given some powers of supervision and so forth over the trustees. It may be proper to say that the hereditary trustee should not be the president of a committee; but to say that he should have no place in the committee is not right. The difficulty of the hereditary trustee is this. He is a hereditary trustee not because he aspired to become one but because he was born in a particular family. The trusteeship is his birth-right. In the case of an outsider, the outsider has the option of being in the committee or becoming a trustee. But in the case of a hereditary trustee there is no such option. If we deny him a seat on the committee, we shall be excluding a class of people who are considered, on all hands, to be highly influential, wealthy and respectable. Further, if the committee should have any power over such trustees, then only the trustees should not have a right to be in the committee. As it is, the committee exercises no control over the trustees and, therefore, I request the hon. the Minister to consider this matter and relax this provision and allow the trustees also to enter into the committees either by election or by nomination.

"Under section 13 (4) Government have taken power to nominate one of the members of the committee as president under certain circumstances. The section says: 'If the longest period for which any member has served as such is the same for more than one member, the Local Government shall determine which of them should exercise the functions of president until a new president is elected'. I think that in such a case the privilege of choosing the president should be left to the committee itself and not given to the Government. The member who gets into the committee earlier can become the president automatically without Government nominating any one as they please. With regard to the appointment of president of the committee, I think, it will satisfy public opinion if instead of the power being taken by the Government, it is given to the courts. I would substitute 'commissioners' for 'courts'. But that is a matter which will be considered by the Select Committee and I, therefore, do not wish to give my opinion on it at present.

"There is one other provision to which I wish to refer. Section 21 deals with the salary to be paid to the non-hereditary trustee. I think that this is a retrograde step. In the case of the members of local bodies, municipalities and Legislative Councils, we do not pay them. In religious institutions, where people come out of love for their religion—religion being considered in this country as the greatest treasure—I do not think it is proper to introduce a system of payment to the trustees or members of the committees. We can find many people willing to serve either as members of the committees or as trustees without any payment. I do not see any necessity for paying people when we can secure proper persons willing to do honorary work of this nature.

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"With regard to the diversion of surplus funds, I think, the provisions are not definite. They do not say where such funds ought to be spent: whether in a particular area or anywhere in the presidency. As it is, the surplus funds of the Rameswaram Devasthanam may be spent in Ganjam, the funds belonging to a devasthanam in Ganjam may be spent in South Kanara, and the surplus funds of all the institutions may be spent on the Madras University. There is no provision limiting the expenditure to any particular area or district. There is already a serious apprehension in the minds of the trustees of the temples that all their money will be taken away. I am afraid such diversion, if I may say so, will be considered by the public as a scandal. As a hereditary trustee, I have some surplus funds and I am trying to dispose of them as early as possible. I request the hon. the Minister and the members of the Select Committee to seriously consider this question.

"As regards the jurisdiction of courts to entertain suits relating to these institutions, it is said that only the district court has got the power to entertain them; but powers are taken by the Government to delegate certain powers to the subordinate courts also. I am opposed to such delegation. I want that the District Judge alone should have the power. There are many reasons for this. I myself have had bitter experience in such matters. Recently a Subordinate Judge appointed to the membership of a committee a person whose admission to the temple is questioned. The Advocate-General is a party to the proceedings, though I do not know whether he is aware of this appointment. The difficulty is that the trustee is in a fix. He does not know whether to admit him into the temple or not. The people in the village where the temple is situated are one and all against this member being admitted. Of course, the District Judge also may commit the same mistake. I do not say that he is free from committing such mistakes. All the same, I think it is better that such powers are given to district courts rather than to subordinate courts.

"There is a slight conflict between two provisions of this Bill, and that is about the term of office of the out-going committee. It is laid down that every member of the committee appointed under this Act shall hold office for five years. There is another provision, 44 (1), which says that the existing members shall be the first set of members under this constitution. In the transitory provisions we find that the existing members shall hold office, when this Act comes into force, for a period not less than two years nor more than three years. I think this requires redrafting, and I hope the hon. the Minister and the Members of the Select Committee will consider this. Having had very bitter experience of committee membership, I may say, Sir, that the sooner the term of the committee is brought to an end, the better it will be for all concerned. I think it was suggested in some of the earlier Bills—I think it was Mr. V. Rama Ayyangar who suggested it—that the term should be one year. I strongly support this view. I know of members who are in committees for 25, 30 or 40 years.

"I have already spoken about the diversion of surplus funds. The question of area should be seriously considered. Under Notes on Clauses on page 12, it is stated:

It has to be remembered that such endowments have since 1863 been left practically to themselves and several of them have, as trustees, proprietors of impartible estates and of members of the Nagarathar community who are generally regarded in this Presidency as not merely liberal endowers of temples but efficient administrators of the endowments in their charge.

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"If the 'and' is a connecting one it is all right but if it is a disconnecting one, I must strongly protest against it."

The hon. the RAJA OF PANAGAL :—"The compliment is to both, to Nagarathars as well as proprietors of estates and zamindars."

The RAJA OF RAMNAD :—"I am very glad of the assurance; but I am not prepared to withdraw my remarks. For in the Statement of Objects and Reasons, the following lines occur :

Proprietors of ancient zamindaris are trustees of some of them. Others have, as trustees, members of the Nagarathar community, who are generally regarded in this Presidency as not merely liberal endowers of temples but efficient administrators of the endowments in their charge.

"Unfortunately, there is a full stop after the first sentence. It may be an unintentional mistake. I think the Council knows this fact, that the Nagarathars do only the renovation of temples in some cases for establishing their names even where the renovation is not really needed. The class of people in this Presidency who have made large endowments are the zamindars. I do not think any other community can be compared with them in that respect, even remotely.

"Now, the temples under the zamindars who were hereditary trustees were never considered at any time to have been under the control of the Government and afterwards transferred to the zamindars. I have got authorities in support of my statement, the opinion of eminent men like Sir T. Muttuswami Ayyar and Sir V. Bashyam Ayyangar. I have got the opinion expressed very long ago by Mr. Blackburn, Collector of Madura, and even the opinion of the Directors of the East India Company. Within the short time that was at my disposal I was able to pick up all these references. However, I need not weary the Council with all these details. My point is that temples under the zamindars were never under the control of the Government. The Act of 1863 only applies to such temples as were once under the control of the Government and transferred to the various committees. Now this Bill aims at all the private and public trusts under the control of the zamindars. I think the hon. the Minister and the members of the Select Committee as well as this Council will show greater consideration to the interests of zamindars who have been practically the endowers of these temples and, in a majority of cases, have been even their founders. They have lavished their wealth on those temples, and, so liberally that, in some cases, if the income of the estate is twelve lakhs, the income of the trust is another twelve lakhs. So, on behalf of the zamindars, whom I have the honour to represent here, I appeal that they should be given such consideration as is their legitimate due."

Rao Bahadur T. NAMBERUMAL CHETTIYAR :—"There is an oft-quoted aphorism '*Yathi jeevantham anando naram varsha shatadapi*' which means that through years of darkness and desolation, through patient waiting, one attains bliss. For half a century attempts have been made to introduce legislative measures to secure better management of religious endowments but without any success. The public in general and worshippers in particular owe a debt of gratitude to the hon. the Minister for introducing this Bill. All safeguards are provided for protecting the interests of the hereditary trustees. I consider the Bill is a well thought out measure, but in one or two instances, it has not gone as far as one would wish. Reading sections 1 and 21 of Act XX of 1863, it is evident that some

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properties are still with the Revenue Board—properties the proceeds of which are devoted to secular purposes. Under the new Bill they are to be handed over to the committees. Section 33 of the Bill clearly says that the surplus may be utilized for secular purposes. As one of the objects aimed at is to avoid litigation, and as disputes arise not only on secular matters but also on account of differences between two parties of the same persuasion, such disputes will still continue under the new committee management if the personnel of the committee is not altered. The committee should, in my opinion, consist of a few pandits well versed in Sastras, or if that is not practicable, a separate committee of pandits should be provided to settle such disputes and whose decision should be accepted as final. It is well known that the old Adalat courts maintained a staff of pandits to help the courts in deciding on points of law connected with such matters. Coming to recent times, it is said that the late Sir T. Muttuswami Ayyar always consulted the late Mr. Raju Sastriyar of Tanjore before arriving at his decisions on disputes of a religious or quasi-religious nature. In *Pancharatra* and *Vaikanasa Sastras*, the duties and qualifications of officials serving in temples, including trustees and managers, are distinctly laid down. The *archakars* were very learned men. An *archaka* was described as an embodiment of Hari himself. If such men were employed in temples as of yore many disputes such as arise in the present day will not arise. Disputes arise simply out of ignorance. Quite recently a dispute arose in Triplicane as to which *archakan* was to officiate at an *Utsavam*. The *archakans*, as we know, work by turns; one officiates for one half of the month, and another in the other half. It so happened that the *Brahmotsavam* commenced in the middle of the first half and ended in the middle of second half. The *archakan* of the first half started the festival. As per Sastras, he wears a *Cancanum* or makes a *Prathigna* that he will devoutly serve the temple to the end of the *Utsavam*. In the middle of the *Utsavam*, the second *archakan's* turn commenced and he claimed the right of his service in the temple, but the first *archakan* observed that according to the Sastras he must continue to the end having made a *Prathigna* to serve till the end. There is another instance of a similar dispute which is of recent origin. This was as to whether an *archakan* should or should not have undergone *Thapta Panchamsakaram*. Opinion is divided on this point and there are cases pending in the law courts in that connexion. There is yet another dispute, i.e., whether *Veda Goshthi* should precede or go behind the idols in temple processions. The object of the Bill, viz., to end all litigation, will not be gained to its full extent if provision is not made in the Bill for a staff of pandits being entertained to advise the committee, either in it or outside that body. I trust the hon. the Minister who is himself aware of these differences and disputes will see it fit, at the select committee stage, to appoint a staff of pandits to advise them.

"There are two or three points which require attention. It is not clear why the city of Madras is exempted from the operation of this Bill. In the city of Madras there are various temples and various endowments pertaining to them. I therefore think that some explanation is needed as to why the city of Madras is excluded.

"Clause 12 says that every member of a committee shall hold office for a term of five years. I believe that three years would be sufficient.

"Clause 25 deals with the obligations of the committee to keep regular correspondence. Some establishment is therefore necessary. Sufficient

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provision is not made in the Bill for this purpose. If there is to be a continuity of work there must be some fixity of revenue.

"Well, Sir, the committee can ask the trustee to submit audited accounts, but, I think, it will equally serve the purpose if the temple authorities are called upon to furnish the required report without insisting upon audited reports by prescribing forms and returns to be furnished at proper times for the committee's scrutiny.

"Lastly, temples in pilgrim centres are called upon to contribute for sanitary purposes some funds to the local bodies. Pilgrims go to a sacred place for their spiritual welfare, and, temple funds ought not to be diverted for their bodily comforts. As far as my experience of the temples I have visited goes, whatever the pilgrims might contribute to the temples does not go to swell the capital of the temple. The temple servants who are not paid monthly and who only look forward to contributions from pilgrims, appropriate these sums but such amounts do not go to add to the capital of the temple funds. I therefore think that the provision regarding the contribution from surplus temple funds, if any, to the local bodies for sanitary purposes should not be accepted. With these remarks, Sir, I support the motion that this Bill be read in Council."

MR. C. RAMALINGA REDDI:—"Sir, I thought at first that this Bill was a radical one, but when I find that it is being blessed from all parts of the House, I begin to suspect that it is not as liberal and thorough-going as anticipated. There are three points which I regard as important, and as for the minor points, they can very well be dealt with by the Select Committee.

"The first is the one raised by my hon. friend Mr. Namberumal Chetti, namely, that this Bill in its present form is not going to abridge the amount of litigation which has unfortunately become notorious in recent years. Even under the existing Act it is possible for a society like the Dharmarakshana Sabha to file a suit for a scheme for the better management of the temple funds. It is a fact also within the experience of hon. Members that this method has not been satisfactory. The delays caused constitute one disadvantage, and the expenditure involved is the other; and there are various other factors which have in a large measure contributed to the unsatisfactory results of that system. My hon. friend the Raja of Ramnad also mentioned that the position of the hereditary trustee under this Bill would not be a very enviable one, as he would be subject to the supervision of the president of the committee. All the leading zamindars, who in most cases are hereditary trustees, feel that a position of subordination to the president is not consistent with their dignity. I think the real solution for both these difficulties, namely, the evil of litigation on the one side and the necessity for safeguarding the dignity of the hereditary trustees on the other, would be found in a proposal, which, I am surprised to find, does not find a place in this Bill. The proposal was made years ago by gentlemen of the type of the late Sir T. Muttuswami Ayyar and the late Mr. Chintal Rao and all those able men to whom reference was made by the hon. the Minister in his opening speech. They proposed that at the head of the temple administration in the Presidency, there should be charity commissioners who would be responsible for the administration of temple properties and the expenditure of their surplus funds. It seems to me that this is a matter of very great importance, and I would therefore like to ask why this has not found a

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place in the Bill. This proposal would satisfy the objects which the Bill aims at and the principles that underlie this legislation. In these cases we are not dealing with endowments earmarked by the donors for purposes clearly set out. On the contrary, we are dealing with what may be called the general revenues of the temples. Take for instance, to put it concretely, the case of the great temple at Tirupati, the one with which I am well acquainted. Now, much of the revenue of that temple is derived from what are really votive offerings. The husband is seriously ill and the wife takes a vow to give all the jewels she is wearing to the temple if her husband recovers. Or, she is very desirous of having a son to perpetuate the name of the family, and she takes a vow that when the son is born a large sum of money will be given to the temple as a votive offering. By the income thus derived we are not going to carry out the objects of the donors, as it is composed of payments made after the donors' desires have been fulfilled. Therefore the Bill is right in diverting religious endowments from charities in which the objects of the endowers are not clearly stated, and the powers of the committees for diverting funds or rather regulating their destination will be exercised chiefly in cases of the kind I have just mentioned.

"Now, it seems to me that the expenditure of temple revenue, after providing for all the legitimate requisites of the temple, such as worship and facilities for pilgrims, is properly an administrative function and not a judicial function. Therefore the better course seems to be to set up charity commissioners. If there are charity commissioners of the type mentioned in the proposals of Mr. Chintal Rao and others, then I do think that we would have some guarantee that these funds would be expended wisely and that the commissioners would keep in their view the general interests of the country and try to secure a reasonable distribution of the funds as between different areas and proper co-ordination of schemes. I am not prepared to subscribe to the view of my hon. friend the Raja of Ramnad that we should go by a hard-and-fast rule regarding the limitation of these funds to areas in which the temples are situated. It is true that the temple of Rameswaram is situated in the southernmost district of this Presidency, but it is frequented by people inhabiting all parts of India, and most of the revenues of the temple are derived from people who do not belong to that district. Nor is the income of the Tirupati temple derived wholly or even in considerable part from the people of the Chittoor district. Therefore it seems to me to be necessary that these funds should be spent under the authority of charity commissioners who would be directly responsible to the Minister who in turn will be accountable to the Legislature. If this is done, the hereditary trustees also would be divested of that indignity or invidiousness of which my hon. friend the Raja of Ramnad has complained; and I do not think that they will have any objection to be under an important Provincial Board like the charity commissioners.

"Then there is one other point of some importance which I think the Council should consider and pronounce its opinion upon. At present it is proposed that these surplus funds be diverted to sanitary, educational and other purposes, as also for poor relief. Now, with respect to sanitation, I think there will not be any difference of opinion. The temples attract large numbers of pilgrims periodically and the local boards are put to extra expenditure on this account for carrying out sanitary measures, and it is but fair that the temple revenues should be made to bear a portion of the expenditure incurred by the local bodies on account of the pilgrims who resort to such

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temples. But in regard to education and poor relief, a question of some delicacy arises. At present these surplus revenues of Hindu temples, according to the Bill, might be utilized for general purposes so as to benefit any community—Hindus, Muhammadans, Christians or those of other creeds. Now, speaking for myself—and I have always held that view—I think that members of all creeds may be included in any benefits derivable from such diversion of funds. But surely there are people who will raise the question whether their Muhammadan friends, if there is to be any legislation regarding Muhammadan endowments, would be equally ready to give their surplus funds for the benefit of other communities also. There is reason to apprehend that our Muhammadan friends may not feel it possible to allow the diversion of their surplus funds to the benefit of other communities. Their sacred law, I am told, prohibits it. If so, the Hindus will object to the one-sided bargain here struck; and if later on we wish to go back on it, it will create unpleasantness. I therefore think that in the present Bill it would be the wiser statesmanship to see that the educational, poor relief and other purposes are limited to members of the Hindu community. If when question of Muhammadan charities comes before this House, our Muhammadan friends would allow their surplus funds to be diverted as proposed in this Bill, then I guarantee that the Hindus would be generous enough to amend this Act so as to permit the fullest reciprocity.

"Now, one other point and I have done. My hon. friend the Raja of Ramnad raised the question of nominations by Government, and some other members observed that it might result in nominations from people who are included under Hinduism but are excluded from Hindu temples. They also said that such appointments would give such men the right of entry into the temples. It seems to me that the existing Act governing these endowments does not provide for exclusion of any such kind. Moreover the Bill provide for an electoral roll being maintained in which such persons may find a place owing to the possession of qualifications laid down and they can also stand as candidates. Unless my hon. friend is willing to go further and say that members of certain communities shall not find a place in the electoral roll, the particular point which he raised seems to me to be beside the question. Various categories of people figure in this electorate constituted under this Bill and they could also stand for election. Then, how can we bring in this principle of excluded classes in the preparation of electoral rolls or put restrictions on the qualifications laid down for those who stand for election? If we are not going to do that, I do not see any reason why we should not allow the Government to nominate certain persons. I would particularly request my friends, who probably feel keenly on this subject, to consider that point of view. We are supposed to be living under the more liberal regime of reforms. In these days of democracy, for which my friend the Raja of Ramnad claimed to stand, there can be no place for such restrictions, and I doubt if he will press his point further. If we introduce restrictions of this kind into the religious endowments, when no such restrictions were imposed by the British Government during the days when it had full powers over these matters, I think we will be putting ourselves in a very false position. If we can trust in the common-sense of the people in the matter of elections, we should equally rely in the case of nominations on the common-sense of the Government. I do not think that the Ministers are more amenable to pressure than people who are likely to stand for elections for the legislature and other local bodies and who may be dependent on the electorate, including the excluded

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classes, for their success. Bargaining of the kind that my friend apprehends is sure to prevail even when the matter is left to election. We have to face facts as they are, and the times are altered, and there is no use trying to introduce hateful restrictions of the kind suggested. I think, Sir, that unless provision is made for charity commissioners and for limitations of the endowments to Hindu purposes, much of the good anticipated by this Bill will not be realized. If an administrative machinery of this kind is installed, it will administer and regulate the expenditure of religious endowments better than the courts acting on a short-sighted view of the local circumstances, and it will safeguard the position of the hereditary trustees.

"With these remarks, I strongly support the general principles of the Bill."

Rao Bahadur C. NATESA MUDALIYAR :—"Sir, Mr. President, I strongly support this Bill. I have a message to this Council from a public meeting of the citizens of Madras held in Mylapore over which I presided that they welcome this Bill as introduced by the hon. the Minister for Local Self-Government and that in their opinion it requires certain modifications to safeguard the interests of the various religious orders of the Hindus. As with the other Bill, the Bill to regulate State Aid to Industries, it required a people's Minister to introduce salutary changes in the administration of and in the application of the surplus funds of the various religious endowments. Though the necessity for such a measure was indicated many decades ago, our benign British Government, sticking to the very letter of the undertaking to observe religious neutrality, allowed the matter to drift on; nor did our past politicians care to bestow any thought on rectifying the affairs in any other way than by creating self-constituted organizations, some of which served only to bully the hereditary trustees whose forefathers might have given all they possessed to make the religious institutions a close preserve for the maintenance of the unemployed members of a particular community, for enriching kindred ones of the legal profession, and in some cases for diverting surplus funds to foster a dead language like Sanskrit, while the most classical and living language like Tamil required their utmost attention—all against the remonstrations of the worshippers who, helpless as they were in the pre-reform days, smouldering within had to digest their impotent rage in despondency. Now, our Minister, having the support of the people behind him, has thought it necessary not only to put his religious house in order but also make it useful to the public as in days of yore when our people religiously inclined to attain their salvation established not only educational institutions but also provided sanitary, medical, maternity, child-welfare and other reliefs, especially water-supply. Sir, in such services to humanity they found divinity. Even to-day in our land the activities of the Ramakrishna Mission, and in our city those of the Ramakrishna Home and of the Kaunikaparameswari Charities are in this direction. Sir, let us take a leaf from the Christian Missions who, I believe, spent least on their churches but most in philanthropic works. Copying this cosmopolitanism, let us make the benefits of our charitable institutions available to all communities irrespective of caste or creed. In charity there is no distinction between man and man. Sir, the religious India of choultries, alms-houses, poor-feedings, and water-supply, everything has degenerated into fattening the lazy and the lethargic, and, I may say, the usurpers and the imposters. Sir, that is not new to you as a cosmopolitan statesman at the head of affairs that wrought many healthy changes in the State of Travancore.

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"Sir, there is a fear lurking in many minds with regard to the electorate. The elected members for the committees contemplated in this Bill may consist of individuals having adverse views as to the creed of the temple or the mutt to guide the affairs of which these committees are intended. Sir, in fact, in our Hindu Sastras, we find that there is no religion as Hinduism, that there are no people called Hindus. It is only the foreigners that gave the appellation to us. In fact, our religion consists of three orders, *Vaishnavism*, *Smarthanism*, and *Sivaism*, all others being the off-shoots of those three principal orders. In their god-worship, in their sacred hymns, in their ceremonies of initiation and in their authorities for their ceremonies, in their authoritative text-books on philosophy, in their chief doctrines and their social aspects, these three are as different from each other as from any foreign religion. Sir, *Vaishnavism* and *Smarthanism* may be akin to each other. But *Sivaism*, the pre-historic religion of the Dravidians, stands now as independent as it was thousands of years ago.

"Then, Sir, the *Mattathipathi* is both administrative and spiritual head. It is only those that accept him as spiritual head that can have the right of voting to elect members to the committee in question.

"Sir, as to the hereditary trustees, it is desirable that the claims of the members of the families of hereditary trustees should be considered first before any stranger is placed in their stead when they are found defaulting.

"As for the diversion of funds, it is desirable that this legislative body should be the final authority over all the district courts or charity commissioners proposed by my friend, Mr. Ramalinga Reddi. In the pre-democratic days they were supreme, but now the democratic Legislative Council should be the final authority. Thanks are due to those that gave us the Reforms, for we are progressing politically and economically; and our immediate thanks are due to the statesmanship and foresight of His Excellency Lord Willingdon who gave us our popular Ministers and our worthy President."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I rise to support the principles of this Bill, and in doing so I do not wish to go into its detailed provisions. This Bill is to be referred to a Select Committee, and when it goes before that committee it will be the time for considering the details of this measure.

"The Indian National Congress, as it was constituted some years ago, used to pass resolutions almost every year requesting Government interference in Hindu religious institutions. But the Government on grounds of religious neutrality invariably refused to interfere, and the cry of the Indian National Congress used to be a cry in the wilderness. We are now glad, Sir, that the change in the constitution of the Government has enabled my friend, the hon. the Raja of Panagal, to come forward with this much needed measure.

"Some of my friends who have preceded me referred to the provision in the Bill for diverting the surplus funds for purposes of education, medical help and so on, and they naturally—I can very well understand their standpoint and I even sympathize with that standpoint—criticized adversely those provisions which enabled the diversion of funds to these purposes. That opposition to this measure which we hear in this Council will, I believe,

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be supported considerably by opposition from outside this Council also. In spite of that opposition, it seems to me, Sir, that this provision in the Bill is probably the most beneficent of its provisions.

"It certainly requires a good deal of courage to introduce this provision and I heartily congratulate the hon. the Minister for Local Self-Government on his courage in introducing this clause.

"Sir, I think, it was my friend, Mr. Ramalinga Reddi that made a reference to one of the important institutions of this Presidency, i.e., the Tirupati temple. I think, if I understood him right, that he referred to this temple for the purpose of an argument against the introduction of this measure. No doubt, there is considerable force in my friend's statement; but, that is the identical temple which figured very prominently in the public eye some years ago, I think, some twenty years ago. Then there was criminal litigation as well as civil litigation and, I believe, the litigation was taken to the highest tribunal—the Privy Council. A great deal of dirty linen was washed very prominently before the public on that occasion. No doubt, there are some temples which spend their surplus funds in channels which, to say the least of them, are not conducive to public morality. It seems to me that it is very desirable and very necessary that the Legislature should take necessary steps for the control of these funds. After all, the danger apprehended, I think, is not very serious in any way. Of course, the existing provision can be improved upon considerably in the Select Committee. But even as it stands, there are considerable safeguards in this measure for preventing the diversion of these funds in undesirable ways and channels. For instance, if you read clause 33, you will find that it is only in the case of certain kinds of institutions that the diversion of funds may be ordered.

"Secondly, it is only on the application of the trustees or on the application of a local authority or the committee having jurisdiction, that a court can act in this matter. And after proceedings are initiated by these bodies or individuals and when a court takes cognizance of this matter, it is bound under the sections by certain rules. It is specifically stated that the object for which a court may order the diversion of the funds should approximate, as far as possible, to the intentions of the original donors. It is also stated that, apart from these institutions which have surplus funds, other funds can be utilized for those charitable purposes only when the original intentions of the donors have become impossible of performance or when the machinery which could carry them out has ceased to exist. I believe it was my friend, Mr. Srinivasa Ayyangar, who stated—and I perfectly agree with him in that statement—that it is the duty of the Government to provide for the sanitation, litigation, etc. It would certainly be so if the Government had ample funds at their disposal and even then there will be nothing wrong in making supplemental provisions for such purposes. But as a matter of fact it is a notorious fact that the coffers of the Government are now empty. The unreasonable attitude of the Secretary of State and the Government of India and—I beg your pardon, Sir, (addressing Sir Frederick Whyte who was witnessing the proceedings) of the Assembly presided over by you . . ."

The hon. the PRESIDENT:—"Order, order. I do not think any such reference to a gentleman who is not in the House, could be made. He is an entire stranger to our deliberations."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I withdraw my remark. I was going to observe that the unreasonable attitude of the Government of

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India and of the Secretary of State and of the Assembly has temporarily—and I hope it is only temporarily—deprived us of the justice that is legitimately due to us. Therefore at this juncture, any money that we can reasonably get from any source whatever is not only welcome but essential. So that, the remarks of my friend Mr. Srinivasa Ayyangar, in some respects, are not right and the use of such funds for other charities is very necessary.

"As I stated, Sir, I have no intention of going into the details of the provisions of this measure just at the present moment. I may, however, say that the provisions of this Bill with regard to the period of membership of the members of the committee, i.e., a period of five years is very salutary. It is not desirable to give life membership to anybody for the result of making these committee members life members has only been to give a good deal of opportunity to the dishonest ones among them to enrich themselves and to make the honest ones among them lazy and indifferent in course of time.

"Then again, the other provision in the Bill enabling contributions to be made from funds of these institutions for sanitary purposes is a very important one. When important religious festivals take place, such as the *Mahamakaham* at Kumbakonam, that provision is a very important one. The municipal bodies and the other local bodies very often have to provide very large funds and I think there is a provision in the Local Boards Act enabling such contributions to be made; but more often the contributions are not made. That provision also in the Bill is very necessary.

"Again, another objection was with reference to the danger apprehended by the Government nominating members on these boards. That objection is one which is applicable equally to the members who are going to be elected to the committee. It is only this morning that I had a discussion on this Bill with one of my friends and he referred to this fear. He expressed the fear that by enabling all the Hindus to take part in the elections to these committees there is a danger of persons who are not now according to certain usages and customs competent to enter temples being elected to committees. I told my friend that there is a provision in the Bill preserving the existing usages, and if necessary additional safeguards could be incorporated into the Bill to allay such apprehensions.

"On the whole, though there might be some defects in the Bill as drafted, it is a good measure and I heartily give my support to it."

Rao Bahadur T. BALAJI RAO NAYUDU:—"I heartily support the Bill in all its features. After all that my previous speakers have said on this Bill, there is not much for me to say on it. There is only one fact which I like to mention. Almost all the religious institutions have a long established usage of some nature or other. There are quarrels happening every now and then between the *archakas* and the *paricharakas* both of whom are servants of the temple. The term 'servant' is not defined in the Bill and it is very desirable that the definition should be precise. There are now and then disputes between the *archakas* and the *paricharakas* or the *archakas* and the trustees. I think the execution of orders of the trustees or the committee in authority over the trustees, could not be done without obtaining a decree of court. I think, to avoid this trouble, it is essential to have the term 'servant' defined and to make necessary provisions to enforce the orders of the committee without the necessity for the intervention of the court even in such matters. These matters, I hope, will receive the attention of the members of the Select Committee."

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Rao Bahadur K. GOPALAKRISHNAYYA:—"In support of the measure that we are now considering, I wish to offer a few remarks. When one reads the provisions of this Bill, I think, the one prominent idea will be about the principle of religious neutrality. This idea has no doubt created certain fear to lurk in the mind of the hon. the Minister in charge when he proposed certain provisions to be incorporated in the Bill. No doubt there is only a slight deviation from the principles of strict neutrality which probably is a matter for congratulation for certain members of the Hindu community. But, it is at the same time a matter for regret for another section of the Hindu community that the Bill does not go far enough to reach the aspirations of that section of the Hindu community. While on the one hand the Bill seeks to give certain rights to the Hindus—I believe the term 'Hindu' includes also the untouchables—and gives them certain benefits, on the other hand when we go to clause 38, it is laid down that the persons interested shall be the persons that enjoy a right of worship and that is why I say that the Bill is not as far reaching as another section of the same Hindu community would wish it to be. It is rather very regrettable, Sir, that even from the days of the great Queen Victoria's Proclamation the principle of strict neutrality has been of great use to the Hindu community wherever social or religious changes have been sought to be introduced through the medium of legislation. Now, Sir, I congratulate the hon. the Minister for Local Self-Government for being able at least to make this slight deviation from the strict principle of religious neutrality.

"In regard to the change in the law, so far as the surplus funds of these institutions are concerned, I find that they are sought to be applied to purposes concerning the safety and health of the persons living in places where worshippers congregate.

"There are instances in the Ganjam district, Sir, to which my hon. friends from Ganjam would bear testimony, where there are no sanitary arrangements made either by the religious institutions themselves or by the local bodies, or by the Government, on particular religious occasions when millions of people gather. The little help that is given by the local bodies or by the Government is too inadequate to meet the situation. As such, it is necessary that these surpluses should be applied to the safety of the public who assemble at particular places on particular occasions.

"I fail to see, Sir, why the City of Madras should be excluded from the operation of this Bill. I thought some hon. Members would object to the inclusion of the City of Madras; on the other hand I have the support of Rao Bahadur T. Namburumal Chettiar who also asked why the City of Madras should be excluded from the purview of this Bill. We know that there are in Madras a good many institutions of the nature which are sought to be governed by this Bill, and why Madras should be excluded is not explained either in the speech of the hon. the Minister or in the explanatory note which has been added at the end of the Bill. The note, however, states that this needs no explanation. I demand an explanation as to why Madras has been excluded from the purview of this Bill.

"Objection has been taken by some of the hon. Members to the principle of nomination on the ground that it was a retrograde step and that it goes far behind the operation of the present law with regard to religious institutions. I think it is Mr. L. A. Govindaraghava Ayyar who took objection to the principle of nomination to the committees. I think, Sir, that it is

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proposed in the Bill that amongst the voters shall be included all those persons who are qualified to be voters for the appointment as members by election. I think it is right that the Bill concedes that the minorities must be represented. As Mr. C. Ramalinga Reddi says it is the surplus funds of these places of worship that they are going to administer. Such funds may well be administered by any person who is interested in the health or safety or convenience of the public and I think it is therefore right that the executive Government should have power to nominate certain persons who are competent to act as members of these committees. With these observations I support the motion for the introduction of the Bill."

MR. T. ARUMAINATHA PILLAI:—"I rise to congratulate in the first place the Hindu Members of this House and in the second place the hon. the Minister for this Bill. I congratulate my Hindu colleagues in this Council for the broadmindedness with which they have supported this measure though some of them have objected to certain points in it. And so far as the hon. the Minister is concerned, I really congratulate him for the bold step he has taken to bring into fruition a long-desired amendment to an Act which was passed so early as 1863.

"Sir, while commenting on this Bill I would suggest certain measures and press them upon the attention of the hon. the Minister. I was carefully listening to the discussion that has been going on and I also read the Statement of Objects and Reasons attached to this Bill. The Statement says that the litigation which is crowding round the temples and other religious institutions ought to be minimised as much as possible. But I find, Sir, that the provisions of this Bill do not really give effect to this idea. I was, therefore, expecting from this side of this House, as well as from the other side, that some more feasible methods would be suggested by which the powers of the court to regulate the endowments of these religious institutions would be minimised and the litigation would be put a stop to. It is in that light, Sir, that I welcome the suggestion of my friend, Mr. Ramalinga Reddi, that so far as these disputes are concerned, they ought to be decided by what are called the Charity Commissioners.

"Sir, in certain portions of this Bill, I am afraid, a large power is given to committees. I would give an instance in point. In clause 20 of the Bill it is stated:

in the case of a dispute respecting the right of succession of a hereditary trustee or a minor or a lunatic, the committee may appoint a fit person to discharge the functions of trustee of such endowment until some other person shall by means of a suit or otherwise, have established his right to such office or to discharge such functions.

"So, any person who is aggrieved by the order of the committee will have to go to court to settle his right. I think this portion requires alteration. Considering the present state of the judicial decisions and the stamp duty which these poor men will have to pay, I ask whether it will be right on the part of the committee to decide, and whether it will be right on the part of this legislature to allow them to decide and leave the fate of the trustees in the hands of laymen. I submit therefore that the committee which under another clause is entitled to get every year 3 per cent of the gross income of the temple funds should decide such things, and if it is not possible for them to decide as to who should be the trustee, it is they that should go to court and file interpleader suits without driving the poor parties and get the court's decision. I would submit that would be a very good

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idea. Instead of that to leave the power entirely to the committee to decide as to whether A or B is to be the trustee is, I think, too much of an order to be given to them.

"My next objection to this Bill is this: clause 34 of this Bill gives large rule-making powers to the Government and this will be evident to anyone who reads sub-clauses (a) to (h). The hon. the Minister would do well to include all the powers he wants as clauses of this Bill. That would be a far better procedure. As it is, it is leaving the whole thing in the hands of the executive Government. Again, how far the decisions of the committee shall be final is left entirely to the rule-making powers of the Government. I would say one word about this rule-making power. Mere publication of the opinion of the Government in the gazette would be quite enough for it to become law. In spite of the fact that the Government is a liberal-minded one and has broad views, I am against giving that power to the Government. I would rather have it embodied in the sections themselves so that all people might know as to what the powers of the committee would be. It is all true that the constitution of the committees is to be by election, etc. As far as the real powers of the committee are concerned, I am afraid this Bill does not state them in any clause at all. Therefore, I would earnestly submit to the hon. the Minister to provide the powers of these committees in the Bill itself.

"Then, Sir, clause 36 of the Bill states:

That the trustee of every such endowment shall within three months of his receipt of such notice pay out of the funds of the endowment in his charge the amount of the contribution so demanded to the president of the committee or any person authorised by him; and, in default of his doing so, the court shall, on the application of the president of the committee, recover the amount as if a decree had been passed for the amount by the court against such endowment.

"Time may come when these people will have to fight in court again; and again, when the trustee refuses to pay 3 per cent and the committee goes on attaching and taking away 3 per cent, most probably, within a few years, all the fund of the religious institution will have been taken out and given into the hands of the committee. My friend, Mr. R. Srinivasa Ayyangar, shakes his head here. If it is 3 per cent once for all then it is all right. But the clause says 3 per cent annually and therefore I submit that for the small powers given to the committees—perhaps only a sort of supervision—even this contribution of 3 per cent is rather too much. Here I agree with Mr. Namburumal Chettyar that many of these religious institutions do not have much surpluses and think that it will be a great hardship for them to pay to a committee for which no particular work has been allotted.

"Again in another place in clause 24 (2) the Bill states:

Where a trustee who has been removed or dismissed or has ceased to hold office fails or refuses to obey . . . as if such property, title-deeds, account books and other documents had been decreed by such courts to such person.

"I am speaking subject to correction from the hon. the Law Member when I say that so far as the Court Fees Act is concerned I do not believe any sort of provision has been made for stamp duty upon many of these provisions in this Bill. I would also ask the hon. the Finance Member to say if he would be prepared to lose the money he would be getting He says he is not prepared to do that. These things do not find a place in this Bill. It is for the above reason that I say that

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these great powers of courts should be abolished and their places should be taken by Charity Commissioners. This is a very essential portion of the Bill. And if any real good to these religious endowments is to be done, I would rather have, that as far as possible litigation about these things should be decreased. It was also stated by Diwan Bahadur L. A. Govindaraghava Ayyar that the application for sanction should be made only by the Collector. Section 92 of the Civil Procedure Code gave such powers to the Advocate-General and as such it was a retrograde measure. But if you read this Bill in another portion it is stated that so far as the powers of the Advocate-General are concerned they are undiminished.

"Then, Sir, it is stated:

Nothing in this section shall affect any rights or powers in respect of religious endowments which the Advocate-General may exercise under sub-section (2) of section 114 of the Government of India Act.

"I believe that this may mean that if the Advocate-General by himself finds that there is a maladministration or malfeasance of any of the public endowments, he need not wait for any person to come before him under section 92 of the Civil Procedure Code, but may himself go to court and file a suit for the proper administration of the endowment. I believe that, so far as the powers of the Advocate-General are concerned, there is no doubt that they are very much larger under this Bill than even under section 92 of the Civil Procedure Code.

"Again, Sir, my friend, Mr. R. Srinivasa Ayyangar, stated that up to now he is a member of a committee for South Arcot which is in charge of 70 temples and that hereafter the number of temples will be very largely increased. But, so far as the framers of this Bill are concerned, they have made it possible for committees to be appointed even for a single religious endowment or class of endowments, and if such a thing could be done, I don't think that all the difficulties anticipated by my friend, Mr. R. Srinivasa Ayyangar, would ever come to pass."

At this stage the Council adjourned for lunch.

The Council re-assembled after lunch at 2-30 p.m.

Diwan Bahadur D. SESHAGIRI RAO PANTULU:—"Mr. President, I beg to give my hearty support to the Bill and to thank the hon. the Minister for introducing it.

"I am not afraid of Government nomination, because the Bill provides for election of not less than two-thirds of the members; nor am I afraid that Government will nominate a person who will not be admitted into the temples. Section 42 of the Bill distinctly respects established usages and I am sure that the Government will not act the part of a social reformer by introducing any drastic changes into the constitution of these committee members.

"With regard to the diversion of the funds, my humble submission is that they should not be diverted to secular education; I would limit the funds to purposes connected with the institution of which they form the endowment. There can be no possible objection to the funds being spent for the sanitary measures that are necessary for the health of the pilgrims that resort to the various institutions; nor have I any objection to the funds being devoted to religious education given in the institutions.

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In fact, I would advise that the surplus might be spent for purposes connected with the institution itself and that will not be objectionable at all. It is the primary duty of the trustees to provide for the health of the pilgrims that resort to these institutions and, as such, necessary steps for securing the health of the pilgrims may be taken and the amount spent on them. Of course, the local boards also will co-operate with them and, with the co-operation of the trustees and the local boards, I think the desired object may be secured.

"Then, something was said that these hereditary trustees should be differently treated. I believe the Bill provides for some supervision of the committee over these hereditary trustees also. A person may endow his institution with large funds, but there is no guarantee that the successors of the endower will manage the institution as efficiently as he will like it to be managed. Under these circumstances, I see no objection to the powers of supervision given to these committee members over the hereditary trustees also.

"I do not understand why the tenure of office of the president of the committee should be limited to one year only. When the committee members elect a president, I should advise the term of the president to be extended to three or five years during which period the members of the committee hold office. One year is too short a term for the president to do anything substantial for the improvement of these institutions which are unfortunately too well known for their mismanagement.

"I am against the payment of any salaries to the committee members; they must work as honorary members, and I think they themselves will object to being paid out of temple funds. It is considered a great sin to take any payments from temple funds.

"I think the Select Committee will be well advised to define the word 'Hindu' in the Bill, because several persons who have no sympathy or who do not believe in the form of worship that is followed in these temples are for certain purposes of law treated as Hindus, and it goes without saying that if these committees consist of members who believe and sympathise with the form of worship that is going on in the temples, they will better manage the institutions than those who have got only an academical interest in them.

"With these few remarks, I support the Bill."

Mr. P. SIVA RAO:—"Mr. President, I give my hearty support to the general principles contained in this Bill, and I also take this opportunity of congratulating the hon. the Minister for Local Self-Government upon the courageous step he has taken forward.

"Sir, this is a reform which we have been long longing for and we have in season and out of season been pleading that some effective control should be brought to bear over the religious endowments in the country. We all strongly felt that the funds at the disposal of these religious endowments were being wrongly diverted for purposes for which they were not originally intended, or for less salutary purposes. As I said at the outset, we have been pressing for this reform for a very long time and only the policy of religious neutrality on the part of the Government has all along stood in the way of sanctioning any legislation of the sort which the hon. the Minister has now brought forward.

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"Now, Sir, I will say that the present Act (Act XX of 1863) applies in terms both to the Hindu and Muhammadan religious endowments. I want a statement from the hon. the Minister as to why he has omitted the Muhammadan religious endowments from the purview of this legislation. Next I am tempted to ask, as some other hon. Members of this Council have done, as to why the religious institutions situated in the City of Madras have been excluded from the operation of this Bill. Probably there might have been some technical difficulties in the way, but I should like to be told what they are and whether it is not possible to solve them in the Select Committee.

"Having said so far, I should simply refer to some of the salutary features of the Bill. One salutary feature of it is that it does away with the life-term of a member of the temple committee. Another is that it provides for the preparation of budgets by the trustees subject to the approval of the committees. Next, Sir, the committees have hitherto been working on no funds whatever and the Bill provides powers for the committee for raising funds to enable it to carry on its business. It also provides for the summary dispossession of a trustee, or a servant, who has been turned out under the orders of the committee. Hitherto a lot of precious time used to be wasted on unnecessary litigation towards the ousting, or towards the actual removal, or towards the recovery of possession of the temple properties from a trustee or servant who had been removed. The Bill also provides—and in my opinion this is a very salutary feature—that the local authorities should demand contributions towards sanitary improvements in the case of large institutions where there is an urgent need for sanitary measures to be carried out, especially during big fairs of the temples. Last of all it also carries out the well-known equitable doctrine that where there are any surplus funds at the disposal of an institution, such funds should be diverted for works of some public utility, such as education and medical relief. As regards this last provision, Sir, there has been some difference of opinion as to whether it would not be admissible to limit the use of these surplus funds to distinctly local purposes. I am one of those who think that the surplus funds arising out of any particular institution should not be utilized anywhere and everywhere in the Presidency; they should be ear-marked for local purposes, or for purposes strictly connected with that institution out of which the funds have been raised. Also it seems to me that the funds should be confined to only such works of utility as would benefit the class of persons for whom the institutions are intended.

"Sir, having said so much about the merits, I now come to the defects of the Bill, some of the vital defects. One such defect is that it provides for nomination by the Government. Sir, nomination may be necessary in certain representative institutions, but it is completely out of place in religious institutions. The only reason that has been put forward for retaining nomination in cases like this is the necessity for safeguarding the interests of the minorities. If we consider the matter closely there are no minorities whose interests have to be safeguarded in a matter like this. Minorities arise only when there are differences between two communities. But in the case of institutions which are intended for the benefit of one community, the Hindu community, where can any question of minorities come in? Provided they come within the pale of Hinduism, they are all entitled to the benefits provided in the measure. Mr. Ramalinga Reddi said that there could be no objection to have the principle of nomination in these cases. He said: 'What

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objection can there be to nomination so long as all people remain eligible for candidature?' It may be, Sir, that they are eligible candidates. In some possible cases they may be returned by election, and if they are so returned, it means that the people in the locality do not object to the coming in of such people. It is quite a different matter to say in a question like this, in religious matters where we have to tread cautiously, that the Government should step in and introduce its own democratic notions into the management of religious institutions where the sole consideration should be the religious usages and customs of the people. That is my serious objection to the retaining of nomination by Government.

"One other vital defect that I notice in this Bill is that its scope is very much extended. Sir, the Act of 1863 applies only to temples and mosques and to certain classes of trustees known as 'non-hereditary trustees' whereas the scope of the present Bill is extended to hereditary trustees as well. It has been made applicable to the *mutts* and *mathadhipatis*. Here it is that the Bill is dangerously wide in its extent and I say in all sincerity that the Bill must exclude from its purview the *mutts* and *mathadhipatis*. Religious endowment is defined in the Bill as 'a temple, mutt or other place used as a place of public religious worship or religious instruction' and as pointed out by my hon. friend, Mr. Srinivasa Ayyangar, it may include even a *patasala*. Just fancy a *mathadhipati* like the Swami of Pushpagiri or Sringeri being placed under the control of a temple committee. The committee will have powers of general superintendence over the affairs of these *mutts*. Worse than that, they can even interfere in their internal administration. I am strongly of opinion, Sir, that the *mutts* and *mathadhipatis* should be excluded from the purview of this Bill.

"Again, Sir, I would just call the attention of the members of this House to the provisions contained in section 34 of the Bill. I quite agree with Mr. Arumainatha Pillai that the rule-making power contained in that section is rather dangerously wide. For instance, I refer to sub-clause (g) of that clause. In what matters of internal management the Government can interfere must be very clearly specified and should not be left to the rule-making power. In sub-clause (h) again, the committee is empowered to decide questions like the first *theertham* in a temple, which are now being considered by the civil courts. It is much better to prescribe in the Bill itself the cases in which the committee can interfere in the internal management of a religious institution than to leave them to the rule-making power. I should say, Sir, that in matters of internal administration of temples or religious institutions, neither the Government nor the committee should have any voice. They will have to exercise certain general powers of superintendence and satisfy themselves that the funds have been broadly and generally utilized for the purposes for which they have been placed at their disposal. I, therefore, think, Sir, that the rule-making power is rather wide. I do not see any reason why the provisions of sections 92 and 93 of the Civil Procedure Code should be made inapplicable to suits under the Bill.

"One other defect that I notice in the Bill is that the committee is given power to formulate schemes in regard to any religious institution. Hitherto that power lay with the civil courts, but now in the case of big religious institutions, the committee will have the sole power to advise and formulate

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schemes. It is a question, therefore, whether it is not desirable to retain that power with the civil courts.

"Again, Sir, as was pointed out by my hon. friend, Mr. Govindaraghava Ayyar, the Advocate-General should be deprived of the power of granting leave which he now possesses under the Bill. Sub-section 2 of section 114 of the Government of India Act is a special provision by which the Advocate-General can file a suit by himself.

"I would generally approve the principles of the Bill. But, before I close, I should refer to the saving clauses of the Bill, clauses 42 and 43. I cannot fancy how the framers, who allowed wholesale interference with the usages and customs, introduced these saving clauses. It looks to me anomalous and inconsistent on the face of it. What these usages are, how far the committee can interfere with them have to be very clearly specified. There is no good imposing jurisdiction over these ecclesiastical heads. It is no good trying to invest the committees with powers over the *mathadhipatis*. Fancy for a moment the committee assuming jurisdiction over, for instance, a certain established church. That will be strongly resented. So also the *mathadhipatis* occupy positions of rare honour and trust and spiritual power and I do not think it is desirable that these small committees should assume jurisdiction over them."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, the debate on this Bill has shown that there has been a considerable diversity of opinion on the four or five of its cardinal points. In the first place, the hon. Member in charge of the Bill states in the Statement of Objects and Reasons that the principle of strict religious neutrality has been given up in this Bill and he justifies that departure on the ground that there has been a change in the position of the Government of this province. He repeated the same statement in introducing this measure. I venture to think that all considerations are quite the other way. The Government of this country during the last sixty or seventy years have observed strict neutrality in questions religious and in 1863 they actually divested themselves of the control of religious institutions. And if my hon. friend thinks that because the composition of the Government is diarchic and that because he and his two colleagues are in the Government, there will be no opposition on questions covered by this Bill, I consider that he is mistaken about it. I think that the religious institutions of this province ought to be kept outside the pale of party politics. If we have had a change in the government of this province, it is towards the development of a party organization. I should like to know from my hon. friend whether he and his successors in office would like to bring our religious institutions into the contention of parties. It is a point that I would like the hon. Member to consider. In this connexion I would ask whether the large powers which the Government have taken for nominating members, for the appointment of presidents, for dissolving councils and reconstituting them, very much in the same way as my hon. friend is dealing with district boards and municipalities, whether that method of management of these institutions directly by the Government in the sense of nominating a definite proportion of members in charge of the institutions, is justifiable even on the assumption that there has been some amount of change in the composition of the government of the country. I venture to think, looking at the numerous sects, sub-sects and the various

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considerations in the management of these religious institutions to which my hon. friend, Mr. Natesa Mudaliyar, has referred, that it will be the height of wisdom on the part of the Member in charge to keep himself entirely out of the management of these institutions. Some hon. Members have said that because members of district boards and municipalities are appointed by the Government, members of these bodies may also be appointed by the Government. If it were given to me, Sir, I would take away even the power of nomination to local bodies from the Government. We cannot ignore the feeling that has grown up in this province to some extent already that these nominations are being used for political purposes and, if this is so, it will be much more inadvisable to bring in the religious institutions under the control of the Government. On broad grounds, I submit that my hon. friend will be well advised if the power of nomination which is proposed in the Bill is done away with, and on that one ground, apart from all other considerations, I would suggest that the Bill should be so amended that the Government should have nothing to do with these institutions except probably to appoint some visitorial officers at the beginning. I cannot agree with my friend, Mr. Ramalinga Reddi, that the Government should have a large share in the control of these religious institutions. In the first place, hon. Members will see that the various drafts before us—the Robinson draft, the Muttuswami Ayyar draft, the Sullivan draft—all proceeded on the assumption that the Government should have nothing to do with the administration of these bodies. The Robinson draft wanted to constitute a central committee which had nothing to do with the Government. The Sullivan draft also proposed the constitution of a central committee to be elected by district committees. Sir T. Muttuswami Ayyar's draft suggests that the power of control should be vested in district courts and not in a central body in Madras. Some hon. Members made mention of the Sir T. Muttuswami Ayyar's draft. I looked into his draft. He proposes that the district courts should be the authorities which should have power over these committees. For these reasons, I think the line of reform advocated by Sir T. Muttuswami Ayyar is about the best. That constitutes local control over these institutions. The hon. Member, Mr. Ramalinga Reddi, said that the Charity Commissioners would be the kind of authority which would protect the dignity of the zamindar and put down litigation with a strong hand. So far as I know of the functions of the Charity Commissioners, they are a body of persons who are no respecter of persons, not even zamindars. As regards putting down litigation, I should have some statistics as to which litigation has been caused by the present Religious Endowments Act before I can pronounce an opinion on the same. I think, Sir, the best way of dealing with this question is for the Government to divest themselves of all the powers which are proposed to be taken under this Bill and to vest in district courts enlarged powers of visitation, of inspection and of control over these committees. That should be one of the essential features of the measure. If that is not done, I am afraid that our religious institutions will be placed at the disposal of the party in power for the time being and will be utilized to achieve political ends. I hope the hon. Member in charge of this Bill will try to see my point of view and will protect our religious institutions from being dragged into the arena of party politics.

"Sir, there are some other questions to be considered. The most important question is the power of spending these funds or rather diverting the surplus

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to certain definite purposes. I think, even here, there has been a considerable amount of diversity of opinion. My hon. friend, Mr. Seshagiri Rao, stated that the expenditure should be confined wholly to non-secular purposes. Another hon. Member said that they should be devoted for the use of communities for which the original foundation was established. So far as I am concerned, I shall be satisfied if the funds are administered by courts after ascertaining the views and usages of the foundations concerned. But if the diversion of funds is to be undertaken without any reference to courts and without any reference to all the parties interested in the institutions, then it will be very dangerous to indulge in such a course. I think the provisions of this measure are to be adopted subject to the limitations that I have stated, namely, the power being given to the district courts to decide whether it is a justifiable diversion of surplus funds and whether the funds can be spent on purposes not set forth by the founders of the institutions. All these questions should be sufficiently investigated before the measure is finally passed into law. No doubt we have at the back of our minds some fear that there will be unauthorized diversion of these surplus funds. In fact my hon. friend, Mr. Krishnan Nayar, stated that, on account of the present financial stringency, it would be better if some of the surplus could be spent upon medical relief, sanitation and such other purposes. It is a very great temptation, but I am certain that it will be unjust to the persons who established these foundations to divert some of the surplus funds of those institutions to purposes other than those which are strictly relevant to the object of the foundations. Therefore I say that the whole question is one for courts and it will be safe if the courts are authorized to deal with this class of questions.

"There is one other aspect of this problem and that is the question of definition of a 'Hindu' to which my hon. friend, Mr. Seshagiri Rao, made some reference. I believe it was the Raja of Ramnad who raised this specific question as to whether persons who are not entitled to enter temples could be elected as members of these committees. My hon. friend Mr. Ramalinga Reddi, stated that if that was to be logically carried out they would be shut out also from elections and he also stated that he would very much like that these rules were relaxed to some extent. If that is merely a pious wish, I entirely associate myself with him in it. But the whole question is, if we are to take the community with us, we shall have to make up our minds as to what is exactly the position to be given to them. I hope the hon. Member in charge of the Bill will make a definite statement whether it is his intention to use these powers of nomination to bring in such men who are at present prohibited from entering the temples or whether he will devise some other method of admitting such persons into the temples. If that is the intention of the hon. Minister, I wish he makes a definite statement on the point, so that we may know where we are on this question.

"Several hon. Members have spoken in support of this Bill but when it came to the question of consideration, they were really attacking the very vital principle of the Bill. As I have already stated there are some cardinal questions to be considered in this Bill; they are the question of the powers of the Government, the question of diversion of surplus funds, and the question of composition of the committees. I am perhaps in the same position as some other hon. Members in regard to these questions, but I do think that something is required to make the Bill complete and I only hope that changes will be made in the Select Committee to meet these criticisms."

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Mr. P. C. MUTTU CHETTIYAR:—மிஸ்டர் பிரசிடெண்டு சார், கனவான் களே,

"என் டெனமெண்டு என்னும் தர்மசம்பந்தமாக ஒரு பில் வந்திருப்பதற்கு நான் வந்தனம் செலுத்துகிறேன். ஆனால், இந்த விஷயம் ரொம்ப காலமாக எதிர்பார்க்கப்பட்டது. ஏனெனில், ஆலயசம்பந்தமாக விசாரணை கர்த்தாக்களால்தான் இது வரவேண்டுமா இன்னும் மற்ற காரணங்களாலும் இது வர எதிர்பார்க்கப்பட்டதா என்று யோசிக்கவேண்டும். மற்ற காரணங்களாலும் இது எதிர்பார்க்கப்பட்டதென்பதற்கு இதில் பொறுமான நியாயங்கள் சேர்க்கப்படவில்லை. அதில் சில முக்கியமானது, தேவதைகளை கையாளும்படியானதும் அதற்குரிய தொழில் கைம் கரியங்களை கையாளும்படியானதுமானதில் பரம்பரை சதந்திரஸ்த்தர்களைப்பற்றியும் தேவதைகளுக்கு வரும் வரும்படிகள் விருத்தியைப்பற்றியும் இந்த பில்லில் சரியாய் கவனிக்கப்படவில்லை.

"அன்னியில் சொந்த டிராஸ்ட்டி அல்லது சொந்த கோவில் சத்திரம் சம்பந்தமாக உள்ளவருக்கு சதந்திரம் கெடுவித்திருப்பது போருமானதல்ல. அவர்கள் விஷயம் மற்ற டிராஸ்ட்டியைப்போலல்ல. பணத்தை மீதியானால் வினியோகிப்பதற்கு கண்டிருக்கிறது தகுதியில்லாமலும் தெனியில்லாமலும் இருக்கிறது.

"புராணமாக ராஜாக்கள் ஜெமீன்தார்கள் பிரபுக்களாலும் ஏற்படுத்தியிருக்கிற கிராமாந்திர தேவாலயங்கள் வகையரா மறைபட்டுப் பாரதினமாய் வருகின்றன. அதை கொஞ்சமும் கவனிக்காமல், ரூ. 250 மேல் வரும்படியுள்ள பாகங்களைமட்டும் கவனித்திருப்பது பொறுத்தமாயில்லை. முக்கியமாய் சிறிய ஆலயங்களைக் கவனிக்கவேண்டும். அவைகளை சீர்திருத்தம் செய்துவிட்டுத் தான் பெரிய ஆலய விஷயங்களில் பிரவேசிக்கவேண்டும். அப்படி சிறிய ஆலயங்களைப்பற்றி யோசிக்காதது ஏழைகளை மறப்பது தகுதியானதுபோலாகும். கமிடிகள், டிராஸ்ட்டிகள், அப்பாயின்ட்மெண்ட் விஷயம் தெனிலாய்க் குறிக்கவேண்டும். மதசம்பந்தமாக அநேக வித்யாசங்கள் இருக்கின்றன. அவைகளைப்பற்றி பாதிக்காதவிதமாக எழுதப்படவில்லை. இவைகளைல்லாமல் யோசித்தால் இந்த பில்லில் கண்டிருக்கிற வழி சரியாகயில்லை.

"மடாதிபதி என்றால், சன்னியாசி, தபசி, யோகி. அவர் தன்னுடைய மதத்திற்கு குருவாயுள்ளவர். அன்றியும், சன்னியாசிகள், குடும்பசன்னியாசி, ராஜசன்னியாசி, சிஷ்ய சன்னியாசி, உலக சன்னியாசி என்னும் பலவித விஷயங்களை பொருத்தினவராய் விளங்குகிறார். அவர்கள் தம் தம் பதவிக்குத் தக்கபடி சொத்துக்களை சேர்த்திருக்கிறார். அவர்கள் பதவி எப்படியிருப்பினும் மனுசீகத்தில் அவர்கள் செய்யவேண்டிய பல காரியத்தில் சிலதை சொல்வோம். அவர்கள் முக்கியமாய்ப் பணத்தை வித்தியார்த்திகளை ஆதரிப்பதிலும், வித்வான்களைக் கண்டுபிடித்துப் பரிசு அளிப்பதிலும், சாஸ்திரங்களை விருத்தி செய்வதிலும், இன்னும் மத விஷயங்களிலும், செலவு செய்யலாம். தேவாலயங்கள் மடங்களைப் போலன்று.

"இன்னொரு முக்கியமான விஷயம் நான் சொல்லத்தொண்டிருக்கிறேன். அது கவனிக்கப்படவேண்டுமென்பது என்னுடைய பிரார்த்தனை.

[Mr. P. C. Muttu Chettiyar] [18th December 1922]

தலைவர் : முக்கியமாய் பாபிகளுக்கும், பாபிமோசனத்திற்குத் தான் வியாபஸ்தலங்களும், எல்லாவித சிவிலி, கிரிமினல், ரெவினியூ முதலிய சட்டங்களும் ஏற்படுத்தப்பட்டன, என்பது என்னுடைய அபிப்பிராயம். கற்றறிந்த நண்பர்களும் எனது இந்த அபிப்பிராயத்தை ஆமோதிப்பார்கள். தேவதைகளும் தாமங்களும் யாதொரு பாபத்தையும் செய்ததாக நினைக்கக்கூடாது. அவைகள் எப்பொழுதும் அலுவலக சக்தியை உடையவை. அவைகளும் கோர்ட்டுக்குப்போய் வரும்படியாயிருக்கிற செஷன்களை எடுத்துவிட வேண்டும்.

“இந்த மாதிரி விவகாரங்களுக்கு இடமிருந்ததினால்தான் ஆலயங்கள் தோறும் விவகாரங்கள் ஏற்பட்டன. தகுந்த புத்திமான்களால் பில் வரவேண்டுமென்று எதிர்பார்க்கப்பட்டது. சட்டத்தில் மெய்ம்மறந்தவர்கள், தேவதைகளிலும் மெய்ம்மறந்து தேவஸ்தான பணத்தை புதைபல் அகப்பட்டதபோல் கைப்பற்றவும் எடுத்து கோர்ட்டுகளில் சில வழிக்கிறார்கள். ஆகையால் நமக்கு அதிர்ஷ்டமாய்க் கிடைத்த ஆனாரில் மினிஸ்டர் தேவஸ்தானத்துக்கு கோர்ட்டு சிலவு எவ்வகையிலும் ஏற்படாதிருக்க தக்கவாறு யோசித்து வேறு உபாயம் இருக்கிறதைக் கண்டு ஏற்படுத்தவேண்டும். ஆகையால் எல்லா விஷயங்களையும் சபை கமிட்டியில் ஆலோசித்துத் தகுந்த ஏற்பாடு செய்வார்களென்று கம்புகிறேன்.”

MR. R. APPASWAMI NAYUDU :—“Mr. President, Sir, this Bill, which is long overdue, is just now brought before the Legislative Council and I fully trust and hope that this will fulfil the just aspirations of the general public. Ever since Regulation 7 of 1817 was repealed so far as religious endowments were concerned, and, in its stead, the Government of India Act XX of 1863 was enacted, there was gross abuse, misappropriation and maladministration of the trust properties by the committees, by the individual trustees and by the successors of the original donors of these properties. These malpractices and malfeasancess were carried to such an abnormal extent that the general public were in a perpetual state of alarm as to how and when these evils would end and condemned them very often both on the platform and in the press. From time to time many attempts have been made by private and responsible individuals to introduce some amending legislation so as to protect these trust properties from impending ruin and deterioration; but all their efforts have been rendered futile by the apathy of the then Government. Sir, whether it is apathy or strict religious neutrality, all the same they have remained all this time as passive on-lookers while such gross injustice was being perpetrated in regard to these religious endowments and while also the public were loudly demanding for legislation, to rectify the existing defects. Sir, whether the Government were justified in keeping such strict religious neutrality at a time when the whole country was ringing with one voice to put an end to the wastage of trust funds by an amending legislation,—it is not for me to say, but it is for you to judge. Now at last a ray of hope is held out to the religious public who have been till now waiting to know what the future state of the endowments would be. Sir, it has happily fallen to our lot—I mean this reformed Council—to take the responsibility of enacting a measure of this nature; and I congratulate the hon. the first Minister on his good luck, as the first Hindu Minister, to

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introduce a Bill of this nature. I congratulate him also on his wisdom and on his perseverance and preparedness to pilot this Bill through this Council. I wish him a safe voyage to the destination.

“Now, Sir, as regards the Bill itself, I beg to offer a few suggestions to the Select Committee which will sit to consider the Bill and give it the final shape. Some of the rich endowments of quasi-religious nature which do not strictly come under the purview of Act XX of 1863 have been excluded from the operations of this Bill. Sir, I should like to know whether the charities, intended for public benefactions like the feeding of Brahmans, giving doles to *Bairagees* and maintaining temples, and endowed with large properties of a hereditary nature, but ordinarily mismanaged and swindled by the successors of the original donors, will come under the scope of this Bill. Sir, as certain *mutts* have been deliberately included in this Bill for their pronounced mismanagement I would request the hon. the Minister in charge of this Bill to include these rich, hereditary and quasi-religious endowments, which are on a par with the *mutts* not only in point of endowments but in their mismanagement as well; otherwise, in my opinion, the Bill will be defective. Sir, in order to secure this end I wish that a list of endowments of a fully religious kind and of a quasi-religious nature, with their origin and nature, should be carefully prepared for each district by a committee, before the enactment of this Bill, with a view to include also endowments which clearly appear to be of quasi-religious nature, within the purview of this Bill; and the list of such endowments should also be published in order to avoid confusion and contest. Sir, it is not my intention that the list should be final at the time of the passing of this Bill; it may be added to from time to time according to recommendations made by a committee constituted for this purpose. Without some such arrangement the Bill, in my opinion, will be defective, and will give rise to future amendments.

“Now, Sir, as regards the hereditary endowments that fall under section 4 of Act XX of 1863 care should be taken in preserving the rights of hereditary succession, the right of management and the appointment and dismissal of officers, etc. In this case the President of the Committee should not be given power to interfere with the internal management of such trust excepting a general supervision over the trust properties and their management and the checking of accounts. But if they detect a thorough mismanagement and misappropriation of trust properties then it should be their duty to interfere and to file a suit, if necessary, to oust them from their office of trusteeship.

“Now, Sir, the change in the office of a member of a committee from the life-period to a restricted period of five years is a right departure from the original Act. So many vagaries now prevalent will be checked hereafter by this limitation of the term of office. Sir, the right of directing surplus funds to be spent on purposes other than those intended originally should, in my opinion, be vested in the executive Government rather than in the civil courts, as is contemplated by the present Bill; and, in this, the Government should be advised by a committee as to how to spend the surplus funds. Sir, it is not clearly stated why the City of Madras, which is full of Hindu temples and mosques, and, consequently, full of religious endowments, should be excluded from the operation of this Bill. Sir, there are also many clauses in the Bill which require some modifications and which I leave to the Select Committee to shape as best as possible.

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"I have no more to add except that if this Bill should be passed into law and find a place in the statute book, His Excellency Lord Willingdon's régime will prove an epoch-making period in the annals of the Government of Madras. He will earn the gratitude and goodwill of the teeming millions of this country not only in his temporary sojourn in this country but also in his far off island home.

"Sir, with these few observations, I beg to support the introduction of this Bill into this Council."

Rai Bahadur T. M. NARASIMHACHARIU :—"Mr. President, Sir, I already hinted at the last meeting that the hon. the Minister for Local Self-Government was to be congratulated on his courage in bringing forward this Bill. I shall not lag behind the other Members in congratulating him.

"In the beginning, I never thought, Sir, that the provisions of the Bill would be so comprehensive as they are. What I mean to say is that sufficient time was not allowed to the people and temple authorities for putting forward their objections to the Bill. You will see, Sir, that this Bill was printed on the 4th December and published in English in the *Fort St. George Gazette* on the 5th December; it was only last week we had a vernacular copy of it. However much we, who have had an English education, intend to improve the administration of religious institutions, it is but fair that we should give ample time to the temple authorities to think over the provisions of the Bill and formulate their objections, if any. That, Sir, has not been done in this case. We are all here contemplating to legislate for institutions whom we have not yet heard. I think, Sir, that the short time that has been given to the public and to the religious institutions is really to be deplored; however it is not too late to remedy the mistake. The select committee stage will come and then, I say, Sir, with all the emphasis at my control, every one of these institutions should be allowed to come before the select committee to offer their suggestions and state their objections. We ought to do this in fairness. It is no doubt true, Sir, that in this dyarchic Government the Ministers are Hindus, who have the courage to be non-neutral in this matter. I quite appreciate that. But the claim that is made to the party is not made on any policy; it is made, unfortunately, on communal lines, and we know, Sir, as a matter of fact, that the party is not overflowing with love for the Brahmans and the Brahmanical institutions. That is why, Sir, I ask the party to give ample time to the institutions concerned. Let them at least have the satisfaction of having been heard; for we know that the Bill is going to be passed. The worst criminal is given the chance to speak; and, I say, Sir, however much the religious institutions may have abused their powers, however much they may have misappropriated the funds, and however notorious all this may be, it is but fair that we should grant them a say in the matter before we legislate for them. Therefore, Sir, let not the select committee stage be as hurried as the introduction of this Bill has been. I request the hon. the Minister for Local Self-Government to allow the institutions concerned sufficient opportunity to state their grievances, and then decide. The decision after all is in our hands. But let them have the satisfaction that they have been heard. This is the first point that I have to urge with reference to this Bill: let there be no hasty action: let everything be done calmly and deliberately.

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"The next point that I wish to urge is this: I never thought, Sir, that the mutts were to be included in this Bill. There is absolutely no comparison between the mutts and the temples. A mutt is something which was originally started by a saint. Every mutt was started like that. The saint started the institution and disciples followed him. The mutt is the property of the original saint and his successors, viz., the Sishyas. These, therefore, have a voice in the management of not only religious affairs but also secular ones. I wish to know on what principle, on what ground, the mutts are to be brought under the category of these provisions. Temples are not like them: they are open to all. Take, for instance, the Sankara mutt. The Visishtadwaitas have no place there. Take the Ahobila mutt; the Smartthas have no place there. Take, for instance, the several Madhwa mutts. The Visishtadwaitas and the Adwaitas have no place there, and much less we, the members of this Council, who are neither Visishtadwaitas nor Dwaitas or Adwaitas.

"There is yet another practical difficulty with regard to these mutts. Where is the mutt, Sir? Where is the Ahobila mutt? Its endowed properties are throughout India. There is a large amount of property in Gadwal in the Hyderabad State. Suppose the head of the mutt is spending that property, how are you going to control him? How is any committee in any district going to have any hold over any of these mutts? The mutt is a roaming institution. It goes from district to district. Practical difficulties come in. It is not a temple like the Tirupati temple which is fixed once for all on the Tirupati hills. Ahobila mutt started from Ahobila; but it is going from place to place, from presidency to presidency. Is this local legislation to affect the endowed properties in all parts of India? I say there are practical difficulties in the way. On principle I submit that these mutts ought to be excluded.

"Besides the Hindu mutts, the Bill aims at including the Jain mutts as well. Sir, the Jains have gone away from the Hindu religion. They have protested against Hinduism and started their own mutts. They have endowed properties on their mutts. Are you going to include Jains also under the provisions of this Act? Did we give them any opportunity to put forth their views beforehand? Was the Bill published sufficiently early so as to attract the notice of these Jains? I say, Sir, that we are going on with a hasty piece of legislation on a very vital subject. It is religion that creates most of the troubles of this world. We have noticed religious feuds and religious quarrels everywhere. Nations have lost their heads over petty religious matters. I therefore submit, Sir, that we ought not to be hasty in our legislation. I oppose the inclusion of Hindu and Jain mutts in the Bill. If we include these, we may as well include the Buddhist mutts too. Let us first try our legislation on temples. Let us see how our committees and our trustees are going to work in the case of temples. If their work is beneficial, then let us try to extend them to other institutions. These gentlemen will certainly remain in the next Council also. Let them undertake it in the next Council. Let us first start with temples. There is the crying need. If we try to embrace everything, we may not reach anything at all. So let us exclude the mutts now.

"As the hon. Member, Mr. Muttu Chettiyar, said, I see no reason why smaller institutions, the village institutions, should be excluded from the operation of this Bill. It is with these, as he said, that all troubles arise. It

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in villages that we find factions, and it is there that we should begin our experiment. There is absolutely no reason why these smaller institutions should not be included within the purview of this Bill.

"Then, Sir, there is another danger, and that is about the internal administration. The Statement of Objects and Reasons distinctly says:

The Bill also gives committees power to settle dittams and Government will have power to make rules enabling committees to control establishments and intervene in the internal administration of temples.

"I submit, Sir, that this will really be the bone of contention hereafter. The Committee will say, 'We do not want these *utthavams*; they are very costly; we need not spend so much on them; give only a small quantity of *prasadam* and not so much'. These are things which will come up in everyday working. If our Government and our Legislature are wise, let them not enter into the internal administration at all. Do not interfere with *theerthams*, with *prasadam*s. Do not interfere with *Sadagopan*; do not mind whether the *vudagalai ghoshti* go before or the *thenyalai ghoshti* go before. These are things where even angels fear to tread. Very wisely the British Government have said, 'We have nothing to do with them; you had better err and you had better profit by your errors'. That was their policy, and I see, Sir, that that policy is after all a very good policy. But, at the same time, I do say that in the matter of using the funds—in the administrative matters—the trustees, hereditary as well as non-hereditary, abuse their powers. Rectification is needed here alone; in the internal administration we should not at all interfere.

"Then, Sir, as regards the *cypres* doctrine, it is a graft from the English law. What have we to do with the English law in connexion with our religious institutions? If it is true that souls are eternal and that the souls of the dead still exist, certainly they will be haunting you (laughter). You have only to turn the endowed properties to secular purposes, and these souls will not keep quiet: they will rise from their tombs; they will begin to haunt you: that is, your conscience will be stricken with remorse. So, Sir, let us never think of diverting the surplus funds. Consider clause 29 along with clause 33. What does clause 29 say? The Committee and the trustees have got power to interfere in the matter of expenditure; that is, they may curtail the expenditure to any extent, and Mr. Ramalinga Reddi will say, 'Curtail it as much as possible'. If you are given the power to curtail expenditure and to spend the surplus on secular purposes, the money will all be spent in the direction of social reform and not religious reform. I submit, Sir, that this *cypres* doctrine is an unhappy introduction and will give rise to much heart-burning among the masses. These are the general questions that I had to deal with.

"There are many details which I shall only touch upon. The first is: Why have not the mosques and tombs and their endowments been included in this Bill? The second is: Why has the Presidency town been omitted altogether? Is it because the legal profession in the town should thrive by a lot of litigation? As Mr. Muttu Chettiyar said, litigation should be put a stop to. There is a lot of litigation in Triplicane and Mylapore and in the Kandaswami and several other temples. Therefore, the best thing is to include the Presidency town also in the Bill.

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"As regards the committee members, the trustees and the president of the committee, I think a five years' term for the members is too long and that one year for the president is too short. I would suggest three years all round. Then, Sir, I find no provision requiring a trustee to be a Hindu. There is a provision which states that members of the committee and voters should be Hindus; but there is no provision which says that a trustee should be a Hindu. If this is an oversight, let it be rectified at once.

"Then the question of nomination. I think nomination ought not to be left in the hands of the Government."

The hon. DEPUTY PRESIDENT (*in the Chair*):—"May I remind the hon. Member that he has exceeded his time by five minutes?"

Rai Bahadur T. M. NARASIMHACHARLU:—"I submit this question of nomination is very knotty. Hitherto, the Government have placed all the powers of appointment in the hands of the people. It is true they have not exercised that power properly. But let the power of appointment be made to be properly exercised by placing sufficient safeguards in the way of proper election. Government should have no share in the powers of appointment; for that will give rise to a lot of difficulties."

Mr. T. SOMASUNDARA MUDALIYAR:—"Mr. President, it is with mixed feelings that I rise to speak on this Bill. As one who has been rather closely associated with the administration of some of the important religious institutions, as one who feels that religious institutions and their endowments are not, in general, properly administered, and as one who has had some considerable trouble and expense in taking such steps as are provided by law to improve the administration of some of the institutions, I shall heartily welcome any legislation that aims at improving the administration of these institutions. But there are some shortcomings in the present Bill which I shall briefly touch upon.

"The Hindus and Muhammadans of the whole of India have, since 1817, been governed by the same enactments—first, Regulation VII of 1817, and then Act XX of 1863—in the matter of their religious institutions. In the present Bill a departure has been made and a separation is effected between the Hindus and their Muhammadan brethren of this province. In the Statement of Objects and Reasons, not a word is said about this vital departure. It cannot be said that there are no important Muhammadan institutions in this Presidency; nor can it be maintained that all of them are so efficiently managed as not to require any legislation. I can only say that Government suspects that legislation on the lines now proposed will not be welcome to the Muhammadans and that it is afraid of agitation and opposition from that community. I trust the hon. the Minister will soon introduce another Bill for Muhammadan institutions as well.

"The Bill under consideration was published only less than a fortnight ago, and the general public and the persons most affected by the proposed legislation have had very little time to study and understand its provisions. During the last five or six days I have talked over the matter with a fairly good number of persons and they are opposed to most of the provisions of the Bill. Religion is a matter of faith and sentiment, and the Hindus, under which name are included various sects and communities, are behind none in their piety and religious fervour. Each sect has its own

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peculiar tenets and doctrines and Government must see that the institutions and endowments of every sect are properly administered. As far as possible, Government control and legislation ought not to extend beyond making provision for the efficient administration of properties, and any attempt to make religion and religious endowments a department of Government to be controlled by the red-tapism of the Secretariat will only create discontent among the people who are interested in the properties. The Bill, as now issued, gives scope for enormous Government interference in the matter of nomination to the Devasthanam Committee, diversion of the funds of religious institutions for secular purposes and several other things.

"Under the definition of religious endowments, mutts are included though I am not able to find in the Bill any reference to them. The authors of the Bill seem to think that mutts stand on the same footing with temples. The mutts were founded by the religious heads of various sects and were intended to be great centres of religious instruction and maintainers of large numbers of devout disciples and their guru or head. The temples in some of the important mutts are only the outcome of the consecration of idols over the graves of departed gurus, who, in their time, were regarded as saints. Doing food to the people who resort to them is one of the prime functions of all mutts, and anybody who knows anything of these mutts will agree with me in saying that they are rather charitable than religious institutions, though religion has an important place in them. The control of the Sankaracharya mutt ought not to be in the hands of an Ayyangar or a Nayudu, the Jeers of Vanamamalai and Ahobilam ought not to be controlled by an Ayyar or Mudaliyar, and the Tiruvaduthurai and Dharmapuram mutts, which are intended for the propagation and advancement of the Saiva Siddhanta system of philosophy, ought not to be in the management of an Ayyar who follows the Vedanta system or an Ayyangar who is an adherent of Visistadwaitic system. Does not the Bill as presented create a revolution in such matters? A Bill which ignores such basic principles cannot be considered satisfactory, and attention should be paid to such matters in the Select Committee.

"An important feature of the Bill is the diversion of the religious funds to purposes for which State funds are given. There are a number of charitable institutions in the presidency, as, for instance, the Raja's Chatram in the Tanjore district, which have large surplus funds. It will be more appropriate if an attempt is made to divert the funds of such charities to the purposes mentioned in the Bill. These charitable institutions are as badly managed as religious institutions and are yet left scot-free, subject only to the control of the Board of Revenue under Regulation VII of 1817, which is a mere fiction, and their funds can with greater justice be diverted to secular purposes.

"Another feature of the Bill is interference with hereditary endowments. How far any supervision by a committee will improve them and how far such interference is justified, are matters on which the country have had hardly any time to think about and express an opinion.

"There ought to be one enactment like the Regulation of 1817, for both charitable and religious endowments and adequate measures should be taken for safeguarding them, after taking the opinion of the people at large. If there is any matter on which a referendum to the country is necessary, it is

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religion, and it ought not to be lightly tampered with. This Bill has been sprung on the country all of a sudden without giving the people sufficient time to express their opinion, but I trust due regard will be given to such opinion and to popular feeling in the Bill before it is finally put before this Council by the Select Committee."

MR. K. PRABHAKARAN TAMPAN:—"I wish to make a few remarks on the Bill under consideration. I may at once say that I speak for Malabar and Malabar only. We have in Malabar what are called private and public temples. Some of them are located in the family precincts of the endowers. Though they are temples intended for the worship of family deities, we have been allowing our tenants and dependants to worship there. I was glad to hear from the hon. the Minister that the Bill altogether excludes such temples, but the definition as it stands in the Bill is not clear. I wish to impress upon the House that under any circumstances private temples in Malabar should not be brought under the operation of this Bill. If it is done, I am afraid, it will be a gross abuse of the powers of the Legislature.

"Malabar has got peculiar social and religious customs. In fact, everything connected with Malabar is peculiar (laughter), and almost all the measures introduced before this Council unfortunately are not quite suited to the conditions of Malabar. I am afraid, in course of time, if things continue at this rate, we, Malabar representatives shall have to press for a separate legislature for Malabar (hear, hear). We form such a small minority in this Council.

"So far as public endowments are concerned, we also have got hereditary as well as non-hereditary trustees. Well, I think that the provisions of the Bill will not be suitable to Malabar. The very existence of the committee as contemplated, may be very undesirable for several reasons. The Bill provides that committees should be elected by voters whose qualifications have been laid down without regard to the classes of the people who are entitled to worship in the temples. For instance, I may point out the case of two important temples; one is the Guruvayur temple, and the other is the Tiruvangad temple at Tellicherry. In these two places the Tiyyas form a major portion of the population and will naturally become voters under this Bill. Thus it will be very easy for them to get into the committees and into the temples. Now, however desirable social reform may be, this is not the way in which social reform should begin. The vast majority of our people are orthodox, and they have got to be educated well enough before they can be expected to embark on social reform. Supposing the Tiyyas get into a committee, they may even dispense with the services of the Brahman *pujari*. Of course there is section 42 of the Bill which provides that old usages and customs should be respected. But that is not a sufficient safeguard. Supposing they eject a *pujari*, and put in a Tiyya in his place, then a suit will have to be instituted to invalidate the action and until the remedy is effected, what is to happen? That is one aspect in the Bill which, I hope, the framer of the Bill will consider and amend accordingly.

"As regards non-hereditary trustees also, I do not think the Bill is sufficient. Of course, there is a dire necessity for a Bill of this sort in Malabar also, as I know there are some persons who abuse their power and there are cases in which temple properties are very badly mismanaged. I do admit that fact,

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There are temples which have more than half a dozen trustees and they fight with each other, and as a result, the affairs of the temple are mismanaged. The provisions of the Bill are not sufficient and clear for the purpose.

"I wish also to say something about the diversion of religious funds. I am afraid if this Bill is passed into law, it will be subversive of the freedom and sanctity of making religious bequests. If I set apart a certain property for a specified purpose and if the income of such property is going to be diverted to other uses, I shall be very loth to make any endowments at all. If you propose to utilise these funds for educational and medical purposes, that will become another source of foreign exploitation. If we carefully look into the way in which funds are expended for educational purposes, we shall find that a large proportion of these funds goes to fill the pockets of Macmillan and other European booksellers. Similarly, a great portion of the money that is set apart for medical relief goes to foreign manufactures of drugs. That is what will take place if these funds are diverted to medical purposes.

"There is yet another cause for complaint in Malabar about which no provision has been made in this Bill. There are some endowments the trustees of which reside in the neighbouring States of Cochin and Travancore. There are certain temples whose properties are situated in Malabar but whose trustees reside in the Cochin State. No provision has been made to bring in such endowments within the scope of this Bill.

"I hope that the hon. the Minister will take all these things into consideration and either exclude Malabar altogether from the operation of this Bill, or make provisions on the lines I have indicated."

MR. M. RATNASWAMI:—"Mr. President, Sir, an explanation is perhaps due from me for intervening in this debate. It may be asked why a Christian, and a Catholic too, has anything to do with a measure concerning the Hindu Religious Endowments. That this objection is not a fanciful objection was brought home to me as I was returning to the chamber after lunch, when a Member of this House asked me what I was doing in this gallery to-day and what on earth I had to do with the Hindu Religious Endowments Bill. It is with a view to justifying my position in this debate, that I want to offer a few remarks.

"First of all, Sir, I want to protest against this inorganic and unparliamentary view of the constitution of this Council. If the objection of my hon. friend were to be pressed to its logical conclusion, then very few of us would have a right to intervene in most of the debates that take place in this Council. As a Member of this Council I have a right to speak upon all questions that are brought before it. It is the fault of those that allow these questions to be brought before this Council, if I speak upon a question like this. The principle of State interference is by no means a new matter and it is not introduced into this Council by this Bill for the first time. In the absence of any organisation within Hinduism itself for the reform of Hindu institutions, the State has been allowed by Hindu society itself to interfere with religious institutions and religious endowments. State interference with Hindu endowments is as old as the Bombay Regulation No. 17 of 1827 which allowed Collectors powers of visitation in connexion with Hindu

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religious institutions, and Act XX of 1863 also enunciates this principle of State interference with religious endowments. My hon. friend, Mr. Ramachandra Rao, said that this Bill was going against the principle of Act XX of 1863 and that while the Act of 1863 divested Government of its jurisdiction and powers over Hindu religious institutions, this Bill asserted the principle of Government intervention in regard to these religious institutions. But I may point out that a Government which is allowed the right of divesting itself of certain powers has certainly the right to reinvest itself with those powers. The wooden horse of State intervention was already introduced. He also made much of the fact that we are living under party Government, and he wanted to exclude the influence of party Government from the administration of the Hindu religious institutions. Now, this again would lead to a number of logical and constitutional absurdities because if party Government is a bad thing for religious institutions, it must be a bad thing for general administration also. Then we should not have party Government in the matter of police administration, nor in the matter of the administration of sanitation. Mr. Ramachandra Rao recognises that party Government has come to stay in this country. If party Government has come to stay, then it must be allowed to operate also in regard to religious institutions. I may also be allowed to point out that what was good enough with the bad old bureaucratic Government ought to be good enough also with the popular and elected Ministry of the type we have got. If an Indian bureaucracy was allowed to intervene in regard to the administration of Hindu religious institutions, I cannot for the life of me see why a popular elected Ministry should not have that right (hear, hear). As I have pointed out already the principle of State interference in these matters has already been allowed and it is too late in the day to go back upon it. Having swallowed the camel of State interference in regard to religious institutions, I cannot see how Mr. Ramachandra Rao can strain at the gnat of Government nomination. He objected to Government being allowed to nominate members to these committees of supervision.

"Then my friend Mr. Narasimhacharlu wanted to frighten the hon. the Minister for Local Self-Government and startled. . . ."

RAI BAHADUR T. M. NARASIMHACHARLU:—"I did not want to frighten the Minister, Sir."

MR. M. RATNASWAMI:—"The hon. Member was responsible for his intentions but not for the results of his intentions. Mr. Narasimhacharlu, as I was saying, Sir, tried to frighten us by a weird prophecy of a nightmare of ghosts haunting all those who are so imprudent as to support this Bill. Well, the ghosts of Mr. Narasimhacharlu's imagination have had their chances since the year 1863 of frightening all those who supported the principle of State interference in regard to religious institutions, and I think that my hon. friend the Minister for Local Self-Government might take heart from the fact that these ghosts have been harmless for all these years and I hope he will not be frightened out of this Bill by the weird prophecy of Mr. Narasimhacharlu.

"When I came to the House this morning, I expected a good deal of opposition to this Bill. But the absence of opposition is one of the striking features of to-day. If I may say so, the hon. the Minister for Local Self-Government and the supporters of this Bill to my mind are somewhat in the

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position of Don Quixote and his faithful servant who went out to fight an army which afterwards turned out to be a phantom army. There was Don Quixote and his servant fully armed and with spears ready to charge an army which did not exist.

"But I should like to offer some criticism, if not opposition, to this Bill. I am afraid the powers of application in regard to the use of the surplus funds in religious endowments are much too wide. I can understand charitable object, allied to religious purposes, being benefited under the provisions of this Bill; but I cannot, for the life of me, see how water-supply—especially the bad kind of water-supply we are getting in India—and drainage should be benefited from the surplus funds of religious institutions. This principle, if we allow it to get into the Act, will lead, I am afraid, to the extravagance and irresponsibility of local authorities and even of the provincial legislature. It is the duty of local authorities and of provincial legislatures to provide for such purposes as water-supply and drainage by means of taxation; and, surely, they should not take refuge from the consequences of their sins of omission and commission in legacies and bequests left by people who were absolutely innocent of water-supply and drainage.

"Then also I do not like the intervention of the Collector in regard to the adjudication of the suits under this Bill. My hope is that as time goes on the Collector in India will be reduced to the position which he holds in England of being merely a bill collector on behalf of the Government. We are going to separate the judicial functions from the executive functions, and, in course of time, I think the Collector will have nothing to do but to collect revenue. I also object to the intervention of the ordinary courts of law in regard to the adjudication of the suits brought under the Act. I should very much like a non-official body specially elected for the purpose, like the Charity Commissioners of England, to be given the authority to adjudicate in these suits. Litigation is the national pastime of our country, and allowing civil courts jurisdiction in these matters will naturally tend to strengthen that tendency to litigation which it should be the object of true statesmanship to discourage.

"I welcome this Bill, Sir, as an attempt to reduce the power and the strength of the dead hand upon Hindu society. There is probably no country in the world in which the clutch of the dead hand is so deadly and so all-embracing as India. Our whole society, our customs, our usages are governed by the ideas of our ancestors. It is because the Hindu Religious Endowments Bill, introduced by the hon. the Minister for Local Self-Government, is an attempt to reduce the strength and power of this dead hand which has been clutching the throat of Hindu society for so many centuries, and it is because this Bill hopes to set free Hindu society, in the interests of liberty and progress, that I offer my whole-hearted support to it."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Mr. President, I am very glad that I can now congratulate the hon. the Minister for Local Self-Government both on the excellent Bill he has been able to bring forward before this Council and on the reception it has been able to obtain in this Council. Soon after the Act of 1863 was passed, difficulties were found in the management of the trusts, and it was recognized that the Act did not provide sufficient safeguards for the proper management of the trusts, and a

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lot of ruinous litigation followed when mismanagement had been carried too far. As has been said, several attempts have been made from 1870 onwards for introducing measures for improving the management of these religious institutions. But, so far, probably due to the strength of the 'dead hand' as Professor Ratnaswami put it, we have not been able to do much. The attitude of the Government, which thought that it should have no hand whatever in religious endowments or their management, was to a very large extent responsible for the apathy that existed and for the delay in securing the proper remedies in this very urgent matter. Well, Sir, the reception accorded to this Bill in this House will show how urgent and how necessary it is.

"This present measure, Sir, really introduces several improvements on the old Act. The first one is the bettering of the management of these institutions. On this improvement there has been practically no criticism in this House except as regards the principle of the nomination of a portion of the committee. The second improvement consists, Sir, in bringing the hereditary endowments under the Bill. Under the old Act only the non-hereditary endowments were controlled and placed under committees. Now, for the first time, we are trying to bring in the hereditary endowments under an Act. These hereditary endowments, as drawn in the Bill, form two distinct categories. Under the first category may be included all endowments of a purely religious nature which are under zamindars and people in the position of trustees. The second class of these institutions embrace the mutts which are under religious heads. So far as the first class of hereditary trusts is concerned, there has not been much criticism. It has been agreed that these may be brought under the Bill. I may at once say that the interference that is proposed in the Bill with regard to the hereditary endowments is not of a far-reaching character. All that is laid down about them is that they will be audited and inspected by the President of the Committee; that is all. Otherwise they stand where they were. So, Sir, with reference to the hereditary endowments of the first class there has been practically no criticism whatever.

"But as regards the bringing in of the mutts under this Bill, there have been criticisms of different sorts. Well, Sir, it has been said that mutts are under religious heads who command great respect from the disciples and that it will be really degrading to these heads of mutts to be controlled by committees. That was one position taken. The second kind of opposition was that these mutts belonged to different religious orders, and as such they could not be controlled by a general committee. These were the main objections. Sir, if you go into the history of most of these mutts it will be seen that the mutts have really grown and that they did not exist in their present form from the beginning or for many centuries. At the start there is a saint who propagates a new set of doctrines or gives life to an old set. He forms a mutt, and he is accepted as the head of a sect. Then a number of disciples give him money for propagating the new doctrines, and, when he dies he ordinarily leaves the money to a disciple of his. When the disciple succeeds he does not command the same respect as the original founder, but the fact of his occupying the place held by his predecessor gives him a prestige, and that prestige brings in more endowments of which he is merely a trustee. It is because there is a definite institution to take care of the endowments, these additional trusts come in.

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Sir, the history of several institutions, that have been before the courts here in India and before the Privy Council, and the law reports of several cases only indicate the mismanagement of these mutts. My friend, Mr. Narasimhaachari referred to the souls of those dead men who endowed these mutts. Well, I should like to ask him to imagine what those souls are now thinking about the gross mismanagement of the large endowments made sometimes for certain religious purposes and sometimes for general public purposes ('hear, hear'), whether those souls are now occupying themselves in counting how much of the funds are utilized for good purposes not indicated by them and how much for purposes which nobody will think of. The state in which some of the mutts in the South are is well known to the House. Well, Sir, after all, the only interference we are providing with reference to these mutts is in regard to audit and inspection by the President of the Committee. These are the two things which we are introducing. Is it too much to say that a number of trusts, which have been created in connexion with these mutts, not because they are given absolutely to persons in charge of the mutts but because such a head of a mutt is a convenient person to whom a trust can be attached, are the means by which the mutts have grown, and is it not fair, Sir, to allow at least the minimum amount of interference that is contemplated in this Bill?

"Well, Sir, with reference to the fear that the religious observances and things of that sort may be affected, I shall only draw the attention of my friends to clauses 42 and 43 of the Bill. These clauses provide for safeguarding the interests of the mutts as well as those of the temples. The committees can have absolutely nothing to do with the internal management of religious observances which will continue as usual. There are specific provisions in the Bill against interference with the usages and customs of the institutions and such a fear need not at all be entertained. It has been pointed out by one member that at the present moment there are several districts in which there is one committee supervising the work of both Saivite and Vaishnavite temples. It has not been said that it was working badly, and it has not been stated that the effect of having both Saivites and Vaishnavites in the committee led to any difficulties in the management of Saivite and Vaishnavite temples. The extent of interference in the administrative affairs of the endowments provided in the Bill is about the minimum or very little. I beg to submit that the reasons urged against it cannot be considered to go very far against the provisions embodied in the Bill.

"Sir, the third main principle underlying the Bill is the so-called diversion of the funds. No doubt, it is an attempt to divert the funds of the institutions for expenditure outside their present scope. But we have not so far considered religion and learning in relation to one another. Most of our temples have in fact been places of great learning, and institutions of learning have been supported by them in every way. Even in the temples of the south, there are offices attached which show the part they played in the advancement of learning, and the mutts, it is very well known, were as much seats of learning as religious institutions and there have been many chairs of even secular learning attached to such institutions. Meenakshi Sundaram Pillai, the great Tamil scholar of the last century has been one of the pandits attached to the Tiruvadudurai mutt. Learned men in fact vied with each other to get in as mutt pandits. I do not really think that spending a portion of the surplus—I say surplus because ample provision has been made in the Bill to provide for all the necessary expenditure of the

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institutions, and it is only the excess fund available that we mean dealing with—for purposes of education is not really an object different from the original intentions of the endowers of the funds. So, I beg to submit, it is not a real diversion.

"Then, taking the other provision for providing for the sanitary arrangements, etc., I do admit that the wording is very wide. I take it that it is the water-supply, or the medical relief of the places where the endowment is located that is thought of, and I think it is that place that is sought to be given the relief. In my view, the expenditure in connexion with big places of pilgrimage, is one of the liabilities which these religious endowments ought to bear. Taking, for instance, places like Tirupati or Palani, there are times when cholera and other diseases break up, and it is mainly due to the fact that people resort to these places in large numbers. Is it not then the duty of the temple to provide for the safeguards in respect of the health of the people of the locality and towards the sanitation of the place? After all it is also for the benefit of the large number of devotees who visit the place, and is it not proper that the funds contributed by the devotees might be made use of for the sanitation, etc., of the locality? Is it fair that the municipality or the local board should be asked to incur the expenditure in these directions which have been necessitated mainly owing to the pilgrims resorting to such places? I do not think it is fair to expect the ordinary municipality to pay the extra expenditure, and in most cases it cannot afford it. So the provision made is not at all a real diversion of the funds of the temple, and in that view I support it very heartily. I may also state that this is not a new thing at all. Ever since the year 1820, the matter has been in correspondence between the Madras Government and the India Government and the Board of Directors."

The hon. the DEPUTY PRESIDENT:—"It is high time the hon. Member winds up his speech. There are other hon. Members who are anxiously waiting to speak on the Bill. I hope he will finish his speech in a minute or two."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Sir, in 1835 the question was decided by the Government of India in their despatch which stated that such objects as the establishment of schools and construction of roads and bridges were within the scope of the gift, and whatever surpluses were available might be utilised for those objects. That was in 1835.

"There is only one other matter I should like to refer to. There have been many suggestions made towards the improvement of the Bill, and one such suggestion was for the appointment of Charity Commissioners. If they are appointed, probably they can deal with questions of hereditary trustees, etc., and can serve as a court of appeal against the orders of the committee. But that is a matter for the Select Committee to consider."

Rao Bahadur K. GOPALAKRISHNAYYA:—"Sir, in view of the meeting at the Victoria Public Hall to be presided over by the hon. Sir Frederick Whyte at 5 p.m. to-day, may I suggest that the House may now adjourn for the day?"

The House having assented to the suggestion, the Deputy President adjourned the House, to meet again at 11 a.m. to-morrow.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

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APPENDIX C.

[Vide page 906 supra.]

Return of officers in the Non-Gazetted service of the Government of Madras who held permanent appointments on Rs. 35 and upwards on April 1st, 1922.

[Prescribed by G.O. No. 658, Public, dated 15th August 1922.]

SECTION I.

Officers drawing Rs. 100 and over.

Office.	Number of officers.					
	Brahmans.	Non-Brahman Hindus.	Indian Christians.	Muhammadans.	Europeans or Anglo-Indians.	Others.
(i) Collectorates including Divisional Offices.						
Anjengo	2	2	..	..	..	..
Anantapur	23	7	1	1	..	..
North Arcot	26	8	4	1	..	..
Agency Commissioner, Waltair	14	6	1	1	..	..
South Arcot	18	10	4	1	..	..
Bellary	24	4	..	3	..	..
Chingleput	19	8	1	..	1	..
Chittoor	18	6	1	..	..	..
Coimbatore	21	6	6	3	..	..
Cuddapah	24	7	..	1	..	..
Ganjam	21	6	2	..	..	..
Godavari	21	8	..	1	..	..
Guntur	26	9	..	1	..	..
South Kanara	16	8	..	2	..	..
Kistna	29	9	2	1	..	..
Kurnool	26	3	3	1	..	..
Madras	4	2	..	..	..	..
Malabar	18	22	1	..	2	..
Madura	21	1	6	..	..	..
Nellore	26	7	..	1	..	..
The Nilgiris	4	4	1	..	..	..
Rannad	13	4	..	..	..	2
Salem	21	13	7	..	1	..
Tanjore	27	13	4	..	..	..
Tinnevely	21	8	4	3	..	..
Trichinopoly	14	10	5	1	..	..
Vizagapatam	19	4	..	..	..	..
(ii) District Courts.						
Anantapur	2	1	..	..	..	..
North Arcot	4	4	..	..	..	..
South Arcot	3	1	1	..	..	..
Bellary	3	..	..	..	..	..
Coimbatore	4	1	..	..	..	..
Chingleput	5	..	..	..	..	..
Cuddapah	3	..	..	..	..	..
Chittoor	4	1	..	..	..	..
Godavari	4	3	..	..	..	..
Ganjam	2	1	..	..	..	..

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Officers drawing Rs. 100 and over—cont.

Office.	Number of officers.					
	Brahmans.	Non-Brahman Hindus.	Indian Christians.	Muhammadans.	Europeans or Anglo-Indians.	Others.
(ii) District Courts—cont.						
Guntur	6	1	1	..	..	..
South Kanara	5	..	..	..	..	..
Kistna	8	1	..	..	..	..
Kurnool	1	1	..	..	..	..
Madura	4	..	1	1	..	..
South Malabar	2	3	..	..	..	..
North Malabar	2	2	..	..	..	..
Nellore	4	..	..	..	..	..
Rannad	5	..	..	..	..	..
Salem	4	..	..	..	..	..
East Tanjore	4	..	..	..	..	..
West Tanjore	3	3	1	..	..	..
Trichinopoly	2	2	..	1	..	..
Tinnevely	3	2	1	..	..	..
Vizagapatam	8	1	..	..	..	..
(iii) Heads of Departments.						
Secretariat.						
Chief Secretariat	10	4	2	..	..	..
Law Department	16	4	1	..	..	..
Legislative Council Office	13	1	..	..	..	..
Revenue	9	1	2	..	..	..
Development	6	3	..	..	..	..
Finance	8	7	1	..	..	..
Local Self-Government	14	2	1	..	..	..
Public Works Department	197	33	7	4	14	..
Board of Revenue.						
Land Revenue and Settlement, including also Survey and Settlement Parties.	45	20	6	2	1	..
Separate Revenue and subordinate offices.	60	46	10	14	45	..
Office of Inam Commissioner	1	..	1	..	..	..
Court of Small Causes	3	2	..	1	1	..
Inspector-General of Police (and sub-offices).	365	208	33	61	166	2*
Commissioner of Police	13	16	2	4	71	..
Inspector-General of Prisons	9	7	3	1	10	..
Director of Public Instruction	244	33	27	10	20	..
Commissioner for Government Examinations.	1	1	..	..	..	..
Inspector-General of Registration	187	87	18	13	1	..
Private Secretary to His Excellency the Governor's office.	1	2	..	..	..	..
Persian and Hindustani Translator to Government.	..	..	..	1	..	..
Registrar-General of Births, Deaths and Marriages.	..	..	..	..	..	..
Registrar of Joint Stock Companies..	1	1	..	..	..	..

* Includes one Jain.

[18th December 1922]

Officers drawing Rs. 100 and over—cont.

Office.	Number of officers.					Others.
	Brahmans.	Non-Brahman Hindus.	Indian Christians.	Muhammadans.	Europeans or Anglo-Indians.	

(iii) Heads of Departments—cont.

<i>Board of Revenue—cont.</i>						
Director of Industries	11	6	..	..	..	..
Director of Fisheries	2	4	2	..	..	..
Chief Conservator of Forests ..	80	64	22	10	3	8
His Britannic Majesty's Consul, Pondicherry	..	..	1	..	..	..
Resident in Travancore and Cochin ..	..	1	..	..	1	..
Director of Agriculture	46	17	6	1	1	..
Deputy Director of Agriculture, Coimbatore	..	1	1	..	2	..
Registrar of Co-operative Societies ..	4	..	..	..	..	..
Registrar-General of Panchayats ..	1	..	..	..	..	..
Surgeon-General	61	107	61	38	29	1
Director of Public Health	14	13	1	1	1	..
Presidency Port Officer	2	1	1	..	..	..
Publicity Officer	1	2	..	..	..	..
Examiner of Local Fund Accounts ..	15	7	..	..	..	..
Administrator-General	..	..	..	..	1	..
Political Agent for Pudukkottai ..	..	..	..	..	..	..
Chief Presidency Magistrate	3	2	..	..	..	..
Madras Record Office	3	3	..	2	..	..
Principal, Madras Veterinary College ..	5	..	1	..	..	..
Paymaster, Carnatic Stipends	..	..	..	..	..	..
Chemical Examiner to Government ..	1	..	..	..	..	..
Superintendent, Government Press ..	2	3	3	..	2	1*
Superintendent, Civil Veterinary Department ..	16	16	3	1	2	1
Board of Examiners	..	1	..	..	..	..
Superintendent of Stamps	2	1	..	..	..	..
Superintendent, Government Museum ..	4	1	..	..	..	..
Sheriff of Madras	..	1	..	..	..	..
Senior Translator to Government ..	4	3	..	..	..	..
Commissioner of Labour (Factory office)	..	..	..	..	..	..
Bishop of Madras and Commissary in charge of the Diocese	..	..	..	..	..	..
Public Prosecutor	1	..	..	..	..	..

SECTION II.

Officers drawing from Rs. 85 to Rs. 100.

(i) Collectorates including Divisional Offices.

Anjengo	..	8	..	..	..	..
Anantapur	193	40	7	7	..	..
North Arcot	230	62	8	18	..	1*
Agency Commissioner, Waltair ..	54	64	1	5	..	..

* Adi-Dravida.

18th December 1922]

Officers drawing from Rs. 85 to Rs. 100—cont.

Office.	Number of officers.					
	Brahmans.	Non-Brahman Hindus.	Indian Christians.	Muhammadans.	Europeans or Anglo-Indians.	Others.

(i) Collectorates including Divisional Offices—cont.

South Arcot	200	78	11	12	..	..
Bellary	179	38	9	16	..	..
Chingleput	141	56	10	11	..	..
Chittoor	128	63	4	9	..	..
Coimbatore	229	61	10	9	..	..
Cuddapah	186	40	3	23	..	..
Ganjam	147	86	5	4	..	..
Godavari	190	56	3	14	..	..
Guntur	234	59	5	11	..	..
South Kanara	120	43	31	12	..	1
Kistna	276	91	2	14	..	..
Kurnool	181	67	40	7	..	..
Madras	23	13	4	7	..	..
Malabar	106	212	9	14	1	..
Madura	176	58	12	8	..	7*
Nellore	208	40	9	22	..	..
The Nilgiris	36	23	10	1	..	..
Ramnad	124	49	9	1	..	..
Salem	235	60	7	16	..	1†
Tanjore	248	83	19	11	..	1†
Tinnevely	173	91	19	9	..	..
Trichinopoly	176	57	18	8	..	..
Visagapatam	146	61	..	6	..	..

(ii) District Courts.

Anantapur	24	4	..	2	..	..
North Arcot	65	56	6	1	2	..
South Arcot	76	34	8	4	..	..
Bellary	28	5	..	3	..	..
Coimbatore	76	19	7	1	..	..
Chingleput	49	10	..	1	..	..
Cuddapah	34	6	1	2	..	..
Chittoor	38	16	2	2	..	..
Godavari	68	20	..	5	..	..
Ganjam	42	15	1	..	..	..
Guntur	80	9	..	4	..	..
South Kanara	51	11	6	3	..	..
Kistna	123	32	1	7	..	..
Kurnool	21	12	..	5	..	..
Madura	78	22	6	4	..	..
South Malabar	74	66	5	3	..	..
North Malabar	31	85	5	4	..	..
Nellore	45	5	3	3	..	..
Ramnad	64	19	9	1	..	..
Salem	49	9	2	7	..	..
East Tanjore	54	9	..	2	..	..
West Tanjore	87	12	5	2	..	1†
Trichinopoly	80	15	3	..	..	..
Tinnevely	67	27	8	3	..	..
Visagapatam	41	32	..	3	..	..

* Sonashtres.

† Adi-Dravida.

‡ Jain.

[18th December 1922]

Officers drawing from Rs. 35 to Rs. 100—cont.

Office.	Number of officers.					
	Brahmans.	Non-Brahman Hindus.	Indian Christians.	Mohammedans.	Europeans or Anglo-Indians.	Others.

(iii) Heads of Departments.

<i>Secretariat.</i>						
Chief Secretariat	8	6	3	2	..	..
Law Department	10	7	1	..	..	..
Legislative Council Office	6	..	..	1	..	..
Revenue	7	9	4	..	1	..
Development	7	3	2	2	..	..
Finance	8	6	2	1	..	..
Local Self-Government	13	11	2	1	..	..
Public Works Department	569	207	25	5	2	2
<i>Board of Revenue.</i>						
Land Revenue and Settlement, including also Survey and Settlement Parties.	302	199	20	15	..	..
Separate Revenue and subordinate offices.	866	493	83	104	44	8*
Office of Inam Commissioner	2	4	..	1	..	..
<i>Court of Small Causes.</i>						
Inspector-General of Police (and sub-offices).	750	1,013	07	278	13	5†
Commissioner of Police	30	218	8	36	13	2
Inspector-General of Prisons	34	48	14	10	16	..
Director of Public Instruction	744	173	82	80	7	..
Commissioner for Government Examinations.	7	2	..	..	..	..
Inspector-General of Registration	1,402	802	71	150	3	..
Private Secretary to His Excellency the Governor's office.	..	1	..	..	..	..
Persian and Hindustani Translator to Government.	..	..	..	5	..	..
Registrar-General of Births, Deaths and Marriages.	..	..	1	..	..	..
Registrar of Joint Stock Companies	4	..	1	..	..	..
Director of Industries	45	40	12	5	2	5
Director of Fisheries	8	38	11	3	..	..
Chief Conservator of Forests	386	369	62	111	3	6
His Britannic Majesty's Consul, Pondicherry.	..	1	1	..	..	..
Resident in Travancore and Cochin	4	3	2	..	..	..
Director of Agriculture	141	66	18	3	1	..
Deputy Director of Agriculture, Cinchona.	..	2	10	..	..	..
Registrar of Co-operative Societies	233	100	18	4	..	2
Registrar-General of Panchayats	1	..	1	..	..	..
Surgeon-General	295	190	55	22	140	1
Director of Public Health	91	42	5	2	1	..
Presidency Port Officer	27	21	11	5	2	..

* Oriyas.

† Includes two Jains and two Adi-Dravidas.

[18th December 1922]

Officers drawing from Rs. 35 to Rs. 100—cont.

Office.	Number of officers.					
	Brahmans.	Non-Brahman Hindus.	Indian Christians.	Mohammedans.	Europeans or Anglo-Indians.	Others.

(iii) Heads of Departments—cont.

<i>Court of Small Causes—cont.</i>						
Publicity Officer	6	6	..	1	..	..
Examiner of Local Fund Accounts	22	2	..	1	..	..
Administrator-General	4	4	..	..	1	..
Political Agent for Padakkottai	..	1	1	..	..	..
Chief Presidency Magistrate	8	11	4	4	..	..
Madras Record Office	7	1	2	..	..	..
Principal, Madras Veterinary College.	..	8	8	2	..	..
Paymaster, Carnatic Stipends	1	..	..	1	..	..
Chemical Examiner to Government	2	1	..	..	..	..
Superintendent, Government Press	32	68	10	8	1	3*
Superintendent, Civil Veterinary Department.	57	54	9	4	1	..
Board of Examiners	2	1	..	..	..	..
Superintendent of Stamps	27	12	..	9	..	..
Superintendent, Government Museum.	8	4	4	..	..	..
Sheriff of Madras	..	1	..	..	..	..
Senior Translator to Government	8	1	1	..	..	..
Archdeacon of Madras	..	..	..	..	3	..
Commissioner of Labour (Factory offices).	4	6	1	..	..	..
Presidency Senior Chaplain	..	1	..	..	..	..
Bishop of Madras and Commissary in charge of the Diocese.	1	..	5	..	..	..
Public Prosecutor	2	..	..	..	..	..

* Adi-Dravidas.

APPENDIX D.

[Vide page 956 supra.]

Proceedings of the twelfth meeting for 1922-23 of the Standing Finance Committee of the Madras Legislative Council held at Fort St. George on Saturday, the 18th November 1922.

PRESENT:

- (1) The Hon'ble Sir CHARLES TODMUSTER, K.C.S.I., Chairman.
- (2) M.R.B. Rao Bahadur C. NATESA MUDALIYAR AVARGAL.
- (3) " O. TANIKACHALA CHETTIYAR AVARGAL.
- (4) " A. RANGANATHA MUDALIYAR AVARGAL.
- (5) Khan Bahadur MUHAMMAD USMAN SAHIB.
- (6) Dr. P. SUBBARAYAN.

[18th December 1922]

(7) M.R.Ry. Rao Bahadur T. A. RAMALINGA CHETTIYAR
Avergal.

(8) Mr. W. ALEXANDER.

(9) Mr. A. M. MACDOUGALL.

Read scheme for the undertaking of an intensive educational campaign in connexion with hookworm in selected districts involving an extra cost to Government of Rs. 13,500 per annum (the remaining half will be borne by the International Health Board of New York).

The Committee discussed the case with Dr. Kendrick who was invited to be present, and by a majority recommended the acceptance of the proposal. They further recommended (1) that the Local Self-Government Department might be asked to send them for scrutiny the detailed budget prepared by Dr. Kendrick for office and field equipment and miscellaneous charges, and (2) that the allowances to sub-assistant surgeons and compounders should be dealt with as part of the general question.

2. *Read* proposals for the retention of the services of Mr. J. P. Trumble as adviser to Government on vocational education.

The proposal was discussed with the Hon'ble the Minister for Education and the Committee by a majority recommended the continuance of the appointment till the 31st March 1923.

3. *Read* scheme for the teaching of bio-chemistry in the Madras Medical College involving a total expenditure of about Rs. 84,000 to be spread over a period of three years. The expenditure in 1922-23 would amount to about Rs. 33,100 for which a supplementary demand would be moved.

The Committee recommended the acceptance of the proposal.

4. *Read* scheme for the provision of an electric installation in the Rayapuram Medical School.

The Committee recommended the acceptance of the proposal.

5. *Read* proposals for the payment of arrears of medical contributions from Government to the Malabar District Board, which had not been claimed in proper time by the District Board through an oversight (about Rs. 12,768).

The Committee recommended the acceptance of the proposal.

6. *Read* scheme for the installation of a refrigerating plant with a cold room at the Agricultural College, Coimbatore (about Rs. 19,000).

The Committee would request that information be furnished as to the capital and recurring cost of the refrigerating plant installed in the Presidency College and as to how it is working.

[18th December 1922]

7. The following paper was placed on the table:—

Note regarding the deputation for six weeks of Mr. Mac-michael to investigate the position in Malabar.

8. The following items were postponed for consideration at the next meeting:—

(i) Grant to the American Arcot Mission, Vellore, for an Agricultural school.

(ii) Building grants for aided industrial schools.

(iii) Construction of an office and quarters for the Public Works Department subdivisional officer at Pollachi, IV Circle.

FORT ST. GEORGE,
19th November 1922.

C. G. TODHUNTER.

APPENDIX E.

[Vide page 905 supra.]

Notification.

Fort St. George, November 21, 1921.

No. 796.—Whereas the members of the Anantapur Municipal Council have all failed to make the oath or affirmation of allegiance to the Crown within the period of three months prescribed in section 3 (2) of the Madras District Municipalities and Local Boards (Amendment) Act, II of 1922 and the Municipal Council has in consequence ceased to exist and whereas for the purpose of bringing a new Council into existence it is necessary to abolish the existing municipality, the Government in exercise of the powers conferred on them by sub-section (1) of section 5 of the Madras District Municipalities Act, 1920, and in supersession of all previous notifications on the subject direct that the municipality of Anantapur be abolished with effect from the 24th of November 1922.

F. J. RICHARDS,
Secretary to Government.

APPENDIX F.

[Vide page 905 supra.]

Vide Order of the Day—No. III item (4) Communications to the Council.

With reference to the answer given to question No. 94 asked at the meeting of the Legislative Council held on the 12th September 1922, the following statements showing the travelling allowances drawn by the Superintending Engineers of circles during 1921-22 are laid on the Council table:—

Month in which drawn.	Mileage.	Railway fare.	Daily allowance.	Any other allowance.	Total.
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
<i>Rai Bahadur A. V. Ramalinga Ayyar.</i>					
April 1921	85 8 0	72 5 0	30 0 0	..	187 13 0
..	5 4 0	38 15 0	..	..	44 3 0
..	61 8 0	28 4 0	..	..	89 12 0

[18th December 1922]

Month in which drawn.	Mileage.	Railway fare.	Daily allowance.	Any other allowance.	Total.
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
<i>Rai Bahadur A. V. Ramalinga Ayyar—cont.</i>					
On leave from 22nd April to 19th July 1921.					
August 1921 ..	20 4 0	84 14 0	10 0 0	..	115 2 0
September 1921 ..	87 12 0	55 0 0	10 0 0	..	152 12 0
October 1921 ..	21 0 0	..	20 0 0	..	41 0 0
November 1921 ..	93 12 0	..	40 0 0	..	133 12 0
December 1921 ..	66 0 0	71 0 0	..	..	137 0 0
February 1922 ..	320 4 0	27 8 0	..	..	347 12 0
March 1922 ..	41 4 0	14 4 0	20 0 0	* 35 13 0	75 8 0
Total ..	802 8 0	392 2 0	150 0 0	35 13 0	1,380 7 0

* Sanctioned under 1000, Civil Service Regulations.

Rao Bahadur L. D. Venkatarama Ayyar.

April 1921 ..	3 0 0	150 12 0	..	† 72 2 7	225 18 7
May 1921 ..	78 12 0	13 8 0	60 0 0	..	152 4 0
June 1921 ..	6 12 0	40 14 0	..	† 91 5 0	138 15 0
July 1921 ..	112 8 0	43 15 0	110 0 0	..	266 7 0
September 1921 ..	75 12 0	60 13 0	100 0 0	..	230 3 0
October 1921 ..	9 12 0	47 1 0	50 0 0	..	110 7 0
November 1921 ..	31 8 0	109 0 0	10 0 0	..	158 8 0
December 1921 ..	27 0 0	196 6 0	230 0 0	..	453 6 0
January 1922 ..	73 8 0	..	260 0 0	..	333 8 0
February 1922 ..	57 6 0	31 4 0	40 0 0	..	129 4 0
March 1922 ..	144 0 0	150 0 0	70 0 0	..	364 0 0
April 1922 ..	..	54 14 0	..	† 167 13 0	223 11 0
May 1922 ..	199 0 0	..	60 0 0	..	259 0 0
June 1922 ..	158 4 0	..	30 0 0	..	188 4 0
July 1922 ..	292 8 0	..	60 0 0	..	352 8 0
August 1922 ..	144 0 0	48 4 0	10 0 0	..	197 4 0
September 1922 ..	1 8 0	31 12 0	10 0 0	..	43 4 0
October 1922 ..	44 4 0	89 8 0	100 0 0	..	233 12 0
November 1922 ..	57 8 0	..	60 0 0	..	117 8 0
December 1922 ..	19 8 0	31 4 0	110 0 0	..	160 12 0
January 1923 ..	21 2 0	..	..	..	21 2 0
Total ..	1,467 8 0	1,034 8 0	1,360 0 0	415 0 7	4,276 12 1

† Conveyance of personal effects on transfer. ‡ Conveyance charge of motor-car on transfer.

§ Sanctioned under 1000, Civil Service Regulations.

[18th December 1922]

Month in which drawn.	Mileage.	Railway fare.	Daily allowance.	Any other allowance.	Total.
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
<i>Rao Bahadur R. N. Arogiassami Mudaliyar.</i>					
May 1921 ..	130 8 0	12 6 0	10 0 0	..	152 14 0
June 1921 ..	..	..	..	..	..
July 1921 ..	1 0 0	25 0 0	..	..	26 0 0
August 1921 ..	35 4 0	194 8 0	40 0 0	..	270 12 0
September 1921 ..	69 0 0	93 2 0	90 0 0	..	252 2 0
October 1921 ..	25 8 0	90 13 0	80 0 0	65 6 0	301 12 0
November 1921 ..	72 0 0	74 4 0	70 0 0	37 8 0	253 12 0
December 1921 ..	189 12 0	45 8 0	10 0 0	..	245 0 0
January 1922 ..	..	..	..	..	..
February 1922 ..	..	..	..	..	..
March 1922 ..	..	..	..	..	..
Total ..	522 8 0	464 18 0	300 0 0	106 11 0	**2,148 16 0
					inclusive
			811 3 0		
			209 14 0		
			30 12 0		
			**751 13 0		

† Sanctioned under 1000, Civil Service Regulations.

‡ Analysis into mileage, railway fare and daily allowance has not been given in these cases as the concerned travelling allowance bills are not readily available.

Rao Bahadur S. Bhaskara Ayyar.

May 1921	..	{	149 8 0	5 12 0	10 0 0	..	165 0 0
July 1921	..	..	21 12 0	55 0 0	10 0 0	..	86 12 0
October 1921	..	{	90 0 0	52 12 0	70 0 0	..	212 0 0
	..	..	..	113 5 0	..	..	100 0 0

[18th December 1922]

Month in which drawn.	Mileage.	Railway fare.	Daily allowance.	Any other allowance.	Total.
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
<i>J. M. M. Parker.</i>					
May 1921 ..	145 8 0	..	70 0 0	..	215 8 0
June 1921 ..	58 8 0	54 10 0	30 0 0	10 6 0	153 8 0
July 1921 ..	45 15 4	..	50 0 0	..	95 15 4
August 1921 ..	132 12 0	..	10 0 0	..	142 12 0
September 1921 ..	115 8 0	..	40 0 0	..	155 8 0
October 1921 ..	68 0 0	..	..	..	68 0 0
November 1921 ..	41 4 0	..	40 0 0	36 10 0	36 10 0
December 1921 ..	25 8 0	..	30 0 0	..	55 8 0
January 1922 ..	57 12 0	68 12 0	30 0 0	..	156 8 0
February 1922 ..	73 8 0	13 4 0	20 0 0	..	106 12 0
March 1922 ..	160 12 0	13 4 0	100 0 0	..	264 0 0
April 1922 ..	12 0 0	73 8 0	..	2 8 0	88 0 0
May 1922 ..	6 0 0	34 8 0	30 0 0	..	70 8 0
June 1922 ..	20 4 0	11 12 0	..	7 0	37 7 0

Transferred to Central Provinces from 6th October 1921.

Total ..	948 3 4	269 10 0	450 0 0	54 15 0	1,722 12 4
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§ Sanctioned under 1000, Civil Service Regulations.

<i>P. V. Manickam Nayakar.</i>					
May 1921 ..	292 8 0	..	20 0 0	79 1 0	391 9 0
June 1921 ..	177 0 0	177 0 0	..	..	354 0 0
July 1921 ..	255 12 0	46 11 0	120 0 0	..	423 7 0
August 1921 ..	171 0 0	..	20 0 0	..	191 0 0
September 1921 ..	220 8 0	..	20 0 0	..	240 8 0
October 1921 ..	49 0 0	..	60 0 0	..	109 0 0
November 1921 ..	102 0 0	2 2 0	110 0 0	..	214 2 0
December 1921 ..	45 15 10	260 0 0	90 0 0	**202 0 0	603 13 6
January 1922 ..	4 8 0	..	..	†† 1 5 8	1 5 8
February 1922 ..	500 0 0	18 12 0	90 0 0	..	608 12 0
March 1922 ..	240 12 0	47 2 0	40 0 0	†† 1 5 8	329 2 8
April 1922 ..	89 4 0	69 2 0	100 0 0	†† 15 4 8	273 10 8
May 1922 ..	50 10 0	3 0 0	170 0 0	..	223 10 0
Total ..	2,198 14 4	623 13 0	840 0 0	299 1 0	3,961 13 4

* Conveyance of personal effects.

** Conveyance charge of motor-car on transfer.

†† Actual expenses for maintaining camp equipment.

<i>C. Peddie.</i>					
May 1921 ..	1 8 0	87 6 0	..	* 14 8 6	201 4 6
June 1921 ..	133 8 0	..	30 0 0	† 97 14 0	163 8 0
July 1921 ..	51 0 10	50 4 0	90 0 0	..	191 4 10
August 1921 ..	383 0 0	..	60 0 0	..	393 0 0
September 1921 ..	..	..	10 0 0	..	10 0 0

Officiating Superintending Engineer from 30th April to 2nd October 1921.

Total ..	519 0 10	137 10 0	190 0 0	112 6 6	959 1 4
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* Conveyance of personal effects.

† Conveyance of motor-car.

[18th December 1922]

Month in which drawn.	Mileage.	Railway fare.	Daily allowance.	Any other allowance.	Total.
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
<i>M. R. Kharegat.</i>					
On leave up to 8th November 1921.					
December 1921 ..	..	..	..	* 161 8 0	161 8 0
January 1922 ..	94 8 0	27 8 0	10 0 0	† 133 7 0	133 7 0
February 1922 ..	58 8 0	..	..	..	58 8 0
March 1922 ..	207 12 0	..	30 0 0	..	237 12 0
April 1922 ..	107 4 0	..	10 0 0	..	117 4 0
May 1922 ..	222 8 0	..	30 0 0	..	252 8 0
June 1922 ..	199 8 0	..	40 0 0	..	239 8 0
July 1922 ..	237 12 0	..	30 0 0	..	267 12 0
Total ..	1,227 13 0	27 8 0	150 0 0	294 15 0	1,700 3 0

* Conveyance of motor-car.

† Conveyance of personal effects.

W. G. Molesworth.

On leave up to 22nd September 1921.

October 1921 ..	40 8 0	..	20 0 0	..	60 8 0
November 1921 ..	404 8 0	49 0 0	20 0 0	..	473 8 0
December 1921 ..	225 12 0	100 2 0	80 0 0	..	405 14 0
January 1922 ..	470 12 0	42 10 0	15 0 0	† 53 6 9	528 6 9
February 1922 ..	245 8 0	17 12 0	30 0 0	† 60 5 0	308 5 0
March 1922 ..	240 4 0	42 4 0	115 0 0	..	397 8 0
Total ..	1,629 4 0	251 12 0	280 0 0	118 1 9	2,279 1 9

† Sanctioned under 1000, Civil Service Regulations.

C. T. Mullings.

April 1921 ..	4 8 0	182 0 0	40 0 0	..	226 8 0
May 1921 ..	..	..	..	§ 97 7 0	97 7 0

Deputy Secretary from 12th August 1921.

Total ..	4 8 0	182 0 0	40 0 0	97 7 0	323 15 0
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§ Sanctioned under 1000, Civil Service Regulations.

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Tuesday, the 19th December 1922, the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR 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.]

The new process of salt manufacture.

599 Q.—Diwan Bahadur C. ARUNACHALA MUDALIYAR: Will the hon. the Member for Finance be pleased to state—

(a) whether it is the case that a new process has been discovered by Mr. Schomburg of the Shomtir Salt Company by the use of which a quantity of salt equal to that now made at all the factories of the Presidency can be produced in an area of 50 acres at two-thirds the cost of ordinary country salt;

(b) whether the Government propose to purchase the Company's process or to enter into partnership with the Company; and

(c) whether the Government propose to give any concessions to this Company which are not given to salt manufacturers in general?

A.—(a) The question apparently refers to the article published in the *South of India Observer* of the 8th April 1922 wherein the writer referred to a discovery of an artesian spring of dense brine by the use of which a small area was to be made to yield an enormous quantity of salt. The Government have no information that any such discovery has been made. The report of the deputation which waited upon His Excellency the Governor, published in the *Madras Mail* of the 11th May 1922, was issued without reference to Government. The writer of this report has apparently confused this reported discovery with the alleged possession by the Company of a secret process for purifying salt. So far as Government are aware it is not claimed for this secret process that it in any way increases production.

(b) The Government have no such intention.

(c) The Government have given the Company a lease of 1,624 acres of land in the Tiruporur swamp to be used as a reservoir and waived the recovery of excess establishment charges amounting to Rs. 1,385-2-0. They do not propose to treat the Company in any way differently from the other licensees.

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Alleged corruption on the part of the police, etc., in the disturbed areas of Malabar.

604 Q.—Mr. K. KUNHAMAD KOYA SAHIB: Will the hon. the Home Member be pleased to state—

(a) whether the Government have received information regarding reports of corrupt practices on the part of the police and other subordinate officials serving in the disturbed areas of Malabar and whether they have ordered a general departmental inquiry into the conduct of such subordinate officials, with special reference to the rebellion; and

(b) the number of police, magisterial, village and other subordinate officials, serving in the disturbed tracts who have been departmentally punished on charges of corruption and highhandedness in connexion with the rebellion?

A.—(a) The Government have received no such reports and have not ordered any such general departmental inquiry. They are satisfied that the local officers are alive to the duty of investigating and dealing with any complaint of misconduct arising out of the rebellion and they understand that in the few cases of this kind which have come to light action has been taken.

(b) The Government are not in possession of information but will call for it.

Adoption of improved methods of agriculture.

605 Q.—Mr. A. T. PALMER: Will the hon. the Minister for Development be pleased to state the approximate number of private individuals that have actually adopted improved methods of agriculture in the districts where Government model farms are situated both in regard to manures and implements of cultivation?

A.—The Government have no information.

Mr. A. T. PALMER:—"If it will not give much trouble, may I ask the Government to obtain the information?"

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"The information asked for, Sir, is to state the approximate number of private individuals that have actually adopted improved methods of agriculture in the districts where Government model farms are situated in regard to both manures and implements of cultivation. I am afraid it will be something like taking a census of agriculturists and it will be a very difficult thing indeed. I do not think that the information asked for will be commensurate with the expense and trouble involved."

Towns in the Presidency provided with pipe water.

606 Q.—Mr. A. T. PALMER: Will the hon. the Minister for Local Self-Government be pleased to state the names of towns that have been provided with pipe water within the last five years?

A.—Protected water-supply installations have been opened during the past five years in the municipalities of Ellors, Erode and Masulipatam.

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Levy of punitive tax on Mr. T. Ramaswami Chaudhari of Tenali.

607 Q.—Mr. O. RAMAIAH REDDI: Will the hon. the Law Member be pleased to state—

(1) whether it is a fact that Mr. T. Ramaswami Chaudhari, Bar-at-Law of Tenali, has been ordered by the district authorities to bear a part of the punitive tax levied in the Guntur district on account of the punitive police stationed in consequence of the no-tax campaign or other forms of non-co-operation calculated to create a disturbance of the public peace;

(2) what is the amount that Mr. T. Ramaswami Chaudhari has been ordered to pay;

(3) whether it is a fact that he has never been a member of the Congress party and that further he actively opposed the non-co-operation movement;

(4) what are the grounds on which he was included in the list of those held liable to the punitive tax; and

(5) whether the Government will place the papers connected with this case on the table?

A.—Under section 15 of the Police Act all inhabitants of the area proclaimed are liable to contribute towards the cost of the additional police unless specially exempted under clause (5) of the section. The Government have no information with regard to individuals who have not been exempted.

Reserves in Harpanahalli range.

608 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(1) when the working plan of the reserves in Harpanahalli range, Bellary district, was prepared;

(2) the year from which the plan began to be worked;

(3) the total area of the reserves included in the working circle and the portions thereof treated as protection, fuel and grazing circles respectively;

(4) the estimated revenue per year from fuel and from grazing respectively according to the working plan;

(5) the actual receipts from fuel and grazing respectively for each year during the period in which the working plan has been in operation;

(6) the average number of cattle of each kind for which permits were issued yearly for the reserves comprised in the working plan;

(7) the total number of villages within the limits of which the reserves of the working plan are situated and the total number of cows, she-buffaloes and sheep according to the last census and the total area of poramboke in those villages;

(8) the months during which the reserves are open to grazing according to the working plan and the months during which the reserves were actually open for grazing during the period in which the working plan has been in force;

(9) whether areas not meant to be thrown open for grazing according to the working plan were as a matter of fact thrown open, and if so, the extents so thrown open in each year; and

(10) the nature and extent of cultural operations conducted to increase the proportion of ever-green species in the working circle and their results?

A.—The Government have no information, but will call for it.

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Oriya tracts in the Presidency.

609 Q.—**Sriman SASIBHUSHAN RATH Mahasayo**: Seeing that the population of Berhampur and Ichhapuram taluks, Ganjam district, is preponderatingly Oriya (vide G.O. No. 108, Public, dated 4th February 1922), will the hon. the Member for Finance be pleased to state how and why these taluks do not appear in the list of Oriya tracts in appendix II of G.O. No. 658, dated 15th August 1922—Public Service—Communal Representation?

A.—The Government do not admit the correctness of the assumption on which the question is based.

Sriman SASIBHUSHAN RATH Mahasayo:—“Do the Government admit the correctness of the figures in G.O. No. 108 referred to in this question?”

The hon. Sir CHARLES TODHUNTER:—“I ask for notice, Sir.”

Administration of land customs in the Pondicherry border.

610 Q.—**Mr. K. SITARAMA REDDIYAR**: Will the hon. the Member for Finance be pleased to state—

(a) whether it is a fact

(1) that groups of British villages in the frontiers of Pondicherry are entirely surrounded by French villages and similarly some French villages by British villages;

(2) that in some border villages a portion of a house is British and the other French;

(3) that the British subject who goes to purchase vegetables such as plantains and coconuts in an adjacent French village has to take the things so purchased to the British Customs to get them assessed to duty, the Customs office being sometimes situated at a distance of four or five miles from his residence;

(b) whether it is a fact that British goods worth more than Rs. 10 cannot directly pass on to their destination, whether British or French, but should go via a land customs British chanki which in many cases is at a great distance from the direct route;

(c) whether it is a fact that on account of these land customs duties much hardship is felt by the subjects of both British and French villages situated on the frontier;

(d) whether it is a fact that great discontent and agitation prevail in the frontier villages for the relaxation of the rules applicable to land customs;

(e) whether there is any proposal to mitigate this trouble caused in the administration of land customs; and

(f) whether there is any proposal on the part of Government to cancel land customs duty at least on the produce and indigenous manufactures in these frontiers?

A.—(a), (b) & (c) The statement of the facts is to all intents and purposes correct.

(d) The condition of affairs described has prevailed for a great many years and the Government are not aware of any recent discontent or agitation.

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(e) Proposals in connexion with the matter have been under consideration for several years past, but it is one beset with many difficulties.

(f) The proposition in question is under examination with the Government.

Cost of Survey, Settlement and Land Record operations in Tanjore district.

611 Q.—**Mr. T. SOMASUNDARA MUDALIYAR**: Will the hon. the Member for Revenue be pleased to state the cost of Survey, Settlement and Land Record operations in the Tanjore district for the introduction of resettlement up to date, and also the probable expenditure in connexion with the same till the work is closed in the district?

A.—The hon. Member is referred to G.O. No. 1780, dated 23rd September 1922, which is placed on the Editors' Table. No further information is available.

II

ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

The hon. the PRESIDENT:—“I have to inform the House that the Madras Port Trust (Amendment) Act, 1922, which was passed at the meeting of the Council held on the 17th November 1922, has received the assent of His Excellency the Governor on the 14th December 1922.”

III

COMMUNICATION TO THE COUNCIL.

The SECRETARY laid on the table the * proceedings of the thirteenth meeting for 1922-23 of the Standing Finance Committee of the Madras Legislative Council held on the 9th December 1922.

IV

(1)

THE MADRAS HINDU RELIGIOUS ENDOWMENTS BILL, 1922—cont.

The consideration of the Madras Hindu Religious Endowments Bill, 1922, was then resumed.

Diwan Bahadur T. N. SIVAGANAM PILLAI:—“Mr. President, I rise to support the Hindu Religious Endowments Bill introduced by the hon. the Raja of Panagal. More than a hundred years ago, the maladministration of our religious and charitable institutions attracted the attention of the Government and they were pleased to pass Regulation VII of 1817 for rectifying the defects in their administration then brought to notice. I should say that they succeeded. For, during the next 50 years we did not find any instance of any gross neglect or maladministration. But after the lapse of half a century some agitation was set on foot both in England and in India in connexion with what was said to be the Christian administration of a Hindu religious institution. That objection gained weight and it resulted in the passing of Act XX of 1863 under which the Board of Revenue was deprived of its powers of superintendence over religious institutions and committees of various kinds which were constituted at the time were invested with these powers. How this Act of 1863 has worked is within the knowledge of every member of this House and the general public also. It abounds with various defects and various irregularities, so much so that nobody has a good word to say about it. The principal defects in that Act have been set forth at length in paragraph 2 of the

* Vide Appendix A on page 1019 infra.

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Statement of Objects and Reasons. I can, if necessary, quote individual pending instances of the defects enumerated therein. I think that if the Bill is not brought into force soon, the committees and trustees in my district—I may state here that I am myself a Devasthanam Committee member—will have to go to court to settle their disputes, and I maintain that this Bill has not been brought one minute too soon. As it is, my sympathies are indisputably with this Bill.

“But there is one point of vital importance wherein I differ from the framers of the Bill. That one point is the one on which many hon. Members have already spoken. It is about the application of the surplus funds of the Hindu religious institutions. So far as clause 32 is concerned, I should say that it is not necessary to have it. We have a provision already in the Local Boards Act to the very same effect, and the principle of it has not been disputed. So, it will be superfluous to insert that clause in this Bill.

“I also protest very strongly against clause 33. It supposes that our religious institutions yield a large surplus profit, and that people who administer these institutions do not know how to use these profits. As a matter of fact, I may tell this House that none of the Hindu religious institutions I know of have any surplus funds. The arrangement according to which the temple funds are expended has been based for a long time on what is known as the ‘kind’ system. If the temple is to be conducted on good lines, so many coconuts per day, so much rice and so much of other things are required, all in kind. The House is perfectly aware that the value of these articles has increased from 20 to 50 per cent and labour also has become very dear. In early times, devotees carried the idols from place to place free of cost. Then came a time when people had to be engaged for this purpose. As rates and wages were low in those days, that did not matter. But now it costs a lot to carry an idol from one place to another or along the four streets of the same place in procession. In these circumstances, it can be realized that there is hardly any surplus fund left. But even if there is any, I want to know what necessity there is for diverting it to other purposes. There are funds administered by the missionaries, there are funds administered by Muhammadan gentlemen, and none of these have been indented upon for these other purposes. It is only when it is finally decided that all religious institutions, whatever may be their nationality or form, ought to contribute to these purposes that this question can be taken into consideration. At present, there is no such necessity. Moreover, our temples were constructed two or three hundred years ago and are in a bad state of repair. Some are even crumbling to pieces, and it is not possible for the trustees to carry out repairs to the satisfaction of the worshippers. Such repairs, etc., are mentioned in the old *thittams* themselves. Therefore, I say there cannot be any surplus fund which can be diverted to other purposes. Even should there be any surplus left, it would be public policy not to divert those public funds to purposes other than those of the same nature as was intended originally. If a temple in any one place has surplus funds, they may be transferred to another institution near by, which is in a state of dilapidation. For these reasons, I object strongly to that clause in the Bill. As regards the rest of the Bill, I am in perfect unison with the hon. the Raja of Panagal.

“One more suggestion, however, I should like to make. This is with regard to *mutts*. This is the first instance when *mutts* are brought under legal enactment. Hence, it is necessary that the provision as regards the *mutts*

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should be embodied in a separate chapter. At present the word ‘*mutts*’ occurs here and there, and one does not know what the several provisions are that relate to *mutts*. Similarly, references are very meagre as regards hereditary trustees. My own humble opinion is that, with reference to these, three separate chapters may be given—one for *mutts*, one for non-hereditary trustee endowments, and the other for hereditary trustee endowments.

“There seems to be some misapprehension that, as regards the management of temples, people professing one particular form of faith will be put in charge of temples belonging to a different form of faith. To remove that misapprehension, I would suggest that in clause 10 (c) the words ‘professes the Hindu religion’ may be so modified as to take in ‘that form of Hindu religion for which a committee is appointed.’ That, I believe, will meet the needs of the case.

“In clause 13 (4) power is reserved to the Local Government to decide which of the two competing members who have put in an equally long service should be appointed president. That is a very simple matter; and, following the procedure that is adopted in municipalities, the thing should rather be settled by lot.

“In clause 22 (3) power is reserved to the Local Government for disposing of appeals. This will simply flood the Local Government with appeals. A provision similar to the appellate court appointed under the Municipalities Act, or the Commissioners appointed to dispose of objection petitions in respect of elections, may therefore be introduced.

“In clause 21 (1) it is said that the non-hereditary trustees should not exceed three in number; but what is to be done in the case of an existing institution where there are more than three trustees? I know of an instance where there are six trustees, that is in the temple at Tinnevely. There is another temple which has five trustees, and another four. Here too the elimination may be done by the process of casting lots.

“Clause 24 and clause 30 (3) give powers to the civil courts to decide disputed matters, that is, to put the trustee, who has been declared to be the lawful trustee, in possession of the properties of the endowment wherever necessary. Then it is also provided that the committee should get its funds through the civil court in case the trustees refuse to hand over money. I suggest for the consideration of the House that temple money need not be indented upon in the way of costs. So a provision may be inserted that, in respect of these two cases, the process issued by the court should be without any cost to the temple. If the civil courts’ income suffers on that account, I would suggest the payment of a small amount of Rs. 10 or so.

“Under clause 40, it is proposed to eliminate, or to keep out of consideration, all religious institutions which are in receipt of a gross income of less than Rs. 250 per annum. Looking into the list that I have with me, I find that out of 236 temples in the Tinnevely district, nearly half come under this class. Most of these temples are situated in unions, in municipalities, and in other big places and many of them have very valuable lands. When once you exclude them from the purview of the Bill, as sure as anything, the trustees will make money out of them and nobody knows what will become of them. I, therefore, suggest that all the temples, which are now under the supervision of the temple committees, ought to be retained, or at least the proviso to that clause may be so amended that the Local Government can allow them to be taken in on the application of particular committees.

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"Clauses 25 and 26 deal with duties and clause 22 (1) deals with punishments. It would be in the fitness of things if the clauses are arranged in such a way that the punishment follows the duties enunciated.

"Again, it is said that when there is a difference of opinion between the committee and the temple trustees as regards appropriation of funds, etc., the matter should be taken to the civil courts. I think that this is altogether unnecessary, and by particular modifications of the provisions of this clause it ought to be possible to say that where the committee has decided something at a meeting attended by more than three members, that decision should prevail. Similar provisions are to be found in other Acts.

"As regards the schedule, there is a conflict between my personal opinion and the opinion of my constituency. I say that the provision that is inserted there to bring down the voters' qualification to Rs. 20 is a step in the right direction, but many of the members of my constituency think that this will be very difficult to work and suggest the raising of that figure. I leave that matter for the consideration of the House.

"As regards *mutts*, it was said yesterday that both on principle and from considerations of practicability, it is not possible to work those mutts which hold properties in various districts. As a matter of fact, the note to one section in the present Bill clearly lays down that ordinarily the unit of administration will be a district. So where the necessity for bringing together more than one district is established the Local Government will necessarily see to it. As regards practicability it was said that the property of one *mutt* may be in this presidency as well as in other presidencies. If we take care of the property in our presidency, I am sure that the Legislative Councils of other provinces will take care of the property in theirs.

"There seems to be one small defect in the Bill. I have read the Bill carefully and I find that there is no provision regarding the method of punishment for servants who get their remuneration, not in cash, but in the shape of lands and other perquisites. We had an instance in the case of the Madura temple where all the *purohita* and others who did *puja* in the temple were paid, not out of temple funds, but from endowments which had been placed at their disposal for a long time. How they are to be dealt with has to be stated in the Bill.

"Only one other point I have to mention, Sir. There seems to be an impression that the Bill is being rushed through. In fact when I read the Bill cursorily, I was also of the same opinion, but having gone through the Bill carefully I say that there will be no justification for adjourning the discussion of the Bill. If we take it up now, by the time it passes through the select committee stage, there will be time enough for any person interested in the matter, either individually or as the representative of any association, to bring his suggestions to the careful consideration of the committee, and I am sure that the select committee will go into all such representations in time. Another request I have to make is that the select committee should be made as representative as possible so that all sorts of views may be focussed. One other request is that the select committee should also consent to examine expert witnesses where necessary.

"With these words, I give my hearty support to the Bill."

Mr. S. ARPUDASWAMI UDAYAR :—"Mr. President, while rising to support this Bill, I must in all fairness admit that my views are the views of

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an outsider, of one who can consider the Bill only on its non-religious bearings. Looking upon it as a piece of legislation, I think it is a bold attempt to remove all abuses and to give effect to the real intentions of the benefactors and the donors of the temples. The Bill aims at devoting all available funds to the purpose to which they were intended. This it does by bringing in the machinery entrusted with the distribution of funds in line with modern ideas, modern methods and modern needs and requirements.

"Round a temple is slowly formed a colony or settlement of the temple servants, cultivators of the temple lands, devotees, teachers, scholars and others. These settlements continue to grow until at last we have a populous city with several suburbs, with quarters for the rich, quarters for the poor, with shops and bazaars and fares, with roads and bridges and all other accessories of a modern town. Each cult stands for a certain ritual, has its feasts, its festivals, its processions, its pilgrimages which attract large crowds not only from the neighbouring districts, but from all parts of India, and even from Burma and Ceylon. Here the question arises of accommodating all the pilgrims, of facilitating the objects of their visit, of erecting suitable quarters for them and of improving the sanitation of the temple premises in order to avoid the reoccurrence of any epidemic. For, should any epidemic break out, these pilgrims would carry the germs of the disease to several districts. The local bodies are certainly entrusted with the schemes of medical relief and sanitation, but still the extent of their endeavours is certainly limited by the length of their purse.

"Money has to be found for financing certain organizations which must be brought into existence in order to cope with the new demand. If money is diverted to these legitimate purposes I think that money will be regarded as being diverted to purposes allied to religion. My fear is that money will hardly be found for being diverted to such purposes, at least in some places. Surely it must have been the original intention of the donors or the benefactors that the objects which they sought to accomplish could be carried out only under certain environments, under certain conditions and under a certain kind of atmosphere. If they could come out of their graves and see how the income from endowments is wasted in unprofitable and costly law suits and how it is squandered away in personal extravagance and luxury, I think they would ardently desire that a Bill like this should be introduced so that every rupee derived from the endowments might be devoted to the purposes for which they were intended under such suitable conditions as are indispensable for the realization of the objects they had in view. Some of my friends have apprehensions that the funds of these institutions may be diverted to the benefit of other communities. I may assure them that they need not entertain such apprehensions. They may very well leave the other communities severely alone and especially the community which I represent. The hon. Member, Mr. C. R. Reddi, made a beautiful profession of faith in the efficacy of a cosmopolitan scheme, a scheme of all-embracing charity. I think that, as matters stand, the trustees of several temples do not find funds enough for making the necessary repairs. In this connexion I may refer to the resolution tabled by the member from Trichinopoly, requesting the Government to take immediate steps to repair the Srirangam temple. Here is a celebrated Hindu shrine, which attracts large crowds from all parts of India, Burma and Ceylon, but which has not funds enough for making the necessary

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repairs. So if instead of discussing the question of diverting the surplus revenue of the temples to the benefit of other communities, my friends would but refrain from diverting the tax-payers' money to purely denominational purposes, I think they would be conferring a real boon on those communities. The Bill provides also for the collection of records, documents and other materials indispensable for the maintenance of accounts on up-to-date lines, for periodical audit and so on. These things are absolutely necessary even for the compilation of accurate historical reports.

"It is indeed a sign of the times, and a manifestation of the new spirit or movement, a sort of renaissance, which, I believe, is sweeping over this province, that a non-Brahman Ministry should introduce this purely liberal measure for the proper expenditure of the incomes from endowments left chiefly I think by non-Brahman benefactors and mostly under the management of the non-Brahmans. The hon. the Minister for Local Self-Government has to be congratulated on the bold step he has taken and on the firmness and decision he has shown in introducing this measure in order to eradicate an old evil."

Mr. M. SURYANARAYANA PANTULU:—"Mr. President, Sir, hon. Members who have spoken already have congratulated the hon. the Raja of Panagal on the measure he has introduced into this Council. Congratulations are certainly due to the hon. the Minister for Local Self-Government for introducing the Bill. There is no gainsaying the fact that religious endowments and religious institutions have not been managed in the manner in which they ought to be managed for a very long time. It will be very proper, indeed, if something is done now to mend matters.

"Hon. Members who have spoken already have apparently had experience of religious institutions in the south only and have probably not known of the religious institutions of the Northern Circars, more especially of the Vizagapatam district. Coming, as I do, from Vizagapatam, and knowing, as I do, the religious institutions of Vizagapatam, managed by the Maharaja of Vizianagram, I submit that the clauses which relate to the committees and their constitution ought to be revised very materially. For instance, clause 5 says:

The Local Government may, by notification, direct the constitution of a committee for any local area.

"thus making it possible for the committee being constituted over all the institutions, religious and charitable, under the control of the hereditary trustee, the Maharaja of Vizianagram. But the proviso says, 'Not more than one committee shall have jurisdiction over the same place of religious worship or religious instruction or the endowments and properties connected therewith.' In the Vizagapatam district there are important religious places like Simhachalam, Srikantham, Ramatheerthalu and Panchdharlu. Some of the institutions in these places are endowed very liberally and some of the institutions are not endowed to the extent to which they could have been endowed. There are some institutions which are not endowed at all. If there is to be one committee having jurisdiction over each temple it will be very difficult for a hereditary trustee to manage these devasthanams in such a manner as to be profitable to all the institutions. I know for a fact that the emoluments of the Simhachalam devasthanam are utilized not only for the Simhachalam temple but also for other temples in the district which are not endowed to the extent to which the temple at Simhachalam has been

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endowed. If there should be one committee for the Simhachalam devasthanam it may not be possible for this committee to do anything for these other temples in the same district which are not liberally endowed. It may not be possible for the hereditary trustee to divert the funds of the Simhachalam devasthanam in respect of other religious institutions. The Bill therefore should be remodelled in such a manner as to make it possible for one hereditary trustee to have the sole management of all the temples under his control, the committee being entrusted to have jurisdiction over all the temples under that hereditary trustee. Clause 13 says:

Every committee shall elect one of its members to be its president.

"Whatever may be said with regard to the constitution of the committee itself it seems to be absolutely necessary that the President of the committee should at least be of the same religion as the temple which he represents.

"Coming now, Sir, to clauses 22, 29 and 37 which are some of the important clauses in the Bill: Clause 22 defines the circumstances under which the committee may remove or dismiss a non-hereditary trustee. In clause 37, we find that any person having an interest in any religious endowment may institute a suit in the court to obtain a decree appointing or removing a hereditary trustee. But the circumstances under which the person having an interest may institute a suit for the removal of a hereditary trustee have not been indicated. Although clause 22 says that a non-hereditary trustee can be removed, or dismissed, for persistent default in the submission of budgets accounts, reports or returns, etc., there is absolutely no attempt made in the Bill to specify the circumstances under which the hereditary trustee can be removed from his office. What is the meaning of saying that a person may institute a suit for appointing or removing a hereditary trustee without mentioning the grounds which a person will have to allege as preliminary to obtaining such a decree? I do not think it will be safe for us to rely merely upon the court. If a matter should go before a court upon what should the decision be based?

"Another provision in the Bill which seems to me to be a drastic measure is sub-clause (2) of clause 23. It says:

The committee shall, in cases of dispute or doubt, determine whether a trustee is disqualified and its decision shall be final.

"The reasons for which a trustee shall cease to hold office are mentioned in sub-clauses (a), (b), (c) and (d). Sub-clause (b) says:

If a man becomes of an unsound mind, or a deaf-mute or suffers from contagious leprosy.

"The other sub-clauses deal with persons who have been sentenced or adjudicated insolvent by courts or who have ceased to profess the Hindu religion. Doubt may arise only with regard to sub-clause (b), viz., whether a person is suffering from leprosy. The sub-clause says that a trustee shall cease to hold office, and the committee shall, in cases of doubt or dispute, determine whether a trustee is disqualified, and that decision shall be final. It looks very drastic that the committee should be given absolute power to decide whether a person is suffering from contagious leprosy or not.

"Clause 35 says that the Local Government may make rules altering, adding to or cancelling any of the schedules to the Bill provided the draft of the rules proposed to be made are laid on the table of the Legislative

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Council. But with regard to the original rules themselves there is no such protection. The Government may make rules, and, of course, they will be published. But why not the rules made by Government under clause 34 be placed upon the table of the Legislative Council? The same concession that is allowed in the case of the drafts altering or modifying the rules may be allowed in the case of the original rules also. This means that the power of making rules shall remain with the Council and not with the Government alone.

" Clause 29 of the Bill says that the trustee can fix the scale of expenditure. Well, for what period can that be done? Supposing the committee fixes a scale, is it to continue for all time? This should be made clear. As Mr. Sivaguanam Pillai has said, it seems also that separate chapters should be devoted to separate matters—hereditary trustees, non-hereditary trustees and so forth. On the whole it seems to me that a large number of the provisions of this Bill have to be amplified, and unless this is done I am afraid that the useful purpose which the Bill is intended to serve will not be realized. With these words I support the introduction of this Bill."

Rao Bahadur P. C. ETHIRAJULU NAYUDU:—" Mr. President, Sir, for the better governance and administration of Hindu religious endowments in this Presidency the hon. the Raja of Panagal has brought this comprehensive Bill after a good deal of thought and study, for which he deserves the whole-hearted congratulations of this Council which represents the people of this Presidency. It need not be repeated that there is widespread dissatisfaction with the management and control of religious institutions falling under sections 3 and 4 of the Government of India Act of 1863. This Act is hopelessly deficient in checking the abuse and maladministration of the trust properties, and several committees, appointed between 1874 and 1894 to report upon the state of the existing law and make suggestions for its modifications, have, for some reason or other, fallen through. The principal defects in the working of this Act of 1863 are: (1) There is no provision in it for the supervision of the large and important class of endowments referred to in section 4 of the Act. (2) The system of suit by parties interested is costly and has proved inadequate to guard against dishonesty on the part of the trustees and members of committees. (3) The powers and functions of committees are not defined with sufficient precision. (4) There is no provision enabling the committees to raise funds for the purpose of carrying out their duties. (5) Committees cannot enforce their decisions save by regular suits to carry out their orders. (6) Members of committees hold office for life and cannot be ousted save by suits. (7) There is no provision in the Act for periodical audit of the accounts maintained by the trustees. The present Bill remedies all these and other defects, and embraces the whole subject of Hindu religious endowments in this Presidency.

"The main object of the present Bill is to ensure the efficient administration of the Hindu religious endowments of this province. The Bill provides for regularly constituted committees to supervise and control the management of the religious endowments. The members of such committees will be partly elected and partly nominated. Their term of office will be limited to five years in place of the life membership provided in section 9 of the Act of 1863 which is acknowledged on all hands as one of the serious defects of the Act. Provision has been made to secure that the committee maintains properly registers of endowments over which they are to exercise supervision

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and records of the origin and history of the endowments committed to their care. Presidents of committees are vested with definite powers to inspect the moveable and immoveable properties of the managements and also their records. There is also a provision to levy contributions from the endowments to meet the expenses of the committees. Government have wisely reserved to themselves the power of making rules to enable the committees to control the establishment and interfere with the internal affairs of the administration of temples and mutts. Above all, the decision of these committees is wisely declared final, with the result that we shall have little of the costly pastime—I mean the wasteful litigation, a luxury hitherto indulged in rather too frequently by the trustees and managers of these temples and mutts on account of factions or sectarian reasons.

"There are one or two provisions in the Bill which are to all appearances revolutionary in character, but which are nevertheless intended for the good of the public, and which on that account alone should be hailed with great enthusiasm all over the province. The first of these provisions is that which requires the trustees to contribute to the local bodies from their funds for making necessary sanitary arrangements like medical relief and water facility on occasions of fairs and festivals which attract a very large number of pilgrims, devotees and worshippers from all parts of the presidency. The second provision is that which allows the diversion of the surplus funds to such purposes as education, medical relief, etc. Nobody can say that this expenditure is an unjust or unreasonable charge on the funds of the temples and mutts. The power to order any such diversion of funds is vested in courts of law; but I would suggest that the power had better be retained in the hands of the Government so as to save time, delay and costly litigation. It is my desire that our courts should not be made the agency to decide issues of this kind. Many trusts have enormous surplus funds lying idle and it would be a blessing indeed to the province as a whole if they could be availed of for the purpose of promoting the welfare and prosperity of the people; and how welcome would it be just at this juncture when the provincial exchequer is empty owing to the iniquitous impost unjustly and arbitrarily levied by the Government of India on this poor though overtaxed province?

"As for the red rag which my friend the hon. Member from Cuddapah has mentioned, I should say to my hon. colleagues that if those souls could only appear with a physical body having tongues within their cheeks, they would certainly say, 'Ye, Members of the Legislative Council, be blessed for having passed this Bill and twice blessed be the Raja of Panagal for having had the courage of his conviction to bring forward a Bill of this kind for rectifying the maladministration by trustees and managers of endowed properties.' This Council, therefore, need not at all be afraid of the threat mentioned by Mr. Narasimbachari.

"The hon. the Raja of Panagal, the Chief Minister to the Government of Madras, whose broad-minded and sympathetic statesmanship it is hardly necessary for me to expatiate here, is to be warmly congratulated for the bold step he has taken in bringing about a reform which is so badly needed throughout India and more especially in our province which contains ancient, sacred and richly provided temples and mutts."

Mr. A. RANGANATHA MUDALIYAR:—" Mr. President, Sir, the hon. the Minister for Local Self-Government, while asking for leave for introducing

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this measure, referred to the several attempts made in the past for improving the administration of the Hindu temples and the failure which attended every one of them; and many Members of this House rightly offered him their felicitations for introducing this Bill. All this shows, Sir, that the people of this country are prepared to accept a measure, imperfect though it be, when it comes from their own people, rather than when it comes from a Government which is foreign in its character even in a better form. The hon. Member from Cuddapah spoke for what I may call vested interests. I may be permitted to present the case of the people who are no less interested in the administration of these temples than the *matadhipathis*, trustees and people of that sort. I have had some experience of *mutts* and their working, and of temples and the way in which they are managed. Institutions of great fame, to which people from all parts of India come in large numbers, are being utterly neglected. The *matadhipathis* seem to be more intent on making capital of the ignorance and superstition of the people who resort to the *mutts* and the temples in their charge rather than minister to their comforts and needs. I would ask whether in these circumstances my hon. Friend from Cuddapah would like that these pilgrims should suffer."

Rai Bahadur T. M. NARASIMHACHARLU:—"I demur entirely to the statement made by my hon. Friend. The picture is not so bad as he depicts."

MR. A. RANGANATHA MUDALIYAR:—"I am speaking of these institutions from personal knowledge. I am thinking, for example, of the Srisailem temple which is of very great fame throughout India. I have seen the *Matadhipathi* utterly indifferent to the interests of the poor pilgrims who come in very large numbers from all parts of India. The Swami in charge was openly auctioning the right of the people to have a *darsanam* of the idol and making money thanks to their ignorance, without caring in the least for their comforts."

"Sir, I would like that this Bill should go a little further in certain directions. There are *inams* endowed for particular purposes, for example, for worship in the temples. In the old days, the income from these *inams* was, perhaps, just sufficient to meet the cost of the offerings required to be made in the temples; but circumstances may have changed since then and the income from the *inams* may have increased beyond all expectations. The Government may have brought within the reach of these lands some irrigation sources and the lands yielding nothing before may now be yielding large profits. I would like in such cases that the Government should have the power of utilizing the surplus left after meeting the legitimate needs for the upkeep of the temples or for other charitable objects. Again there may be some services which in these enlightened days are not of a desirable character. I think the temple committee members should have the power of doing away with such services and utilizing the money available for better purposes. I refer to the institution of the dancing girls. I do not think that any good purpose is served by perpetuating this immoral institution. Again, alienations even by way of mortgages and leases should be strictly controlled."

"There are one or two things in this Bill which are rather objectionable in their nature. I refer to the system of nomination introduced in the composition of the committees. I am inclined to think, Sir, that if one-third of their number is filled by nomination, made presumably on the

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recommendation of the president of the committee, the probability will be that the views of the majority are likely to be defeated. Suppose there is a committee of 60 people. Forty will be elected and 20 nominated. If eleven of the elected people join the unrepresentative nominated people, then these eleven will have the power of defeating the desires of the 29 elected members. In other words the view of a progressive majority of the elected members will not prevail when the reactionary nominated members secure the support of a handful of elected people. This contingency I wish to avoid."

"Again, I do not like that there should be an interval of two years before the new Act comes into force. If the existing system is bad, the sooner it is ended the better. Surely two years seem to be too long an interval for the new system to come into operation."

"There are one or two minor things to which I wish to invite your attention. Clause 12 (2) says:

A member of a committee may resign his office by giving notice to the president, and until such resignation is accepted by the committee he shall be deemed to be in office."

"But no time has been fixed within which that resignation should be accepted. If the authorities responsible should be negligent and the resignation is not accepted in time, does it mean that the person in spite of his inclination not to serve should be compelled to do duty on the committee? So also the time within which a vacancy should be filled up requires greater precision. I do not like that the executive should come in to decide appeals. In all such cases the courts will be the proper institutions to decide the disputes. We are all interested in the separation of executive functions from the judicial functions and to go back on that accepted principle and introduce executive control over judicial functions seems to be a retrograde measure altogether. With these reservations I support the introduction of this Bill."

MR. M. NARAYANASWAMI REDDI:—"Sir, I rise to support the principle of the Bill. The motion before the Council is for approving the principles of the Bill and sending it to a Select Committee in order that its provisions may be carefully examined and amended. The way in which the Bill has been received bears testimony to the fact that it has made its appearance just when there is an imperative need for it. I am sure the House has listened with great interest to the lucid and comprehensive speech which the hon. the Minister for Local Self-Government made yesterday in introducing the Bill. I feel bound to say that he deserves our congratulations. I venture to submit that this Bill is so important and so complicated that it should not be rushed through without a careful examination of each and every one of its provisions. The Bill saw the light of day only a fortnight ago, and many of its clauses are not as innocent as they seem. The proper course for the Government will therefore be to allow sufficient time for the public to send in their criticisms and suggestions."

"Coming to the merits of the Bill, I should like to make one or two observations. It is not known why the City of Madras has been excluded from the purview of the Bill. The statement made by my hon. friend, Mr. Namburumal Chettiyar, does not show that the people of Madras are averse to it. Neither the hon. the Minister in introducing the Bill nor my friend, Mr. Natesa Mudaliyar, expounded the reasons for exempting the religious institutions in the Madras City."

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"Again, Sir, Muhammadan endowments have not been included in the Bill, and I find no real justification for it. As to the diversion of the surplus funds of these endowments to water supply and sanitary arrangements, clause 33 does not contemplate the limits within which such funds can be spent. My hon. friend, Mr. Ramalinga Reddi, suggested that there would be no harm if these funds are spent in any place without restriction. I am sorry I cannot share his views. It would be more appropriate to earmark the surplus amount of a particular temple to be spent for the benefit of the place where it is situated and its surroundings, as observed by the hon. the Raja of Ramnad.

"Coming to the hereditary trustees of endowments, I am of opinion that they are not much affected by the provisions of this Bill except that they will have to furnish reports and returns to the committee and have their accounts audited once a year by a certified auditor. It is true that many hereditary trustees who are zamindars have generously endowed religious institutions with their personal properties and their generosity has indeed been so great that the incomes of these temples to-day stand on an equal basis with those of their own estates as stated by the hon. Raja of Ramnad. With regard to the Tirumalai temple of my district, to which I have a special attachment, I wish to bring to the notice of this House that all the properties belonging to this temple were self-acquired and they were under the direct management of Government till the year 1840 when they were handed over to the Mahant of Tirupati (Sree Sehadoss Jee Varu). No provision has been made in the Bill for an agency to inquire and decide whether the trustees of such institutions are hereditary or otherwise. Then again, clause 29 of the Bill does not place any obligation on the hereditary trustee to fix, in consultation with the committee, the scale of expenditure and the allocation of the funds to various objects connected with the endowments. It seems to me, Sir, that the word 'may', in line 2 of the clause, should be replaced by 'shall.' I should like also to point out that serious apprehensions are lurking in the minds of many that unless the budget estimates of the endowments are controlled by the committee the object of this clause will be frustrated.

"As to the disqualification of a trustee to sit on the committee which has jurisdiction over the endowment with which he is connected, I can only say that it is sound in principle, and that the complaint raised by the Raja of Ramnad that a particular class of people have been deprived of certain privileges on account of their birthright has no foundation.

"The inclusion of mutts in the provisions of this Bill will give rise to frequent quarrels among the followers of the different faiths and will hinder the smooth working of the Bill.

"Clause 37 (2) requires the leave of the Collector for any interested person to institute a suit, and sub-clause 3 says that his orders shall be final. This I believe will throw obstacles on the way of the person who likes to see that these institutions are set right. The status of Collectors should, as my hon. friend, Mr. Ratnaswami, said, be reduced to the position of a mere bill collector.

"With these words I support the Bill."

MR. K. SARABHA REDDI:—"Sir several hon. Members of this House seem to denounce the idea of bringing the management and administration of the various religious mutts of this Presidency within the purview of this Bill.

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We noted with interest and with no less an amount of amusement the phantasmagoria presented in the speech of my hon. friend, Mr. T. M. Narasimhachari as well as the magic wand supplied by the speech of my hon. friend, the Principal of the Pachayappa's College. From all I could gather from the speeches of these gentlemen I am forced to think that their mental vision is pinned to the good old times when the mutts were first founded and worked. The mutts then were quite different from what they are now. The establishment and paraphernalia attached to them are quite different from what they were in those days. Then the head of the mutt was one who commanded the universal regard of all his co-religionists in virtue of his profound knowledge of religious matters and his high spirituality. He was generally a man who was well-versed in all the Sastras. But what is the condition of the mutt now? Who is its head? And what is the work he does? Very recently, the Matathipathi Sri Jagathguru Sankaracharya of the Pushpagiri mutt was most brutally murdered by one of his own retinue about half a dozen miles off from my place. The very next day, a servant of his who was doing no other work than washing his clothes and cleaning his vessels was installed on the *peetam*, and he is now called the Jagathguru Sankaracharya of Pushpagiri mutt. The only qualification I know him to possess is that he remained a bachelor till the time of his installation and will remain a bachelor all his life-time. The retinue of Swamiji now are none but a legion of the most illiterate and idle Brahmans. His paraphernalia consists of elephants, horses and such other costly things. As for the work the mutt is doing, it is simply nothing but exacting large sums by illegal means from the unwilling Komaties and lavishly spending the same in feeding the most idle and undesirable Brahmans. No preaching is done, and no work for which the mutt was originally intended. Are we to sit still and allow such vagaries to be committed by the so-called religious mutts? I think it is high time that we should implore the aid of Government to set matters right and improve the condition and working of these mutts by means of legislation.

"The cancellation of the provision that enables a member of a religious committee to be a member for life is most welcome. We have to thank heartily the hon. the Raja of Panagal for having introduced the Bill now, and for his attempt to confer a real boon on the Hindu population of this Presidency.

"With these remarks I heartily support the Bill."

SRIMAN SASIBHUSHAN RATH Mahasaya:—"Sir, I shall not begin by congratulating the hon. the Minister as many have done. I shall reserve that congratulation to the end. While many have congratulated him for introducing the Bill they have also criticised the Bill from beginning to end. There has been such opposition to the Bill in quality and quantity that it cannot be ignored.

"Sir, there are two aspects to be considered in religious endowments. They are: the religious aspect and the financial aspect. I think the Bill provides for the better administration of the properties of the religious endowments, but the provisions with regard to the religious side of the thing have not been properly framed. The committees and constitutions that are proposed to be brought into being are allowed not only to manage the financial side of the religious endowments, but they have also been given power to

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intervene in religious matters. It may be that these committees will interfere in the daily routine of duties, in the *poojas* and *archanas* and *upasanas*, and that will create a stir in the country which the framers of the Bill do not anticipate at present. The committees will be constituted of men belonging to different religious sects. It is said 'those that profess the Hindu religion can be elected'. I think the depressed classes also profess the Hindu religion. Mention was made of this yesterday by one of the speakers. There is considerable difference of opinion on that matter. Many of us have departed from our old ways and religion does not represent the religious views of its constituents. Moreover, the Bill having been brought for discussion in hot haste, we have not been able to find out the opinions of our constituencies. We should see whether the orthodox people of the country will really like a Bill that provides for the admission of depressed classes into the committees. Some will say that a reform has to be undertaken. Mahatma Gandhi is trying to remove untouchability by the cult of non-co-operation, and this Bill tries to effect that probably throughout religious institutions. I should consider it a very bold step on the part of the hon. the Minister to have effected this reform. But this reform which is attempted in the matter of elections is taken away in another place. For instance, clause 38 says that any person who has a right of attendance at the performance of service will be considered to have an interest in religious endowments and that person only will be allowed to institute suits (clause 37). It would have been consistent with the previous provisions if the framers of the Bill had put it as 'any person who professes the Hindu religion and who has an interest in the temple.' What is given with one hand is taken away with the other.

"Then, a *Shaivait* temple may come to be administered by the *Vaishnavites*. The members of the committees may starve the temples. They may divert monies to other purposes and may not allow money for the routine ceremonies of the deities in the temples. I hope it is not sought to bring together all the sects of the Hindu religion and form a democratic religion for the country through the instrumentality of this Bill. Therefore, I think that there is a real need for defining the word 'Hindu' in the Bill.

"With regard to the diversion of surplus funds for sanitary arrangements, I do not know why such a thing should be allowed when local bodies have got the power to levy a pilgrim tax. If there is a temple in a municipality, and the municipality takes away all the pilgrim tax, why should the temple be asked again for funds to make arrangements for the pilgrims that assemble there on special occasions? The municipality or the local board that is given the power to collect the pilgrim tax should also make arrangements for the pilgrims that gather on occasions. We want a Bill; we know that there is mismanagement; we know that there is misappropriation and misuse of temple properties. But whether the present Bill is an adequate remedy is the question that has to be considered. The Bill requires large modifications in almost every clause, as has been pointed out by several speakers. I hope therefore that in the select committee stage due opportunity will be given to the people to express their opinions on the question, and that the Select Committee will be so composed that people may not say that the whole thing has been done in hot haste to serve some purpose or other. With these remarks, I support the Bill."

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Mr. G. VANDANAM :—"Mr. President, I want to speak on two aspects of the Bill: one is the patriotic spirit of the Hindu community as shown in bringing forward and supporting this Bill; the other is that this is one of the advantages which the Reform Scheme has conferred upon us to tackle certain problems engaging the minds of our people. As we know, for a long time some of our Congress leaders and some of our great political and social leaders wanted a reform of this kind. Several public as well as private Bills were introduced, but those Bills were not accepted because they were either too wide or they were not consistent with the benevolent neutrality of the Government. Therefore neither the Government nor the private people were able to effect the much-needed reform. But when this question has been transferred to the transferred list of subjects and a popular Minister has been enabled to handle it, he has taken the first opportunity to bring in a Religious Endowments Bill to set right the mismanagement that has been going on in the administration of religious endowments. Therefore in giving effect to this idea of trying to set right the mismanagement of religious endowments, the Reform Scheme has been of great benefit to us.

"On the other side, we see the patriotic spirit of the Hindu community. Anybody may raise the legitimate question: 'Why should the surplus funds of the Hindu religious institutions alone be diverted for the use of others, and why not the funds of other religious institutions be diverted for the use of the Hindus?' As a matter of fact this question calls for large-heartedness and a great patriotic spirit from the Hindus. If members of the Hindu community in this country do not show such a great patriotic spirit, and show that they are devoting the surplus funds of their institutions to objects beneficial to all people, I am sure that the Hindu community may lose the great lead that it already possesses. We have been hearing a good lot about Hindu-Muslim unity. Of course, it is good in its own way, but I am sure that to bring about a sort of union, such practical acts and such practical examples of benevolence will go a great way.

"There has been a good deal of criticism about the provision in the Bill that some of the funds of one religious institution may be spent in different places or for purposes other than those intended by the donor. The objections have their weight. But when nothing has been done for the improvement of the institutions all these years, and when there has been so much mismanagement (and perhaps some may venture to say misappropriation) of funds, would it not be better that, instead of allowing this mismanagement and misappropriation to go on, these funds are devoted to some benevolent purpose such as medical relief or sanitary assistance, or educational improvement, which will confer an advantage not only upon a large portion of the Hindu community but also upon other communities that are dependent for many things upon the Hindu community? In these two respects therefore this Bill will be of great advantage to us: it shows the practical advantages of the Reforms, and gives a practical opportunity to the Hindu community of showing their large-hearted patriotism in allowing some of the surplus funds of their religious institutions to purposes which will benefit the other communities of the country as well."

Mr. V. P. PAKKIRISWAMI PILLAI :—"Mr. President, Sir, I am very glad to find that this Bill has been welcomed by almost all the parties in this House. This legislation is long overdue and people have been expecting it

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Mr. C. V. VENKATARAMANA AYYANGAR :—"I want to say a few words, Sir, at this stage. I was waiting so long to see if any member on the Government benches, including our temporary colleague, would say anything as to the objections that have been raised by the various members in this Council. So far nothing has been said, and I take it that the only reply will be from the hon. Member in charge of the Bill. Though I have to say a few words against some provisions of this Bill later on, I add my echo to the chorus of congratulations on this Bill. I must, however, say that the congratulation is not applicable only to one particular minister or to any particular party; because this question has been agitating the Indian mind for several years, and the credit, if any, is due to the otherwise imperfect and unsatisfactory Reforms which have enabled the Local Government and the Minister in charge of the particular department to bring in this Bill. It is very difficult to apportion the credit or discredit for the objections in the Bill to anyone, because the hon. Member in charge of the Bill said that it was entirely—he did not even qualify that word 'entirely'—approved by a committee appointed for the purpose. Two members of that committee have spoken already. One has taken serious objection to the provision of nomination in the Bill—I mean the Raja of Ramnad. The other member, Mr. Ramalingam Chettiar, pointed out the omission of an important provision, namely, Charity Commissioners."

The RAJA OF RAMNAD :—"I never took serious objection to Government putting in the provision for nomination. But I only pointed out that some difficulty might crop up on account of it."

Mr. C. V. VENKATARAMANA AYYANGAR :—"What I said was an interpretation of what the Raja of Ramnad had stated. He had his objection to nominations, and I am entitled to say interpreting it that it is a serious objection, and I am not concerned whether he thinks his objection is a serious one or a useless one. I am only interpreting the speech of one of the members of that committee, and I am entitled to say that he took serious objection to that point."

"I was referring, Sir, to Mr. Ramalinga Chettiar, the other member of the Committee, who referred to the Charity Commissioners. I think the suggestion must have been made to the Committee and must have been thrown out. But whatever that may be, this Bill ought to have come to this Council much earlier, and even if we congratulate the hon. the Minister that he has been able to introduce it at this stage, after we have spent two years of our time on various other matters like resolutions condemning this community or that community, bills intended to operate against a particular political party and such things, my only congratulation is that he has been able to find some time to introduce this all-important measure as it deals with a subject whose reform has been advocated by Indians of all political views for several decades. Now that the question has been taken up every Member of this House should congratulate the House and the country on the fact that the Bill has been introduced after all. When I say that I join the echo of congratulations so far as this Bill is concerned, it does not mean that I support every provision in the Bill. In fact, with your indulgence, Sir, I shall say a few words opposing several of the main principles of the Bill."

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"First of all, I must congratulate not only the Government but also the gentlemen that had a hand in the framing of the Bill for the careful way in which it has been drafted. But in spite of that, I have to say that the wordings of the Bill are open to serious objections. Firstly, we heard Member after Member saying that this Bill ought to include the religious endowments in Madras also, and yet we heard nothing like an explanation for such a thing. But the explanation may be coming in the end and it may be too late for other Members to speak on that point. It may be said that Madras is under the special patronage of the High Court and the Letters Patent, and also that section 92, Civil Procedure Code, applies to the religious endowments in Madras city. If section 92 has been found to be of no use for the endowments outside Madras city, is there any reason to say that it is not equally inapplicable to the endowments within the city? Because the section has been found to be inadequate for protecting the endowments, this Bill has been introduced, and therefore it should have been made applicable to Madras also. I do not think that under the Reforms the present Government is powerless to extend the provisions of this Bill to the Madras city also. Well, Sir, we shall wait for a satisfactory explanation on the point. Mr. Natesa Mudaliyar has spoken something about public meetings in Madras. Public meetings in Madras, for or against this Bill, are of no good to us, because the Bill does not relate to Madras. It is better that we hear of public meetings in the mufassal as to whether this Bill is welcomed by them as a good one or not."

"The next point is why this Bill should not have been made applicable to Muhammadan endowments also. I do not think any clause in this Bill can be said to be inapplicable to Muhammadan endowments. Only you have to add the word 'Muhammadan' after the word 'Hindu' in the title of the Bill, and it will at once apply to Muhammadan institutions as well. Probably a chapter may be added to safeguard the interests of Muhammadans. This is also a point for which we shall wait for a reasonable explanation to be given by the other side."

"There is a suspicion raised here and there that this Bill is brought for the purpose of catching the votes in the elections, and that that is the reason why it has been brought in this third year. I cannot say if it is based on facts."

"Then the other question is as to whether this applies to Hindus alone. Sub-clause (2) of clause 2 says :

The local Government may, by notification, extend to Jain religious endowments the provisions of this Act and of any rules framed thereunder, and may declare such extension subject to such restrictions and modifications as they think fit.

"Then the question is whether the Jain is a Hindu or not in the view of the Government, and if he is a Hindu why that provision was considered necessary? If a Jain is not a Hindu then what becomes of the various provisions of the legislation that say that the voter, the member, the trustee and the committee members should be Hindus and that they cease to be trustees, etc., once they cease to be Hindus. This is only by the way, just to show that there is some difficulty in the wording of the Bill."

"One other point is with regard to clause 10. No person who is of unsound mind or a deaf-mute shall be qualified to vote; but when once his name is in the electoral list who is to decide whether he is deaf-mute or unsound? There was a difficulty recently felt when the question had to be

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decided whether an European retired gentleman, a deputy inspector-general, was of sound mind or not. Different doctors were of different opinion, and just as doctors differed so also courts differed. Therefore I suggest that everything should be clearly mentioned so that there may not be any difficulty in construing the provisions of the Bill.

"Then again, with regard to resignations. Under the Bill, resignation takes effect from the date of acceptance. But it may never be accepted. Supposing there is a division of opinion, supposing also some excuse or other is given for not accepting the resignation for a considerable time; then it indeed becomes a very troublesome thing. So that it is absolutely necessary that some limitation of time must be put in the Bill, for the acceptance of the resignation.

"Then, Sir, the most important point is as to whether the Bill applies to private endowments also. The Minister in charge told us that it does not. But if you look at the definition of 'religious endowment' you will see that it is defined to include 'a temple, *mutt* or other place used as a place of public religious worship or religious instruction'. It is very difficult to decide whether private endowments come under the Bill or not when the public are given the right of worship or when a private school is established and boys are allowed the right of education. It is therefore difficult to say whether these private temple endowments are covered by the Bill.

"Then, Sir, there are various institutions which collect various sums of money and spend them on festive occasions. For instance in Tirupati there is the Madhwa Siddhanta Sabha which collects a large sum of money and feeds number of disciples year after year. In such cases, my idea is that such things should be specifically excluded from the operations of the Bill."

The hon. the DEPUTY PRESIDENT (*from the Chair*):—"I must draw the attention of the hon. Member to the fact that there are various hon. Members who are equally anxious to speak on the Bill and that he should try and finish his speech in a minute or two."

Mr. C. V. VENKATARAMANA AYYANGAR:—"One other important thing, Sir, is the question of nomination. It is curious that this House calls itself a democratic body and yet wants nomination. The party in power says that they represent forty millions of the presidency and it is surprising that they should come forward and say that there should be this nomination. The Secretariat is just now so busy that it cannot bring this Bill into force very soon, and before it comes into force this House, as it is now constituted, will have dissolved and I do not know who will be the new Minister in charge of this department. If he is to be a Muhammadan I do not know how he can be expected to move the leading Hindus of the presidency better than the trustees. It is therefore highly necessary that the people in the village or town should elect their own members.

"One other matter is about the diversion. That matter is dealt with in clauses 32 and 33; I merely want to show the dangerous aspect of the provisions. Section 33 (1) says:

Any local authority or any committee may apply to the court for an order directing the trustee of a religious endowment to make out of the income of such endowment a contribution to a local authority or any private person or body of persons for expenditure on education, on medical relief, on water-supply, on poor relief or any other object of public utility.

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"So, under this provision one municipality may consider that the funds of the Tirupati devasthanam is wasted on unnecessary matters and may under this clause apply to the court to transfer some of its funds for the purpose of a training school at Madras or some such thing. This seems to be dangerous.

"One more point, Sir, and that is about the suggestion of Charity Commissioners. I would rather say that this is a costly suggestion and that instead of this the best thing would be to have courts of arbitration in particular places and all matters of dispute may be referred to them, so that we may get rid of the costly litigation as much as possible."

Mr. K. P. GOPALA MENON:—"Sir, if I did not ere now join in the chorus of congratulations to the hon. the Raja of Panagal for the introduction of this legislation, it is because, in the course of the debate yesterday and to-day, I was waiting for one of the representatives of Madura (which place presents a sad spectacle for the last three or four years) to rise and welcome the Bill. It has been said that this is a necessary legislation in the present state of religious institutions in this presidency. Being a Malayali myself, I thought I could give preference to a Tamilian from Madura to speak on the Bill. But seeing that nobody is coming forward to welcome this measure I think it is my duty, representing as I do the Madura rural constituency, to say what I have to say about this Bill. It is too late now for me to say that from the time of Chanakya all the Hindu States exercised control over all religious institutions that everything that was desirable and everything that was praiseworthy was correctly followed. Somehow or other, as years advanced, this sort of State control over Hindu religious institutions lapsed though in certain modern Native States it has been retained. I only wish to refer to the two sister States of Travancore and Cochin where the State is exercising supreme control over the governance of the councils. It is only this year that the Travancore Council has adopted a new line of procedure of appointing an official as devaswom commissioner and another official under him to supervise and manage religious institutions in the State. My esteemed friend, Mr. Ramalinga Reddi, who has experience of Mysore tells me that the same is done in Mysore also. Taking a leaf out of the lessons presented by these Native States I think it is highly necessary that we should adopt a similar procedure here also.

"Now coming back to the Minakshi temple, it is needless for me to say that absolutely no one is responsible for the temple affairs for the last three years. In 1920-21, during the Chittra festival, the god and the goddess were actually starved; there was absolutely no *pūja*, no *navadhiam*, so much so that courts had to interfere and a receiver had to be appointed in the person of Mr. Alagappa Chettiyar. Suits were instituted by committee members, but the committee members were dismissed by the District Judge and a receiver was appointed by him and a manager was appointed by the committee members. The manager, himself a retired Deputy Collector, an Ayyangar or an Ayyar, when he came down to Madura to take charge as manager of the temple, could not do so, and the committee members who were dismissed by the District Judge were reinstated in office by the High Court.

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"Sir, with due deference to the Raja of Ramnad, a good deal of the income of the Rameswaram Devasthanam is contributed by the Malayali members. I think some hon. Member stated that all money must be used locally.

"With regard to the details of the Bill, as I have already stated, I welcome the introduction of the Bill, and congratulate the hon. the Raja of Panagal on it. As regards the details of the Bill, it is not necessary for me to speak any further except to make one or two suggestions in regard to clause 11. I join my hon. Friend, Mr. Thampan, in saying that the clause about disqualification will, at any rate, create great difficulty in regard to some places. It is stated that anyone who does not profess the Hindu religion is disqualified. Of course, as Mr. Thampan stated, there are influential members of the Thiyya community, and it is easy for them to return one as a member of the community. But as social customs and local usages stand, it appears too much for me to tell this House what earthly necessity there will be for a member of the Thiyya community being returned as a member of the management. I would therefore respectfully submit for the kind consideration of the hon. the Minister the addition of a clause to the effect that where local custom or usage prohibits the entry of certain persons into the temples, a distinction ought to be made in the matter of nominating such persons. In the same way, in regard to certain temples in the Ramnad district and in the Madura district the Nadars are not admitted into the temples. Of course far be it from me that I advocate the prohibition of these persons from entering these temples. I should always be very pleased to enter a temple with a Thiyya on one side and with an orthodox Brahman on the other. But I am afraid that, as things stand at present, it may rather savour of a revolutionary measure if a Thiyya is returned as a member of the committee. Then, the only other clause on which I wish to make some observation is clause 33, which is about the diversion of the surplus funds of the temples. I am not at all afraid of the costly ghost of my hon. Friend Mr. Narasimha-charlu."

Rai Bahadur T. M. NARASIMHACHARLU:—"I have not yet become a ghost, Sir."

Mr. K. P. GOPALA MENON:—"Well, Sir, I shall cut short by saying merely costly ghosts. Probably the ghosts are not expected to suffer when a good deal of the money that has been given away by charitable donors for particular purposes is being diverted to enrich the pockets of the lawyers in civil suits that are pending in the sub-courts and in the district courts. I was telling the House that if we looked into the accounts of the management of the Madura temple we would find that a sum of twenty or thirty thousand was being paid regularly for the purpose of conducting litigation pertaining to the Minakshi temple. I am sure that no gentleman or lady who endowed the Minakshi temple with funds ever intended that a sum of Rs. 3,000 should be given to Mr. Gopala Menon, Bar-at-law, for conducting a suit in the sub-court or another sum of Rs. 6,000 to Mr. T. C. Srinivasa Ayyangar for appearing in another suit in the district court. Surely that could not have been the object of the donor. As regards the question whether the surplus funds can be utilized for purposes other than those mentioned by the founders, I certainly agree with the hon. the Minister, because he has

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introduced a very cautious clause into the Bill. It is laid down that the surplus funds can be utilized for other purposes, only after adequately satisfying that all the avowed wishes of the founders of the endowments have been carried out in full. Very rightly the hon. the Minister does not ignore the object of the endowments for which the money was given. All that the Bill now provides for is that the surplus funds should, after meeting the necessary requirements, be utilized for the purpose of helping mankind as a whole.

"As regards clause 40, I join my hon. friend, Mr. Muttu Chettiyar, and say that it is not very desirable to exclude temples which have a very small income.

"At present this is all I have to say about the Bill and I hope that the Bill will emerge from the Select Committee in a better form. Once more I wish to offer my congratulations to the hon. Minister for having introduced a Bill which has been a long-felt want."

Mr. T. SIVASANKARAM PILLAI:—"Sir, I rise to welcome this measure. Though I may differ with regard to certain details, I think it is in the fitness of things that this measure has been brought forward at the present moment, so that the administration of our temples may be brought in line with modern conceptions of the administration of self-governing institutions. The temples have been the oldest self-governing institutions in this land. They have for long trained people in the art of local self-government, perhaps long before the idea of responsible government was put before the people. My one objection with regard to this Bill is that its operation is to be excluded from the smaller temples. I come from the Ceded districts where there are not very many large temples; the majority of them have endowments which are perhaps less than even Rs. 250. One interesting feature of all these temples is that they are associated with the name of that benevolent British ruler, Sir Thomas Munro. The other day I was taken by some of the villagers to inspect a certain forest and they arranged for a feast for me,—that is the one way of honouring a guest. The feast was arranged at the wayside temple. A very interesting legend was given out to me by the *pujari* after the *puja* was performed in the temple. Perhaps it may interest hon. Members of this House to know the legend. It would appear that Sir Thomas Munro was riding on horseback on a fine morning when he came across another person like himself riding on horseback. Somehow or other he did not acknowledge him but when he had passed that figure and turned round, that disappeared. He returned back to the spot and cried out in excellent Hindustani: '*Kon ha*' and the response came from the temple: '*I am Narasimha*.' The good Governor, Sir Thomas Munro, then sent for the *pujari* who was living in the neighbourhood in a village 2½ miles away. He came with some flowers in his hand and after making some *puja* in the temple, offered the flowers to Sir Thomas Munro who found in them a hair. It was a sacrilege even to Sir Thomas Munro to find a hair in the offerings made to God and therefore he directly asked the *pujari* whether his God too had hair on his head. The *pujari* in mixed feelings of confusion and fear said that his God did possess hair on his head, whereupon Sir Thomas Munro wanted the *pujari* to show him the hair at his peril. The *pujari* accepted the challenge and wanted seven days' time and the stipulation was made that, if the *pujari* was not able to show hair on the head of the deity

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within that time, his head would be cut off. At the end of the seventh day, choosing the lesser of the two evils, he wanted to hang himself, when suddenly an inspiration came to him from the God. He heard God himself saying: 'Be not afraid, the hair will be provided on the idol's head.' Sir Thomas Munro then came back and found the challenge fulfilled. Then it appears that Sir Thomas Munro granted an inam to the temple, and a *tasdik* worth about Rs. 70 or Rs. 80 per year was fixed for the temple. This, Sir, is the episode connected with a temple situated in the wilderness and I am sure there are several other temples which have got such small income as this one. I suggest the desirability of making some provision for bringing temples such as these within the purview of this legislation. With these remarks, I support the Bill and join in the congratulations offered to the hon. the Minister."

Sri MEKHA APPARAO Bahadur:—"I wish to point out some of the defects in the Bill now before the House. As regards the question of public and private trusts, I am afraid it is not very easy to make a distinction. Provision therefore has to be made in this Bill as to what is meant by private endowments and what by public endowments. I request the hon. Minister to order the preparation of a list of private endowments over which this Bill is intended to exercise jurisdiction before bringing this Bill for final consideration."

"As regards the composition of the committee, some people expressed the fear that persons who were otherwise debarred from entering into the temples would get themselves elected as members. It seems to me, Sir, that it is a wrong principle to state that a member can not serve on a devasthanam committee unless he is able to set his foot in every part of the temple which comes under the management of the devasthanam. I am a trustee of several temples and I am supposed to look after the proper working of these temples and to set right the defects found in them. There are places in the temples where I too am debarred from entering. I cannot enter the *sacrum sanctorum* and there is also another place where I should very much like to go and see the state of things personally, that is, the god's kitchen where the most atrocious crimes are perpetrated."

"I should also request the hon. the Minister to make provision in the case of a multiplicity of trustees. The hon. Member opposite has come out with a temple where there are four or five trustees. I myself am a trustee of a temple where there are over a dozen of my colleagues and there is an immediate chance of our increasing to two dozens. As the Bill will be elaborately considered in the Select Committee, I need not dilate much upon its provisions. I must join my hon. Colleague, the Raja of Ramnad, and request the hon. the Minister to make adequate provisions for the representation of zamindars who have richly endowed these temples. I give my hearty support to the Bill with great pride because this Bill is a direct challenge to the assertion of backwardness of the aristocracy and because it has been reserved for a zamindar-minister to bring forward a special measure for the better management of the religious endowments in this Presidency."

MR. P. T. RAJAN:—"Sir, I rise to support the Bill now before the House. In doing so I wish to make a few observations on some of the provisions of the Bill. I want the hon. the Minister to make some distinction between temples and *mutts*. *Mutts* must be managed by a separate committee elected by those who owe allegiance to and are devotees of the *mutts*.

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"If this is done it will meet with the approval of the members of the Saivite communities which have made practically all the endowments to these *mutts*.

"Coming to the temples, I think it is necessary that all the servants of the temples should be paid in cash and not in kind. If a provision is not made in the Bill to this effect, the objects of the Bill will, to a great extent, be defeated."

"As regards the diversion of surplus funds I think it should be decided the Charity Commissioners who will be indirectly under the control of this Council as the Commissioners will be appointed by the hon. the Minister."

"With these few words I support the introduction of the Bill."

RAO BAHADUR A. S. KRISHNA RAO PANTULU:—"Sir, I rise to support the introduction of this Bill and the main principle which it embodies. So far as the principle of this Bill is concerned it has been before the public for several decades and urged for the consideration of the Government by all sections of people. It is a matter for satisfaction that it has met with a fairly good amount of consensus of opinion from all sections of the House. The main features of the Bill, so far as I understand them, are the composition of committees, the inspection of endowments by the president or members of committees, auditing of the accounts of these institutions from time to time and the limiting of the duration of life of the members of the committees. Regarding these main principles there has been no difference of opinion. It is only regarding some questions of detail that there has been, as there ought to be, considerable divergence of opinion which should be carefully solved in the future."

"The hon. the Raja of Panagal himself told us that he did not claim perfection for his measure and that he would welcome suggestions for the improvement of this Bill. If I now venture to make a few observations it is only with the full hope that they are calculated to improve the present Bill. I do not share the apprehensions of my hon. friend, Diwan Bahadur M. Ramachandra Rao, that this Bill will be viewed as a party measure. If I make bold to make that statement, it is because of the opening remarks of the hon. the Minister in introducing this Bill. He told us that this Bill emanated from a consideration of various previous Bills brought forward by persons of different shades of opinion. With that assurance and with that information before us I do not think that there is any ground for apprehension that this Bill will be, or can be, viewed as a party measure when all sections of the House are agreed as to the desirability of introducing it. Again, Sir, I think that there has been discussion in this House from varying standpoints, from the standpoint of social reform on one side and of *Varnashrama Dharma* on the other. I believe that we must steer clear of these considerations. I do not think that the hon. the Minister will be in a position to tell us whether he is going to pilot the Bill on the ground of social reform or on the ground of *Varnashrama Dharma*. I believe that he must keep himself free from these considerations and try to maintain the purity of the Bill. I am fortified in my view by a perusal of clause 42 of the Bill, though that clause ought to be improved. It is intended to safeguard the long-established usages of temples. In the notes pertaining to that clause it is expressly stated that it is intended to protect long-established customs and

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usages. I do not think, therefore, that with this express provision in the Bill any one can state that we want to revolutionize these institutions and bring in all ideas of social reform. When we have got this necessary safeguard, it is our duty to see whether this Bill is calculated to achieve that object. I may point out to the hon. the Minister, that, though that is the express intention of the framers of the Bill and though it is set down in the Statement of Objects and Reasons, the other provisions of the Bill are not calculated to achieve that object, because I find that in the previous clauses there is no reference to long-established usages or customs of these places of worship. We find that there is no reference at all to this either in the provisions relating to the appointment of members of committees contemplated under clause 7 or in the powers of the committee contemplated under clause 19 or in fixing the standard of seats in places of worship contemplated under clause 29. I would state that, if this Bill is to achieve this useful object, it is quite necessary that the hon. the Minister should take definite steps to allay the apprehensions of the public by introducing provisions in appropriate places to safeguard the maintenance of the existing institutions according to established usages and customs. That is a necessary modification which has to be effected before further steps are taken.

"I myself would have liked that this Bill had been brought forward after a careful and full investigation of the origin and the history of endowments in this Presidency. I believe that this is the proper course which ought to have been taken before introducing a legislative measure of this description. Let me remind the House that the Charitable Trust Act of 1853 was passed in England after considerable hesitation as a result of labours extending over several decades. It was Lord Brougham's Commission, which was appointed about 1818; it sat for a period of 20 years and sent up several reports about the existing history and origin of several institutions. They submitted a report which covered about 40 volumes. A committee of the House of Commons was appointed in 1835 and a Royal Commission, in 1849. This Royal Commission sent a report in 1850 and in 1852 the Act was passed. I only mention this to show that it would have been more satisfactory if, before introducing a legislation covering endowments of all descriptions and of all traditions, a thorough investigation had been made. These were the exact remarks of Sir Abdur Rahim when he discussed this question:

The Government should first undertake a careful enquiry into the history, the origin and usages of these religious institutions by responsible committees and then take up the question of legislation on proper lines.

"But, Sir, it would now be difficult to go back to that position. So far as the principle is concerned, it is accepted by all sections of the House. May I hope that this will be borne in mind in the further progress of this Bill? If the Bill is to serve the object which it is intended to achieve, it must be only with the concensus of opinion of all the people of this country.

"Sir, there are a few provisions of this Bill to which, with your permission, I would draw the attention of the House. Much has already been said regarding the nomination of members of the committees. I am one of those who cannot believe that we, claiming credit for being a democratic assembly, should give our assent to a provision of the Bill which states that one-third of the members should be appointed by the Government.

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"If, Sir, this House is not prepared to go so far, I would ask whether there is any justification for taking away that power from the courts according to the established precedents and to confer it on the Government. We find in section 37 that in the matter of removing a member of the committee, the court is given discretion and a person who has a right of worship can institute a suit for that purpose. When a court is given power of removal of a member of the committee under certain conditions, I cannot see why for the purpose of appointment you cannot trust the court. My own view is that there will be no hindrance whatever if these places are thrown open for election. In the alternative, I would submit whether it would not be wise to leave it to the courts to decide. Is it not safe that the House should lay down definite principles whether the question of appointment of members to the committees should be by the Government or by the Court and is it not desirable that, in doing so, the final authority should pay due regard to the established religious institutions? We need not here specify or give elaborate details of these. The persons making the appointments should show due regard to the established usages of religious institutions. I think, Sir, that it is absolutely necessary to make a provision of that character in dealing with clause 6 of this Bill.

"Clause 7, I would submit to the hon. the Minister, is quite indefensible. It provides that for a period of two years, Government should have power to appoint all members. I only want to ask the necessity or justification for that provision. In the Statement of Objects and Reasons it is stated that because the preparation of electoral rolls is likely to take considerable time, they have proposed to give Government power to appoint all members to the committees. Section 5 gives power to the Government to abolish a committee and to replace it by a new committee. With these powers under section 5, are we to approve of a measure which has the effect of giving such power to the Government for a period of two years?

"Regarding the objection urged that the preparation of electoral rolls is likely to take time, may I point out that there is a simple way of solving the difficulty? The difficulty arose owing to the fact that in Schedule I, which refers to the qualification of electors, there is a slight departure from the qualification prescribed for the electors of the Legislative Council or the local bodies. I find that in the case of those assessed to income-tax or in the case of retired pensioners there is no difference whatever between the electoral rules for local bodies and for the committees. It is only in the case of those who pay only rental value that there is some difference. It is ten rupees in the case of Legislative Council or local boards and Rs. 20 in the case of these temple committees. My opinion is that we can have an elected committee, if we do away with this difference, in less than six months. Further, I would ask hon. Members to consider whether they think it worth while to alter this Rs. 10 to Rs. 20 resulting in an elaborate new electoral roll for the printing and publishing of which considerable expense has to be incurred? If you want to simplify the whole process, you can very reasonably be satisfied with a wider electorate with Rs. 10 qualification and take advantage of the electoral roll already existing. If you adopt this suggestion, it will be easy for you to bring these committees into existence in a much shorter period than two years and avoid the necessity for the provision contained in section 7 of this Act.

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"Then, Sir, I have to offer a few remarks upon this *cypres* doctrine referred to in section 33. As regards the application of endowment funds under section 32, there is no difference of opinion whatever. The principle is accepted. It is merely the question of detail that I wish to refer to. The principle is already in the Local Boards Act and it has to be seen whether these provisions cannot be brought into conformity with one another. The *cypres* doctrine has been before the public for several years. It is not a new thing which we are introducing at present. It will be found that this has been under consideration with certain limitations from 1840 or so. The Court of Directors themselves considered this in the early forties and made this declaration:

We are of opinion that all grants and endowments should be, in the first instance, appropriated if possible to their original purposes; when the funds are more than adequate to that end, instead of allowing them to accumulate without limit, they should be applied to purposes of general utility, taking care that the particular district in which the endowments are situated should derive full benefit from the new appropriation of the surplus.

"And we find that on the 20th September 1845, the Government of India made this provision:

These accumulations, in the opinion of the Governor-General in Council, should be held to be at the absolute disposal of the State and should be regarded as a fund to be devoted to the public benefit in works of general utility, preference being given as to the locality where the surplus is to be expended, and the neighbourhood from which it was derived, and the education of the people being held forth as the most legitimate object to which it should be applied.

"I may remind the House that we are going here, much farther than in other established institutions. It is desirable that we know the limitations to which we are subject. We cannot go further than is provided in the Endowed Schools Act of 1869, and I will read to the House the provisions contained in that Act, because the provisions embodied in this Bill are a violent and unjustifiable departure from accepted principles regarding the doctrine of *cypres*. This is the provision in the Endowed Schools Act:

By section 30 the charity commissioners are empowered with the consent of the governing body by scheme to devote to educational purposes endowments for any of the following purposes, viz., doles in money or kind; marriage portions; redemption of prisoners and captives; relief of poor prisoners for debt; loans; apprenticeship fees; advancement in life; or any purposes which have failed altogether, or have become insignificant in comparison with the magnitude of the endowment, if originally given to charitable uses, or before the year 1800.

"We find, Sir, that there were decisions of the Bombay High Court in 1874 and 1907 in pursuance of which the courts with certain limitations did recognize the diversion of funds of religious institutions for the establishment of schools. When that was the position, what do we find so far as this Bill is concerned? We find no provision for the diversion of funds being made with the consent of the persons who are proposed to be affected by the measure. This is a serious thing which, I am sure, will affect the utility of the measure. My friend, the Raja of Ramnad, told us yesterday that he was anxious to utilize as far as possible all the surplus funds available. I think that is a matter which should be guarded against."

At this stage, the Council adjourned for lunch.

The Council reassembled after lunch at 2-30 p.m.

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continued*):—"Sir, the doctrine of *cypres* introduced in clause 33 (3) of the Bill contains provisions for three separate sets of circumstances. There is not much room for difference

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of opinion as to first and second sets of circumstances; for they provide for cases where the purpose of a religious endowment has become impossible to realize, or where the machinery for giving effect to the original purpose of the endowment has broken down. But in the third set of circumstances, i.e., in cases where a surplus remains after fulfilling the avowed purpose of the endowment, several difficulties arise; and it is absolutely essential that the Bill itself should lay down the principles that should guide the application of this doctrine. Provision is made as to the determination of the purpose for which such funds ought to be diverted. The purpose for which they ought to be diverted will always vary according to the nature of the institution and its previous history. This was the case, for instance, when the Tirupati Devasthanam Bill was taken up by the pre-Reform Councils. According to the history of this devasthanam, educational institutions had been maintained out of its surplus funds for thirty or forty years without any complaint, so that the Council gave its assent to it, though after considerable discussion. In the case of other institutions, too, a reference could be made to their tradition and history, and such purposes as fell within the purview of these institutions in the past could be recognized. But to prescribe that a surplus can be used generally for education, for medical relief, for water-supply, for poor relief, or for any other object of public utility, which is very vague, wide and comprehensive, is, I think, Sir, likely to lead to considerable difficulties in practice. Let me remind the House that when the East India Company took charge of the Tirupati devasthanams and collected funds for the purpose of education, they handed over the management of the institutions to the Mahant in 1843. It was found that a large surplus of something like 40 lakhs of rupees and more had accumulated, and it was intended that it should be utilized for the purpose of education, etc. But it was found that the funds had become mixed up with the general revenues of the country and that it was not possible for the Government to specify the amount which could be utilized even for those purposes of public utility contemplated in the Bill. I would draw the attention of this House to the information given by the Government in dealing with this devasthanam in reply to a question put in 1914:

Question 89 (1) Is it a fact that the Tirumalai, Tirupati, etc., devasthanams (known as the Tirupati devasthanam) were under the management of the Government for some years till about 1843?

(2) Will the Government be pleased to state—

(a) for how many years the aforesaid devasthanams were under the management of the Government;

(b) how the annual savings from the devasthanams were utilized during that period;

(c) what amount, if any, remained in the Government treasury under the devasthanam account when the Mahant was entrusted with the management of the devasthanams; and

(d) how that sum was utilized?

"I tried to elicit that information in 1914, but the Government could not then give it. This was what it stated:

The Government have been unable to ascertain in what year the management of these devasthanams was taken over by the East India Company. The arrangement terminated in or about the year 1843. The surplus funds derived from the endowments, the amount of which cannot be gleaned from the papers immediately available but which was certainly considerable,

(it was later on ascertained to be more than 40 lakhs)

were credited to the State as a fund to be devoted to the public benefit in works of general utility, preference being given as to the locality where the surplus is to be expended to the neighbourhood from which it was derived, and the education of the people being held forth as the most legitimate object to which it should be applied."

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"Further attempts to get more information were fruitless. This was what was stated later on by the Member in charge of Revenue:

I am afraid it will be impossible to find that out after the lapse of so many years. At any rate, the inquiry would be long, troublesome and laborious, while there would be no corresponding beneficial results from it.

The whole information at the disposal of the Government has been given in the answer. We cannot give more detailed information than what is stated in the answer.

"I am only mentioning it as an instance to show that when once we sanction the diversion of funds collected from endowments to purposes of public utility—a very illusive term indeed—there is no knowing where we can fix the expenditure within the limits of *cypran*. Therefore, it is necessary, Sir, that in this Bill we should add provisions to specify the purpose, after giving attention to the history of the institution and the uses to which the funds were applied when there were surplus funds. Then again in clause 33 (5) it is stated that the surplus funds should be used in such places as are not adequately provided for and that such use should approximate to the intentions of the founder. I have already stated, Sir, with reference to the intentions of the Government as also of the founders, on previous occasions, that they should be utilized as far as possible in or near the locality where the endowment is situated.

"There is another important aspect of this Bill which I wish to place before this House, and that is with reference to clause 37. Clause 37 deals with suits against trustees and committees. It states that:

(1) Any person having an interest in any religious endowment may institute a suit in the court to obtain a decree—

- (a) removing a member of any committee,
- (b) appointing or removing a hereditary trustee, or appointing or removing the trustee of an endowment falling under section 40,
- (c) vesting any property in a trustee,
- (d) directing accounts and inquiries,
- (e) settling a scheme in respect of an endowment falling under section 40.

"The object of restricting some suits to cases falling under clause 40, which are cases where the annual income is less than Rs. 250 per annum, is set forth in detail in the Statement of Objects and Reasons. I think, Sir, that if it is necessary to settle a scheme in respect of an endowment falling under clause 40, it is all the more necessary to have provision for settling schemes in cases where the annual income is more than Rs. 250 per annum. Sir, all that I wish to point out is that the provision made for suits to settle claims in the case of endowments where the annual income is less than Rs. 250 must be extended to other cases as well.

"Another point, which requires considerable improvement when the Bill comes up for final consideration, is clause 39 which suggests the modification of schemes where these have already been framed by the court. When schemes have been framed as a result of suits where the parties interested have placed all necessary material before the court, we should think ten times before we interfere with them.

"The only other remark, which I wish to make before I close, is this. In all other cases we have had the advantage of getting representative opinions of the various trustees of temples and institutions and I think, Sir, that this is also a fit case in which that procedure should be adopted before the select committee can possibly be asked to meet. It is an equally proper case in

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which evidence should also be obtained for fuller consideration of the various issues involved. May I remind this House that in a simple matter like the Tirupati Devasthanam School Bill containing three or four clauses, leave to introduce the Bill was obtained on the 27th of January 1914. The Bill was then circulated to various other persons, and suggestions and criticisms were gathered. Not till ten months later, in November 1914, was the Bill introduced and passed into law. That only shows, Sir, that when in a small case it was found desirable to obtain information from all interested persons, in a case of vital importance as the Bill now before the House, we should give fuller opportunity for representations to come in."

Rao Bahadur C. VENKATA RANGA REDDI:—"Mr. President, I have great pleasure in supporting the Bill under consideration. In doing so, I heartily congratulate the hon. the Minister for introducing a measure hailed on all sides and by all parties. For well-nigh 60 years, the Act of 1863 was in force in spite of the fact that almost from the outset it was considered to be a very unsatisfactory and defective measure. Times without number attempts were made to amend that Act but somehow or other all those attempts failed. The hon. the Raja of Panagal has succeeded where so many others before him have failed and has introduced a measure for the better management of religious institutions.

"Many of the religious institutions have been shamelessly mismanaged and a number of temples have been allowed to fall into rack and ruin. The income from the temple properties is not devoted for objects for which it was intended. Some of the temple properties are enjoyed by persons who have absolutely no right to them. There are also cases in which even members of temple committees are enjoying properties belonging to the temple without any justification. Such a scandalous state of affairs has been allowed to go on under the existing Act. The main defects of the present Act are the following: The committee members are not responsible to the public. As they are life-members, they are not removable except by a suit for malfeasance, etc. Action cannot be taken against them for want of funds. The present Bill seeks to remedy these defects. The term of membership has been fixed to five years and the members are to be elected by a fairly wide electorate. I submit that the Select Committee would do well to elect the whole number or at least three-fourths of it. The Committee has been given power to remove a non-hereditary trustee, who has a right of appeal to the Government. Under the existing Act he can be removed only by a suit.

"Clause 32 is a very important provision in this Bill. That clause gives power to the Local Government to determine the contribution that has to be made by a trustee to the local authority for making special sanitary arrangements. It is a very important provision and in a place like Kurnool, where two or three important festivals are held in a year, the sanitary arrangements can be satisfactory only when such contributions are made.

"The next important provision is clause 33, which gives power to the courts to order the trustees on the application of local authorities or committees to make contributions out of the income of the endowments to local authorities or private persons for expenditure on education, medical relief, etc., and to order the diversion of surplus funds to such objects. It is true that this provision will rouse considerable opposition from the orthodox section of the community; but, Sir, it will be welcomed by the more advanced section. I

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think, Sir, the hon. the Minister has done a good thing in including this provision in the Bill. No doubt there are some defects in the provision which will have to be considered by the Select Committee. Unlimited powers, for instance, are given to courts to direct the grant of money and to indicate the locality on which it is to be spent. Safeguards will have to be provided against this unlimited power of the courts, and the Select Committee will have to go into the question very carefully.

"I submit, Sir, that there is a lot of unnecessary litigation going on as regards the succession to the headship of *mutts*. After the head of the Pushpagiri Mutt was murdered, a number of rival claimants have filed suits in court for the headship of the mutt. There should be some provision in the Bill making it obligatory on the heads of mutts to nominate their successors within a certain time, say, about 2 or 3 years, after the matadhipathi comes into office. No doubt this will involve a number of difficulties. If a successor is nominated long before the succession is to take place, he may adopt measures to succeed to the office as early as possible. Again, the other disciples of the mutt might become envious of the nominated successor and try to get him out of the way. All these difficulties the Select Committee will do well to go into and see that at least some of the litigations are put an end to.

"Then it seems to me, Sir, that the term of office of the president fixed by the Bill is too short. As in the case of the presidents of district boards and chairmen of municipalities, the term of office may extend to five years. So long as the president is selected from the members of the committee I see no reason why he should not continue for a period of five years.

"Yesterday my friend, Mr. T. M. Narasimhacharlu, was afraid that, if the Bill were to be passed into law, *prasadam*s in the Vaishnavite temples might be curtailed. I may assure my friend that there are sufficient safeguards in the Bill against any such thing. Clause 42, for instance, restricts the power of the courts and the Government and provides enough guarantee that all the old usages will be observed and the customary *prasadam*s will not be discontinued. I would therefore tell my friend, Mr. Narasimhacharlu, not to be anxious over that matter. With these few remarks I support the Bill under discussion."

Mr. W. VIJAYARAGHAVA MUDALIYAR :—"Mr. President, Sir, if I rise at this late hour I do so only to add my quota of support and approval that has been evinced in favour of the Bill now before the House and to congratulate the hon. the Minister for Local Self-Government not only for the introduction of this Bill but also for the kind reception that it has so far received from this House. Almost all the Members who have spoken on this Bill have given their support to it and welcomed it, so that, though they made a number of criticisms and suggestions, it is evident that the Bill is a long-wished-for one and that the Members are very anxious to see that its provisions are carefully considered. I have no doubt that the select committee will carefully consider these provisions.

"For my part, Sir, I must confess, with my hon. friend Mr. Ramalinga Reddi, a feeling of disappointment and surprise at the absence of a provision for the appointment of charity commissioners which, I think, is absolutely necessary in a measure of this kind for co-ordinating and directing the work of these committees scattered all over the province. There is another omission

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which I cannot overlook and that is the omission to eliminate the law courts. One of the greatest evils from which this country is suffering is the provision for litigation in measures of this kind. The evil should be rooted out as early as possible. Such provisions tend to prolixity and unprofitable litigation and wasteful luxury on the part of those engaged in such cases. Therefore, Sir, all reference to litigation in this Bill should be omitted. I fully sympathise with the way in which a strong appeal was made to this House by my hon. friend Mr. Mutta Chettiar not to spend money which has been set apart for sacred purposes.

"Most of the criticisms that have been made regarding the provisions of this Bill deserve consideration. There was a criticism about the nomination of members to the committee. Some hon. Members thought that there ought to be no nominations by the Government and that, all the members of the committee ought to be chosen by election alone. My hon. friend, Diwan Bahadur Ramachandra Rao, feared that this subject would be made a party question. When the much abused bureaukrat held undisputed sway there was no such fear. As soon as we come to have some responsibility and Ministers make their appearance, party contests are complained of. Let me hope that when my hon. friend feared the wickedness of the party in power he meant only political wickedness or, better, the supposed wickedness of the party in power. But let me remind him that the expression 'party in power' connotes the power of a large majority of vote behind. If a party becomes the party in power it means that it has got the influence of the electorate at its back, and that whatever it does is what the majority of the people do. I think, Sir, that the suggestion by my hon. friend to have every member of the committee elected is not proper. The electorate consists of men of all sects and of all denominations. There are Vaishnavites and Saivites and again subdivisions among Vaishnavites, as Vadagalais and Thengalais. If in a certain locality there is a very important shrine in which the Thengalais are interested, and if in that locality the electorate consists largely of Vadagalais, then what will be the fate of these Thengalais? The Thengalais would form a minority and I think that it is but right that the Government should have the power to nominate some of them as members of the committee. The interests of the minority have to be safeguarded. It must also be remembered, Sir, that the Minister is a responsible Minister—responsible not only to this House but also to the electorate. The interests of the minorities should be safeguarded by such a responsible Minister. I think, therefore, that my hon. friend's suggestion that there should be no Government nomination is not at all proper.

"With regard to party Government, I think it is one of the important factors in democratic institutions. My hon. friend Mr. Ramachandra Rao should have bargained or represented his views before the Joint Committee of Parliament."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"A word of personal explanation, Sir. My hon. friend has seriously misunderstood me. All that I said was that the party in power should not control religious institutions."

Mr. W. VIJAYARAGHAVA MUDALIYAR :—"When the party in power takes hold of the political institutions, I do not see why it should not take hold of religious institutions also. The party in power represents the majority of the

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electors and I do not know why my hon. friend contests the right of the majority of the public to take hold of and control these religious institutions as well.

"With regard to the fear of my hon. friend the Raja of Ramnad, that the zamindars will probably not be able to be on the committees . . ."

The RAJA OF RAMNAD:—"I said 'hereditary trustees' and not 'zamin-dars'."

MR. W. VIJAYARAGHAVA MUDALIYAR:—"Of course, my hon. friend referred only to hereditary trustees. But it is admitted that almost all the zamindars have given large donations and most of these institutions have been started by the zamindars. I, therefore, say that this difficulty may be remedied, as my hon. friend Mr. Ramalinga Reddi suggested, by the appointment of Charity Commissioners. I think this question should be considered in the Select Committee."

RAO BAHADUR C. V. S. NARASIMHA RAJU:—"Mr. President, Sir, we want now to introduce electorates in connexion with this Bill and in our anxiety to introduce them we should not forget that an amount of expenditure and labour will be needed for constituting the electorates under the various Acts. We have got one electorate for the Council of State, another for the Legislative Assembly, and a third for this Council. Again, there are electorates for municipalities and taluk boards, and electorates for district boards will come into existence very soon. The electorate proposed in this Bill will add one more to the list. This means unnecessary duplication or triplication of work. A new machinery will now have to be set in motion for preparing the electoral rolls. I think that this is unnecessary. A beginning may be made now by adopting one of the existing electorates, say the electorate for the Council of State or for the Legislative Assembly. That will save much time, expenditure and labour. Otherwise the village officers will have to give information from time to time for the preparation of electoral rolls and I am sure Sir Muhammad Habib-ul-lah Sahib will certainly protest against giving this additional work to the already overworked village karnam or village headman.

"The scheme of this Bill is the appointment of non-hereditary trustees by the committees. The non-hereditary trustees are to standardise the expenditure and in case of difference between the trustees and the committee, the question is to be settled by a court of law. I am not able to understand the principle underlying this provision. When the non-hereditary trustees are the creatures of the committee, what is the meaning of saying that in case of a difference of opinion between the committee and the non-hereditary trustees, they should go to a court of law? The non-hereditary trustees are to be appointed, and dismissed by the committees but in case of a difference of opinion on a particular matter, it is to be referred to a court of law. I believe this difficulty is brought about by mixing up the case of non-hereditary trustees and that of hereditary trustees. If the question of hereditary trustees, as has been advocated by the zamindar members of this House, is sympathetically considered, I feel sure that this anomaly will be removed.

"Again, this is the first time when an attempt is being made to bring the hereditary trustees under the supervision and control of the committees. In this connexion we should consider the reason why the committees were first

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appointed under the Act of 1863. In those days many institutions were under the direct management of the Government, but as the Government wanted to hand over the management to the people they brought the committees into existence. But in the case of institutions under the hereditary trustees, they are already well organized and well run and are looked after by their own trustees. If we examine the powers of the committee as proposed in the Bill, we find that there will not be much difficulty in eliminating their control over the hereditary trustees and in calling upon the latter to submit all details proposed to be called for by the committees. The various powers that are conferred on these committees are the appointment in case of a vacancy, or dispute regarding hereditary trusteeship and so on. The dispute about hereditary trusteeship is a point which, I believe, does not arise very often, and, even if it does arise, I think the committee will not be the proper authority to appoint a temporary trustee. Even pending decision on such a question, it is not desirable that the committee should appoint a temporary trustee. When serious questions of right of succession, etc., arise courts should be given the power to decide them. They can very well appoint a receiver, just as they appoint one in the case of management of an estate—for the management of the temple properties also. Again, as regards the removal on the ground of disqualification, or the filling up of a vacancy, of a hereditary trustee, I do not think that it is proper that the committee should have any power in such cases; for the question will be pending in courts and they can very well attend to this point.

"Again, as regards the right to call for accounts, I believe all these hereditary trustees manage their trusts through their agents. The agents themselves will furnish accounts from time to time to the trustees and they may be called upon to publish their accounts, that is, copies of the budget for the year, the administration report for the year and such other returns as may be prescribed may be lodged in the civil courts or with the Government or with the local bodies of the respective areas. If any one is dissatisfied as to the manner in which the funds are spent, as one interested in the administration he can institute a suit for a scheme. They may be empowered to utilize the surplus funds for some of the purposes mentioned in the Bill under the 'cypres' doctrine.

"I do not see any reason why the committee should have any special jurisdiction over the hereditary trustees, why they should impose various duties on them such as the publication of the budget and the administration reports and why they should be given power to apply to the court for the utilization of the surplus funds. As a matter of fact, to my knowledge, some of the trustees have been utilizing the funds for various objects now mentioned in this Bill. And all this expenditure will be legalized if it is not already done by the custom of the country. Now the committee is given the power to institute a suit for the removal of hereditary trustees. As has been already remarked, the grounds on which they are to be removed are not mentioned in the Bill. I presume the grounds are the same as do exist under the common law in the case of other trustees. This need not be one of the functions of the committee. Even any person interested in the institution can file a suit questioning the conduct of a trustee. The whole trouble, I perceive, has arisen by mixing the position of the hereditary trustees with that of the non-hereditary trustees and under this Bill the non-hereditary trustees are given a status more than what

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is due to them. It must be the right of the committee to settle the standard of expenditure and such other things in the case of ordinary endowments instead of allowing the matter to go to the courts of law."

Mr. V. C. VELLINGIRI GOUNDAR:—"I wish to offer a few remarks in support of this Bill. The place I come from comprises a good number of devasthanams with small emoluments. The Bill goes too far in some respects. There are minor devasthanams whose lands have been alienated, and instances are not wanting where some of these devasthanams have entirely lost their incomes and are struggling for existence, and some are moribund. Some provision is necessary for reviving the condition of these devasthanams and restoring to them the properties they have lost. Facilities must be afforded to these bodies for recovering their lost properties by the appointment of arbitration courts as we are not wanting in members of the legal profession ripe in experience and of good status to undertake this work or by securing concessions in court-fees, etc., as in the case of co-operative societies for recovery of their dues. As regards the surplus, whatever surplus there is should be left to the committee itself to decide in what way it should be utilized. The committee should act in consultation with the wishes of the public. They must consult the important donors and devotees in determining such expenditure of the surplus funds. There should not be merely any allotment to a local body. Consultations may be made with the donors and devotees of several temples during the great festival occasions or by special invitations to them. It is only then that all criticisms can be avoided. The committee which should be formed under this will not be like the one we are already having. Surely, there will be great interest and enthusiasm displayed hereafter when new committees are formed and their status will be far greater also. So there will be no room to think that these committees will allow any waste of money, mismanagement, etc. Further, there will be no difficulty in influencing them through the local body or the Government through their members or officers who may be interested or who hold memberships in committees and thus set right any irregularities. It is therefore quite enough at present to provide the necessary safeguards to prevent the different forms of abuses, such as illegal expenditure, litigation, factions between trustees and committees, mismanagement, etc., and to afford facilities for the recovery of properties lost and thereby to bring about better administration. There is no necessity to appoint paid trustees. The committee should be given full scope to work their way. There should be no interference internally or externally by the local body or Government in their management of trusts, devasthanams, etc.

"Regarding surplus moneys and some matters affecting the internal management, etc., these may be reserved for future enactments after the Act has worked for some time.

"Although the general principles of the Bill have been well approved by all, criticisms have been made also by almost all the members as regards several sections of the Bill, which fact itself shows that more caution is necessary, and so the provisions to be embodied in the Act should for the present be restricted to cover immediately all the disabilities and defects found in the present administration of the religious endowments without giving room for undue interference from outside.

[Mr. V. C. Vellingiri Goundar]

"This Bill, it is regretted, does not include the Presidency town. No reasons were given for so doing. If the City of Madras is included in the operation of this Act, I am sure it will afford some better facilities for solving some of the difficulties expressed with regard to the several sections of the Act and also assist the mufassal committees in their work. However we welcome the principles of the Act and are unanimously offering our congratulations to the hon. the Minister. Especially in this matter congratulations will be more valuable when they come from the general public who are personally and directly interested in the actual working of religious endowments and devasthanams after the new Act has been in working for some time.

"I therefore request the hon. the Minister for Local Self-Government to take note of these difficulties and so recast the provisions of the Bill as not to allow any scope for criticism, especially as this is a matter in which the Hindus are vitally interested. With these few words I support the principles of the Bill."

The hon. the RAJA OF PANAGAL:—"Mr. President, I am indeed grateful to the members of this House for having given a generous reception to the Bill that has been presented to the House. Hon. Members have freely admitted the need for legislation to check the abuse in the management of religious endowments, and they have also accepted the general principles contained in the Bill. All this only goes to show that the Bill has been long overdue and that it is introduced not a day too soon. In fact the present venture to place on the statute book a fairly comprehensive legislative measure is not the first of its kind. It has had its forerunners in the various attempts made at intervals during the last half a century and more. No doubt, these attempts failed; they failed not because they were not attempts made in a good cause nor because we have not had good men to espouse the cause. We had some of our very best men persistently engaged in trying to get legislation to improve the law relating to the management of religious endowments. The most eminent men of the last generation, men like the hon. Rama Ayyangar, Sir T. Muttuswami Ayyar, Sir V. Baahyam Ayyangar, Ranganatha Mudaliyar, P. Rajaratna Mudaliyar, and P. Ananda Acharlu, were not remiss in their attempts to get the Act XX of 1863 amended. Really, Sir, if their attempts failed, it was more on account of the unwillingness on the part of the Government of India, due perhaps to a conscious, or sub-conscious state of mind with the fixed idea that after all they were alien to the people for whom the reform was proposed, and that any interference on their part in a matter like this was likely to be misunderstood. But, Sir, thanks to the constitutional changes in the governance of this country in recent years, they have enabled both Indians and Englishmen to realize that they, as partners in shaping the destinies of this country, are no more alien to one another. Sir, may I not venture to say that if the Bill now presented to the House has obtained the ready and willing approval of the Government of India, it is chiefly due to this realization? I thank the hon. Members for the very warm congratulations they have offered to me. Sir, I should like to say in this connexion that there are others, the Raja of Ramnad and his committee and, particularly, his energetic Secretary Mr. Gopalaswami Ayyangar, who deserve congratulations more than my humble self for the great pains they have taken in drafting the Bill.

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"Sir, in the course of the debate, several important questions have been asked and very interesting criticisms raised. I shall take up the inquiries for information first. Of these two are particularly important. One refers to the fact that Madras City has been excluded from the operation of the Bill. It was the intention of this Government to bring Madras within the scope of the Bill, but the Government of India objected to its inclusion on technical considerations; for in the Bill as was originally drafted, power was given to the Original Side of the High Court to entertain suits and the Government of India thought that the local Legislature could not invest the High Court with jurisdiction. The possibility of including Madras, with jurisdiction given to the City Civil Court, is under consideration, and I assure hon. Members that when the Bill is discussed in the Select Committee it will be given due attention.

"Another query that has been raised is why the scope of the Bill has not been extended to the Muhammadan religious endowments. Sir, the Raja of Ramnad's Committee did bring Muhammadan religious endowments under the purview of the Bill, but the Government thought that the time was not opportune to bring those endowments within the purview of the Bill. I have no doubt that hon. Members will readily admit that with the Khilafat question still disturbing the minds of the Islamic communities, the time is not quite suitable for undertaking legislation in regard to the Muhammadan religious endowments. Besides, in most of the earlier Bills drafted at different times, the Muhammadan endowments, most of them at all events, were excluded from their scope. It is, however, hoped that after this Bill is passed and after it is worked for some time legislation will be undertaken to bring the Muhammadan religious endowments under the operation of the Bill.

"Now, coming to the criticisms, I do not say that they have no force whatever. In my opening speech I stated that my Bill did not claim perfection. I stand by that statement and I do not claim anything like perfection to the clauses of this Bill. The criticisms that have been offered will be considered when the Select Committee discusses the several clauses of the Bill. The first criticism made relates to the short notice of the introduction of the Bill. My only reply is that this Bill deals with a question which has been seriously engaging the attention of the enlightened Hindu community for the last 55 years and more. Several times opinions of eminent men have been taken; they are all on record and I have had the benefit of those opinions. In these circumstances, and particularly in view of the fact that we have still opportunities to consider the opinions of those interested in the matter and others that may be offered at the Select Committee stage, I do not think that the criticism that the Bill has not been long enough before the public has much force.

"The next objection is in regard to the powers of the Advocate-General under clauses 92 and 93, and rule 8 of Schedule 1 of Part I of the Civil Procedure Code. Under section 114 (2) of the Government of India Act the Advocate-General has got the power to institute suits. He has all the powers which His Majesty's Attorney-General in England has, and the Attorney-General in England can institute suits not only *suo motu* but also on information. So, the taking away of the powers of the Advocate-General under the two clauses referred to is not very material.

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"The next question raised is in regard to the inclusion of *mutts* under the definition of Hindu religious institutions. I cannot quite understand why this objection is raised. We do not propose to include the *persons* of the heads of the mutts within the Bill; we only include properties belonging to these mutts. I do not think my hon. friends will disagree with me when I say that it is quite in the interests of the mutts themselves that there should be some sort of check to the mismanagement of these trusts. It is not the intention of the Bill to fetter in any way the freedom of the religious preachers in their spiritual work.

"The next objection that has been raised is in regard to the power of nomination which under the Bill is proposed to be vested in the Government. Sir, this objection, resolves itself into two objections: one that the hon. Members do not want any nominations, and the other, that if there should be nominations they should be made by some body other than the Government. So far as the first objection is concerned, I think, taking the facts as they are, it is necessary that there should be nominated seats, because in the case of temples it is the wealthier or the religious minded classes who come as the minority communities that contribute funds, and if general elections are the rule, their chances of being elected to the committee will be few and far between. Moreover, I should observe that in the very first draft Bill that was prepared by the Robinson Committee, nominations were provided for. As to the second question, i.e., who should nominate, if nominations are allowed, I feel, Sir, as a Minister, my position is somewhat delicate. However, it is my duty to tell my hon. friends what I feel in the matter. However, I am not going to continue to be the Minister for ever. There will be changes, and whoever commands the confidence of the House will be the Minister (hear, hear): the Members may take that from me. I can therefore be quite frank in expressing my opinion, Sir, if the hon. Members are not willing to entrust the power of nomination to the Minister who commands the confidence of the House and who is amenable to the control of the House, how can they entrust it to a district judge, (hear, hear). It may be asked that in the previous drafts of the Bills this power of nomination was not vested in the Government. The reason is not far to seek. So far as I know, in one of the previous Bills the Government was to nominate and in others the power to nominate was given to courts and other bodies. This was because, at that time, as I have stated a little while ago, the Government considered that they were alien to the people to whom these trusts really belonged, and therefore they felt a sort of delicacy in taking the power to themselves. Well, Sir, this is also a matter which will be carefully examined at the Select Committee stage and I assure the House that on this subject whatever decision the Select Committee may come to will be the decision of the Government.

"Sir, it has also been said that it is not desirable that the Government should have the power to make rules with regard to some important matter. Even here I fail to see what the cause for the objection is. The rules are intended to regulate the procedure and they have to be changed from time to time, and these changes will be necessarily more frequent than the changes in the law. Therefore, it is as a matter of convenience that the Government have taken the power to make rules. Sir, these rules refer to two classes of cases. One class relates to the changes in schedules and the other to the procedure. So far as the rules relating to schedules are concerned

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they will be placed on the table of this House. So the hon. Members will have opportunities to criticise them. Sir, even in the case of rules relating to procedure, the rules will be published for criticism and the Government will certainly have opportunities to know what the hon. Members and the public have to say in the matter.

"Then, Sir, another objection that was raised was against the committee having the power to interfere with the internal administration of the religious endowments. That power is really the crux of the whole Bill. In fact all the draft Bills that were prepared contained this provision, and I cannot see why hon. Members feel nervous about this interference. Care has been taken in the Bill that long-established usages and customs are kept intact. So, Sir, I do not think that this criticism is a valid one.

"The next point raised is with regard to the payment of committee members. It is a criticism which, I should say, is groundless because there is no provision in the Bill insisting upon payment to the members of the committee. No doubt there is provision made for the expenses of the committee being met from the religious endowments.

"The last, and the most important criticism, that has been levelled against the Bill, is in regard to the diversion of funds. Sir, I must say that all the Bills that have been drafted previously contained provision for diversion of funds. In fact, the provision is intended to enable the trustees to utilize the surplus funds for useful purposes. Sir, I know as a matter of fact there are enlightened trustees who are prepared to bring into existence institutions of great utility and who are handicapped by the rigidity of law. In these circumstances, Sir, I am afraid that this provision cannot be done away with. But, at the same time, whatever suggestions the hon. Members have to offer regarding this provision, they will be duly considered in the Select Committee.

"Sir, I once again thank the hon. Members for the very cordial welcome they have accorded to the Bill. With these observations, Sir, I commend the first reading of the Bill to the hon. Members of this House." (Cheers.)

The motion that the Madras Hindu Religious Endowments Bill, 1922, be read in Council was put and carried unanimously.

The Secretary then read the title of the Bill.

The hon. the RAJA OF PANAGAL:—"Sir, I now move that the Bill be referred to a Select Committee consisting of—

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| 1. M.R.By. Rai Bahadur N. Gopalaswami Ayyangar Avargal. | 10. M.R.By. A. Ramaswami Mudaliyar Avargal. |
| 2. " C. P. Ramaswami Ayyar Avargal. | 11. Mr. E. Periyasayakam. |
| 3. " Diwan Bahadur Sir T. Desika Achariyar. | 12. M.R.By. Rao Bahadur P. C. Etrajulu Nayudu Garu. |
| 4. " Diwan Bahadur M. Ramachandra Rao Pantulu Garu. | 13. " Diwan Bahadur M. Krishnan Nayar. |
| 5. " Rao Bahadur O. Natesa Mudaliyar Avargal. | 14. The Raja of Ramnad. |
| 6. " Rao Bahadur T. A. Ramalinga Chettiyar Avargal. | 15. M.R.By. O. Tanikachala Chettiyar Avargal. |
| 7. " B. Muniswami Nayudu Garu. | 16. " S. R. Y. Ankinadu Prasad Bahadur, Raja of Chellapalli. |
| 8. " T. Somasundara Mudaliyar Avargal. | 17. " Rao Bahadur C. V. S. Narasimha Raja Garu. |
| 9. Rao Sahib Sir M. C. T. Muthia Chettiyar Avargal. | 18. " C. Ponnuswami Nayudu Avargal. |

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[The Raja of Panagal]

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| 19. M.R.By. S. Muttamankachariyar Avargal. | 23. M.R.By. Diwan Bahadur L. A. Govindaraghaya Ayyar Avargal. |
| 20. " Rao Sahib M. O. Madurai Pillai Avargal. | 24. " Diwan Bahadur C. A. ... Mudaliyar Avargal. |
| 21. " Diwan Bahadur T. N. Sivaganam Pillai Avargal. | 25. " Rao Bahadur K. Gopalakrishna nayya Garu. |
| 22. " Rao Bahadur T. Nambaramal Chettiyar Avargal. | 26. " C. Ramalinga Reddi Garu. |
| | 27. the mover. |

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"I second it."

The RAJA OF RAMNAD:—"May I request the hon. the Minister to consider the name of Mr. P. O. Muttu Chettiyar for inclusion in the Select Committee?"

The hon. the PRESIDENT:—"The hon. Member the Raja of Ramnad is probably aware that he is not quite in order. If he wants to suggest any such thing he should have put forward his suggestion in the shape of an amendment to the motion. I do not think it is open to the hon. the Raja of Panagal to add another name, because I have already put the question to the House. I think we cannot entertain the proposal now."

The motion that the Bill be referred to a select committee was put and carried.

(2)

THE MADRAS IRRIGATION BILL, 1922.

The hon. Mr. K. SRINIVASA AYYANGAR:—"Sir, there has been a general desire expressed that more time should be given to consider this important measure before it is introduced into the Council. The Government desire that this should be done, and, as I take it that there is a very considerable amount of misapprehension with regard to the provisions of this Bill, it will be of use if I do not introduce it now. I hope to have an opportunity of removing those misapprehensions, and I therefore formally move that this item of business be adjourned to the January sitting of this Council."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I second it."

The motion was put and carried.

(3)

A BILL TO PROVIDE FOR THE SPEEDY TRIAL OF MAPPILLA REBELLION CASES IN MALABAR, 1922.

The hon. Mr. A. R. KNAPP:—"Mr President, I beg to introduce the Malabar (Completion of Trials) Act, 1922. The Statement of Objects and Reasons, as published, has given, in some detail, the reason which led the Government to bring forward this piece of emergency legislation, and I do not think I need add very much to what is said there. As the Council are aware, the arrangements for the trial of prisoners in connexion with the Malabar rebellion have been made all through by a series of special ordinances issued by the Governor-General. At first there was the Martial Law ordinance, under which certain courts were established under the authority of the military commander, and subsequently a special tribunal was instituted. That ordinance was in force till February last. At the time when it lapsed we found that a very large number of cases had to be dealt with, which the ordinary courts of the district were not competent to deal with. A further ordinance was found necessary, and that took the form of the Malabar Restoration of Order Ordinance, 1922, under which

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the local Government were given powers to appoint certain special courts, special judges, special magistrates and summary magistrates. That ordinance remained in force until August last. When, in its turn, it lapsed, we still found ourselves confronted with a considerable number of cases. In some cases trials had begun, in others the accused were arrested and were in jail awaiting trial, and in some others the accused were not even arrested. It was felt in regard to the part-heard cases and those of which the accused were in jail that it would be undesirable to have any delay, and the Governor-General passed a still further ordinance, the Malabar Completion of Trials Ordinance, 1922, under which the special magistrates and special judges already appointed were enabled to continue the trial of those cases. But we were left with the cases of those who were not yet arrested. It was felt that in regard to them it would be more proper that any special machinery required for disposing of the charges against them should be left to be settled by legislation in this Council rather than by special ordinances. That, Sir, is the explanation for introducing this Bill.

"We have, as I have said, a large number of cases to deal with. These cases, as a rule, are serious ones; they include dacoities triable in the ordinary sessions; they also include other serious cases triable indeed by first-class magistrates, but not suitable for trial by them, as such magistrates can give a punishment only up to two years imprisonment. The most serious cases will, of course, go to the sessions; but the Government feel that a considerable number of less serious cases might be left in the hands of experienced selected magistrates. Experience shows us that they are quite competent to deal with them and the trials would be very much quicker. I may take this opportunity of saying that the present need of Malabar is to end the aftermath of the rebellion as soon as possible and to finish these prosecutions as soon as we can. Unless this is done the district cannot possibly settle down to the normal state. What the Government now propose is to take power to give extra additional powers to certain selected magistrates. It is not a new or revolutionary measure; for the authority to give such enhanced powers already exists in India. Under section 30 of the Criminal Procedure Code, the Governments of the Punjab, Burma, Oudh, Central Provinces, Coorg, Assam, Sindh, as well as in other parts of India where the administration is carried on by Deputy Commissioners, are already able to grant enhanced powers to selected magistrates. The power which they grant under that section extends to seven years, the period of imprisonment which may be imposed by magistrates. All that is proposed now, Sir, is that the Local Government here, in respect of Malabar and in respect only of cases connected with the rebellion, should be authorized to grant to selected magistrates the same power as is provided for under the Criminal Procedure Code in the other places that I have mentioned. So much for the first part of the Bill.

"Then, Sir, the second part of the Bill consists of clauses 4 and 5 and is meant to remedy a technical omission in the Completion of Trials Ordinance. At the time that that ordinance will expire (in February next) it is pretty certain that there will still be left some cases in which the appeal has not been finally decided or an appeal has not yet been lodged. On examination of the ordinance we find that when it expires there will be left actually no successor to the court which will have disappeared along with the ordinance and there will be no court to which the appellant can

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apply for records, or to which the appellate judgment can be notified. It is even doubtful whether the person who has not lodged an appeal before the Ordinance lapses will not lose the right of appeal altogether. Unless some special provision is made, we shall only be robbing the accused of a right of appeal altogether. To remedy this defect it is that these clauses giving the right of appeal to the accused have been inserted.

"That, I think, is all I need say as explanation. Now, I formally move that the Bill be read in Council."

The hon. Mr. K. SRINIVASA AYYANGAR:—"I second it."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I want to say one word in support of this Bill. One great need that exists at present in Malabar is the need for restoring amicable relations between the two important communities there—the Hindus and the Mappillas. The longer this is delayed, the greater will be the difficulty of restoring the normal conditions that existed in Malabar till this rebellion broke out. As long as there are these Mappillas who are either under remand or are not yet arrested, this amicable relationship cannot be restored. And it is for the speedy restoration of this, that the Bill is now brought forward before this Council. So it is very necessary that this Council should be pleased to pass this measure and I heartily support the measure before the House."

Mr. K. PRABHAKARAN TAMPAN:—"There is a very large number of prisoners, Hindus and Mappillas, yet to be tried and it is very necessary that their trial should be expedited as much as possible. But, I should bring to the notice of the House and the Government one aspect of the matter. There was the case of Krishnanunni Nayar of Mannarghat, for instance, who was arrested on the 24th August last year and his trial was over only very lately. He was in remand for about sixteen months before he was finally discharged. My hon. friends will of course understand the many difficulties and anxieties felt in the matter and the amount of suffering that had to be endured. I wish to press for the attention of the Government that there may not be any more such instances. It is highly necessary that the trial should be over as early as possible.

"With these words I strongly support the Bill."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Sir, I did not want to speak on this motion: but the speeches of my Malabar friends, Mr. Krishnan Nayar and Mr. Prabhakaran Tampam, in support of the Bill have tempted me to express my views on this Bill. Mr. Krishnan Nayar said that he was anxious for the restoration of peace in Malabar. For my part I am not able to see anything in the Bill to that effect; but it appears to be the intention of the Bill to send these Mappilla accused to longer terms of imprisonment. If that is really the main feature there can be no restoration of peace in Malabar, and I doubt extremely if my friends are really serving the interests of their district. As long as the Nayar and Hindu sections want to send Mappillas to longer terms of sentence, I believe the feeling in the country will not be cooled down."

The hon. Mr. A. R. KNAPP:—"Sir, may I say one word of explanation? It is not that we want to send the accused to longer terms of imprisonment. On the contrary, we want power to send them for trial before magistrates

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whose powers of imprisonment are smaller than those of the Sessions Court where they would ordinarily be tried."

The motion that the Bill be read in Council was then put to the House and carried.

The Secretary then read the title of the Bill.

The hon. Mr. A. R. KNAPP:—"I now move, Sir, that the Bill be not referred to a Select Committee."

The hon. Mr. K. SRINIVASA AYYANGAR:—"I second it."

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

The hon. Mr. A. R. KNAPP:—"I now request you, Sir, to suspend the operation of Standing Order No. 39."

The hon. the PRESIDENT:—"I hereby suspend the operation of Standing Order No. 39."

The hon. Mr. A. R. KNAPP:—"I beg to move, Sir, that the Bill be taken into consideration at once."

The hon. Mr. K. SRINIVASA AYYANGAR:—"I second the motion."

The motion that the Bill be taken into consideration was then put and carried.

The hon. Mr. A. R. KNAPP:—"I now move, Sir, that the Bill be passed into law."

The hon. Mr. K. SRINIVASA AYYANGAR:—"I second the motion."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, may I now move for a slight verbal alteration or can I have another occasion to do it when considering the Bill clause by clause?"

The hon. the PRESIDENT:—"The motion before the House now is that the Bill be passed into law. I think that the hon. Member should have risen a little earlier; but if his amendment is of a serious nature, of course it is open to the hon. Member to object to the Bill being passed into law. Then if the House agrees with him, the Government will bring forward another Bill."

Diwan Bahadur M. KRISHNAN NAYAR:—"Certainly my amendment is not of such a serious nature."

The motion that the Bill be passed into law was then put to the House and carried.

(4)

A BILL TO REGULATE STATE AID TO INDUSTRIES, 1922.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"Mr. President, I beg to present the report* of the Select Committee on the Bill to regulate State Aid to Industries, 1922, and to move that the Bill as amended by the committee be taken into consideration. The report of the committee is before the House and the Bill itself is reprinted, such portions as have been amended having been printed in italics to draw prominent attention to the changes that were made in the Select Committee. The report of the Select

* Vide Appendix B on page 1023 infra.

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Committee also gives the reasons which induced the committee to make the changes which the Council now finds as amended. I may at once mention, Sir, that the criticisms raised in this House on the first reading of the Bill have been given due consideration by the Select Committee and the present Bill before the House is unanimously accepted by the committee as would appear from the eighteen signatures on the report. I do not wish to take up the time of the House and I therefore propose that the Bill as amended by the committee be taken into consideration now."

The hon. Rao Bahadur A. P. PATRO:—"I second the motion."

The motion was put to the House and declared carried.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"Sir, I beg to move that the figure '1922' be added at the end of the wording of clause 1, sub-clause (1). That was omitted by mistake."

The hon. Mr. K. SRINIVASA AYYANGAR:—"I second it."

The motion was put and carried.

Clause 2.

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

1. For clause 2, substitute the following:—

Director of Industries includes any officer appointed by the Local Government to perform all or any of the functions of the Director of Industries under this Act.

"Sir, this is more or less a verbal amendment. It is in the form of a definition and that is generally adopted in other Bills. Reference may, if necessary, be made to the Agriculturists' Loans Act, where the Collector is defined in almost the same words as we find in the present amendment. I think it will be more convenient if we follow that procedure hitherto adopted in the matter of legislation and put 'the other officers' who are asked to perform the functions of the Director of Industries in the form of a definition. That is why I have given notice of this amendment."

Mr. M. SURYANARAYANA seconded the amendment.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"I am sorry, Sir, I am not able to accept the amendment. It is not that there is any difference of opinion between me and the hon. mover with regard to this matter. But this question was considered by the Government at an early stage, and we deliberately omitted anything like a definition in the Act. We wanted to empower the Government to make appointments and that is why the clause runs as: 'the Government may appoint,' etc. It would be noticed that whereas the amendment would only include officers appointed by the Local Government to perform these functions, the clause as it stands in the Bill and as amended by the Select Committee, empowers the Government to appoint persons other than officials, so that non-officials too would be appointed. Now that I have shown that there is not real difference between the amendment and the clause as it stands, I hope the mover would withdraw the amendment."

The amendment was by leave withdrawn.

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The following amendment standing in the name of Mr. Arpudaswami Udayar was not moved as the member was absent from his place:—

2. *After the word 'person' insert the words 'duly qualified'—*

Clause 2 was put, passed and added to the Bill.

Clause 3.

Rao Bahadur K. GOPALAKRISHNAYYA :—"Sir, I beg to move the following amendment:—

3. *In paragraph (a) omit the words 'not less than ten and not more than.'*

"Sir, the clause as it stands at present provides for a maximum of 12 members and for a minimum of 10 members. I propose that the board should always consist of 12 members. The object which I have in view consequential upon this amendment is the representation of mufassal interests. It would appear from sub-clause (b) that one member is to be elected by the members for the time being of the Madras Chamber of Commerce, one by the Southern India Chamber of Commerce, one by the Madras Trades Association and two by the Members of the Legislative Council. This brings the number of members to five. Then the Director of Industries and the Secretary to Government in the Finance Department are ex officio members. That would make the number of members seven. Then in sub-clause (2) you have provided a seat for banking interests if such interests are not already represented and the Chairman will have to be nominated. That would bring the whole number of members to nine; so that there would be left only one member to make up the minimum. It is only with the object of providing for mufassal interests that I move the deletion of the words: 'not less than ten and not more than.'"

Mr. M. NARAYANASWAMI REDDI :—"I second the amendment."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"Sir, on the question of mufassal members, I wish to make my reply in the proper place, but so far as this amendment is concerned, I am not able to accept it for these reasons. It is usual, Sir, in appointing committees like these to fix the number constituting such committees somewhere between nine and twelve or nine and fourteen. We had followed the Port Trust Act in this respect. The reason is obvious. If there is a statutory obligation to keep the board always at twelve as it must be when we say it will be twelve, many practical difficulties would arise. Suppose, for instance, a member dies or resigns, the committee cannot meet until that place is filled up; because the committee must necessarily be composed of twelve members always. As the hon. Member has pointed out, most of the seats have already been booked, if I may use that expression with your permission, Sir, and there will be only a few other seats available for nomination by Government. Also from the notice of amendments given to the House it will be observed that amendments representing various interests are given notice of. It would not be possible to give representation to all the interests except perhaps when casualties occur. Other difficulties also would come in the way if the number is fixed at twelve. As I have pointed out the practical difficulties in the way of accepting the amendment, I hope my hon. friend would withdraw the same."

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Rao Bahadur K. GOPALAKRISHNAYYA :—"I wanted representation for mufassal interests; I do not know how that point has been met. However, I do not press the amendment."

The amendment was by leave withdrawn.

Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Sir, I beg to move the following amendment:—

4. *In paragraph (b) after the words 'Madras Trades Association' insert the words 'one by the members for the time being of the Southern India Skin and Hide Merchants' Association'.*

"Sir, when this Bill was before the Select Committee, I was asked by the above association to move for its direct representation on the Board of Industries. The hon. Minister, when he introduced this Bill last month, also referred to the important position which the Skin and Hide trade occupies in the commercial field of this presidency. He also referred to the tanning industry as one of the most important industries throughout India. In view of the importance of this industry, I think it is desirable that this association should be placed on a par with the Southern India Chamber of Commerce in the matter of representation on the Board of Industries as has been done in the case of the Madras Port Trust Act. I therefore commend this amendment for the acceptance of the House."

Mr. SAHYID MUHAMMAD PADSHA SAHIB Bahadur :—"Sir, I beg to second this amendment and I endorse every word that my hon. friend Mr. Usman uttered. It is admitted on all hands that the skin and hide industry occupies a very prominent position in the commercial field of this presidency. It is also a well-known fact that of all the articles exported from this country, skin and hide form the greatest bulk. There is also another point of view from which this industry deserves better treatment at the hands of the Government than any other industry. It seems to me that this is the one class of industry in which the Indians have specialized themselves. This is the one industrial concern which is both held and managed exclusively by the Indians. If it is the object of this Bill to give representation to genuine Indian interests, if it is the object of this Bill to improve the economic side of this country, then it is absolutely necessary that this association, whose money remains in India and does not leave this country and which is managed purely by Indians, should be given a place on the Board by direct election. The avowed object of the Bill could not be better carried out than by accepting the amendment now before the House."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"Sir, I do not yield to my hon. friends, the mover and the seconder of this amendment, in the extent of the value that is to be attached to this association on whose behalf this motion is made. I do realize that the leather industry is one of the most important industries in this presidency and I do also realize that this association, the Madras Skin and Hide Merchants Association, is a very important body in this presidency. But, as has already been pointed out by my hon. friend, most of the seats on the Board have been earmarked. We have got two seats for the members to be elected by the Legislative Council; we have got three seats for the three recognized bodies, namely, the two Chambers of Commerce and the Madras Trades Association. That makes five. Then there are two official seats, one for the Director of Industries and

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the other for the Secretary to the Government in the Finance Department. All these persons would be quite essential on the Board. The Finance Secretary is a very necessary member on the Board, for, without his help and co-operation, it would not be possible to have the sinews of war for the industrial fight which we are prepared to wage when this Bill becomes law. Altogether, we have filled seven seats and there will be left only five seats more.

"Now let us for a moment see the associations which have asked for direct representation on the Board. As has been noted in the Select Committee report, the Nattukottai Nagarathar community, representing as they do the banking interests of this presidency and paying as they do heavy taxes, want to have direct representation by election. Then, Sir, there are the rich landholders, the zamindars who have so much stake in this country. Representations were made on their behalf that provision should be made in the Bill for their representation. Then came the landholders other than zamindars and my hon. friend Mr. Vandayar also suggested in the Select Committee that the landholders as producers in this country, holding the key industry of agriculture in their hands, should be permitted to elect a representative of their own to serve on the Board of Industries. Then, Sir, there is the Piecegoods Association, the importance of which cannot be under-estimated. Then there is the oil industry to be represented. There is the spinners' guild that has to be represented, and if every industry is to be represented by direct voting and by direct election, then, I am afraid, the Board will consist of not twelve members but it will have to consist of double that number. All practical bodies must have a minimum working number of members on their Board. That is why not less than ten and not more than twelve have been fixed. However I wish to assure the mover of this amendment and the seconder that when the time for nomination comes, the claims of these important associations will be duly considered and taking all the circumstances into consideration every attempt will be made to give fair representation to all the important interests in this country.

"At times occasions might arise when a particular industry just then in the boom might claim representation. For instance, during the late war, I know the leather industry played a very important part. Occasions like those will compel any Government to put a member of an association like this on the Board. Even under other circumstances all considerations will be shown to an important body like that of the Southern India Skin and Hide Merchants' Association. With these assurances, I am sure my hon. friend will realize the difficulty of the Minister who has got to make five nominations only and withdraw his amendment."

Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I infer from the words of the hon. the Minister and trust that he will nominate a member from this association. I therefore do not press my motion."

The motion was, by leave, withdrawn.

Clause 3.

Sub-clause (2).

Rao Bahadur K. GOPALAKRISHNAYYA:—"I beg to move:

5. That in clause 3, sub-clause (2), after the word 'members' the words 'of whom two at least shall represent mufassal interests' be inserted.

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"It will be clear from the amendment that it is a very modest one. Under the method of earmarking which has been adopted, the Board is to consist of three members respectively from the Madras Chamber of Commerce, from the South Indian Chamber of Commerce and from the Madras Trades Association, two from the Legislative Council and two officials to be appointed by Government. The want of representation of the mufassal interests on this Board is keenly felt. It is quite clear even from the report of the Select Committee. In paragraph 5 (2) they say:

We considered the question of providing for the election of representatives of certain other interests such as mufassal Chambers of Commerce, particular industries and landholders, but concluded that it is undesirable to increase the strength of the Board and that it is better to leave it to Government to nominate members to represent important interests where such interests are not already represented.

"Sir, thus it is plain that even the Select Committee felt the necessity for giving representation for mufassal interests on the Board of Industries. As such it is necessary that mufassal interests should be represented. It may be said, Sir, on behalf of the Government that provision is made for the election of two members of the Legislative Council, and that mufassal members may thus be elected. It may or may not happen. If it happens, it is well and good. But I want to say that since there is room for two more members on the Board, the Government may give those seats to mufassal members. With these few words I move the amendment that stands in my name."

Mr. M. NARAYANASWAMI REDDI:—"I beg to second the motion."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"My hon. friend, the mover of this motion, has practically anticipated my argument. This Council, Sir, consists of at least 60 members from the mufassal—as a matter of fact there are more than 60—and naturally when power is given to this House to elect two members, it stands to reason that if not two at least one would be a mufassal member. I do admit that this need not necessarily be the case, but I think that in electing these members the same spirit which induced my hon. friend to make this motion would actuate him to support the candidature of mufassal members. My hon. friend cannot say that I am in any way unsympathetic towards mufassal members, myself being one of them.

"Then, Sir, there is the question of appointing a banker and a member to represent the cottage industries. Certainly some one will have to be nominated to represent cottage industries. Ordinarily speaking, cottage industries are more important in the mufassal than in the city if by cottage industries we understand industries in which the power-driving machinery is not utilized. Thus there is a chance of three members or at least two members, whom my hon. friend wants, being on the Board whether as nominated or elected members. I just now pointed out that the seats available for nomination by Government are only five in number. Where so many interests not of the same kind but of different kinds are concerned, would it not be better to allow the Government a little free hand, leaving it to them that if mufassal members are not elected then to insist upon your Minister or the Government to see that mufassal members are represented? It is not in the least to be supposed that I am averse to this motion; but I

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say that when the seats are very few and the demands are so many, would it not be more feasible to give a little more freedom to see that all these considerations are remembered and are conceded to by the Government in order to give effect to as many of them as possible, having regard to the particular circumstances? I would therefore request my hon. friend to take it from me that if no member comes through election I assure him on behalf of the Government that one member from the mufassal would be nominated; but if this is inserted in the Bill you will tie down the hands of Government and make it very inconvenient for them to choose competent persons for this Board and thus render the work of this Board less wholesome."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I wish to say a few words in support of the amendment moved by Rao Bahadur K. Gopalakrishnayya. We have been informed by the hon. the Minister for Development that he is quite in sympathy with the object of this motion but that he finds some difficulty in making provisions in the Bill itself. As to the necessity for making this provision it is quite clear that section 5 of the Bill will not work satisfactorily unless there is adequate representation from mufassal industries. Clause 5 of the Bill states :

The industries to which aid may be given shall be industries to be newly introduced into areas where such industries are undeveloped, or cottage industries

"There is not the slightest doubt that if there is to be a proper development of mufassal industries there must be provision for the representation of mufassal interests. The hon. Member in charge has told us that if members from the mufassal do not come in by election by the Legislative Council, he will try to nominate one of them but he does not wish to make a provision for it in the Bill. May I draw the attention of the House to the fact that in sub-section (2) of section 3 provision has already been incorporated in the case of banking interests? It is stated that the chairman and the remaining members shall be nominated by Government provided that if banking interests are not represented by election one of the persons so nominated shall represent such interests. I quite realize that if mufassal interests are to be represented by the Legislative Council it may not be necessary to appoint them under sub-section (2), but is the hon. the Minister prepared to make a provision, like the one in the case of banking interests, and accede to a member from the mufassal being nominated? If I make these suggestions it is because I feel that there is an apprehension in the minds of the people at large that after all in the new scheme the mufassal interests may not be adequately represented. We have all been hoping for beneficent results from the introduction of this measure. Persons have been anxious to do their best to see that the development of industries throughout the presidency and in rural areas is satisfactorily provided for. If adequate representation is not secured for rural areas it is impossible to remove those apprehensions. It is for that reason that I press this upon the attention of the hon. the Minister to give to mufassal interests one seat at least."

Rao Bahadur K. GOPALAKRISHNAYYA :—" Sir, I quite see the difficulty of the hon. the Minister. He said that the two members from among the Legislative Council members to be elected to the Board of Industries might as well represent mufassal interests. Supposing the Legislative Council elects two members who are not interested in mufassal industries, how could

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they with any propriety be made to represent mufassal interests? Therefore, Sir, there is that difficulty. Another difficulty is that certain gentlemen in the mufassal who are not members of the Legislative Council would be better fitted to sit on the Board of Industries. If the Legislative Council were to elect members to represent mufassal interests there is no chance of such men getting in. I do not know how the hon. the Minister is going to solve this difficulty. If he gives a satisfactory explanation I have no objection to withdraw my motion."

The hon. Rai Bahadur K. VENKATAREDDI NATUDU :—" I may mention, Sir, that the point raised by my hon. friend, Mr. Krishna Rao, and the difficulty anticipated by my friend, Mr. Gopalakrishnayya, will be met by taking up the amendment to be moved by Mr. A. Ranganatha Mudaliyar. According to that it will be noticed that after the words 'banking interests' the words 'and mufassal or cottage industries' will have to be inserted. When such interests are not represented by election, persons to be nominated shall, as far as possible, include members representing such interests. Now, I hope, the hon. mover will withdraw his amendment."

Rao Bahadur K. GOPALAKRISHNAYYA :—" I beg leave to withdraw my motion."

The motion was by leave withdrawn.

At this stage the Council adjourned to meet again the next day at 11 a.m.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

APPENDIX A.

[Vide page 969 supra.]

Proceedings of the thirteenth meeting for 1922-1923 of the Standing Finance Committee of the Madras Legislative Council held at Fort St. George on Saturday, the 9th December 1922.

PRESENT :

- (1) The Hon'ble Sir CHARLES TODHUNTER, K.C.S.I. (Chairman).
 - (2) M.R.Ry. Rao Bahadur C. NATESA MUDALIYAR Avargal.
 - (3) " O. TANIKACHALA CHETTIYAR Avargal.
 - (4) Khan Bahadur MUHAMMAD USMAN SAHIB.
 - (5) Dr. P. SUBBARAYAN.
 - (6) M.R.Ry. Rao Bahadur T. A. RAMALINGA CHETTIYAR Avargal.
- (Messrs. A. RANGANATHA MUDALIYAR, W. ALEXANDER and A. M. MACDOUGALL did not attend.)

Read proposal for a grant to the American Arcot Mission, Vellore, for establishing an Agricultural school (Rs. 37,500 to be paid in two years, Rs. 19,000 in 1923-1924 and Rs. 18,500 in 1924-1925).

After discussion with the Hon'ble the Minister, the Committee found themselves unable to recommend adoption of the scheme and classified it accordingly as class IV in the order of priority decided to be given to schemes submitted for their consideration (vide item 22).

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17. *Read* scheme for the reconstruction of blocks 1 and 2 of warders' huts in the District Jail, Berhampur (estimated cost Rs. 12,300).

The Committee recommended the scheme as one for which funds should be provided in the budget for 1923-1924 (class I).

18. *Read* scheme for constructing a court-house for the District Judge, Sub-Judge and District Munsif, Vizagapatam (estimated cost about 1.60 lakhs of which nearly .60 lakh would be realized by the sale to the Postal authorities of the present building and site. Provision required in 1923-1924 is Rs. 50,000.)

The Committee recommended acceptance of the scheme (class II).

19. *Read* scheme for the construction of a court-house for the District Judge, Kurnool (estimated cost Rs. 1,60,000).

The Committee recommended acceptance of the scheme, but did not regard it as urgent (class III).

20. *Read* proposals for the opening of nine new temporary sub-courts and five new temporary district munsifs' courts for one year (estimated cost about Rs. 1,70,000).

The Committee recommended the proposal as one for which funds should be provided in the budget for 1923-1924 (class I).

21. *Read* scheme for the construction of an administrative block for the Madras Lunatic Asylum (estimated cost Rs. 31,000).

The Committee recommended acceptance of the proposal (class II).

22. *Fixing the order of priority of Part II schemes referred to the Finance Committee before the 11th November 1922.*—The Committee classified the various schemes as shown below :—

I. Schemes for which funds should be provided in the budget for 1923-1924.

- (1) Reorganization of the gazetted staff of the Survey department.
- (2) Scheme for the engagement of a master fisherman in the Fisheries department for the purpose of introducing improved methods of deep-sea fishing.
- (3) Re-engining and overhauling of the motor-launch "Sutherland."
- (4) Boarding grants to Indian orphanages.

II. Schemes which the Committee recommend for acceptance.—Provision to be made in the budget for 1923-1924, if possible—

- (1) Additional teaching staff in the Police Recruits' School.
- (2) Employment of five additional demonstration maistris in the Agricultural department.
- (3) Purchase of the building in which the Veterinary Hospital, Coonoor, is located.
- (4) Construction of certain new buildings at the Madras Veterinary College.

III. Schemes which the Committee recommend for acceptance, but which they do not regard as urgent—

- (1) Provision of quarters for the staff at the Potato farm, Naujanad.
- (2) Grant of Veterinary State scholarships in 1923.
- (3) Construction of permanent buildings for five veterinary institutions in 1923-1924.

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(4) Construction of quarters for the staff at the Agricultural College, Coimbatore.

IV. Scheme which the Committee are unable to recommend for adoption— Nil.

23. *Supplementary demand.*—The Committee accepted the proposal to move for a supplementary demand of Rs. 13,662 under the head '22. General Administration' to meet additional expenditure in connexion with His Excellency the Governor's Bodyguard.

24. The following papers were placed on the table :—

(1) G.O. No. 1233, Judicial, dated 4th November 1922, sanctioning good conduct pay to Police head-constables in the City.

(2) G.O. No. 901, Finance, dated 21st October 1922, reviewing the final statements showing the transactions of the Provincial Advances and Loan Account for 1921-22.

(3) Note showing the present position regarding funds for payment of commutation of pensions debitable to Provincial Revenues in 1922-23.

(4) G.O. No. 820, Public, dated 12th October 1922, sanctioning the appointment of temporary Deputy Secretaries for the Local Self-Government Department and the Finance Department.

FORT ST. GEORGE,
11th December 1922.

C. G. TODHUNTER.

APPENDIX B.

[Vide page 1012 supra.]

To

THE HONOURABLE THE LEGISLATIVE COUNCIL

OF THE GOVERNOR OF MADRAS.

We, the undersigned members of the Select Committee to which the Bill to regulate State Aid to Industries was referred, have considered the Bill and have now the honour to submit this our report, with the Bill as amended by us annexed thereto.

2. The Bill was published in the *Fort St. George Gazette* in English, Tamil, Telugu, Malayalam, Kanarese and Hindustani on the 29th August 1922 and in Oriya on the 5th September 1922.

3. We did not examine any witnesses. Two petitions sent by the Nattukottai Nagarathars' Association and the Hides and Skins Merchants' Association requesting that seats should be allotted to them on the Board of Industries through election were read and it was agreed that their cases should be considered by Government when making nominations.

4. In the *preamble* we have inserted a sentence to show that the previous sanction of the Governor-General has been obtained to the passing of this Act.

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5. *Clause 3.*—We consider it desirable that the constitution of the Board should be specified in the Act itself and not left to be prescribed by rules; that the number of members should be not more than 12 and not less than 10; that two members of the Board should be elected by the Madras Legislative Council and one member each by the Madras Chamber of Commerce, the Southern India Chamber of Commerce and the Madras Trades Association; that the Director of Industries, Madras, and the Secretary to the Government of Madras in the Finance Department should be *ex officio* members; that not more than three of the members including the two *ex officio* members should be officials; and that one member should be a representative of banking interests.

We considered the question of providing for the election of representatives of certain other interests such as mufassal Chambers of Commerce, particular industries and landholders but concluded that it is undesirable to increase the strength of the Board and that it is better to leave it to Government to nominate members to represent important interests where such interests are not already represented.

Sub-clause 2 (now sub-clause 3) has been amended to make its meaning clearer.

6. *New clause.*—We have inserted a new clause between clauses 3 and 4 in order to ensure that no aid shall be given by the local Government to any industrial business or enterprise except under the provisions of this Bill.

7. *Clause 4 (now clause 5).*—We considered certain objections raised to clause 4 (b) [now clause 5 (1) (b)] but decided to retain it unaltered.

We have provided that every company to which aid is given should be registered in India on a rupee capital and, where required by the Government, should have a proportion of Indian directors on its board of management.

We have further provided that any recipient of aid shall make arrangements for the training of apprentices if so required.

8. *Clause 5 (now clause 6).*—Sub-clause (e) has been amended so as to restrict the grant of this form of aid to joint-stock companies and to make the sub-clause consistent with the proviso to clause 15.

9. *Clause 6 (now clause 7).*—The Government should be able to delegate powers to grant State aid to cottage industries.

We consider it unnecessary to raise the limit of Rs. 10,000 in respect of the amount which may be granted by a subordinate authority.

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10. *Clause 7 (now clause 8).*—No aid should be granted when the Board of Industries unanimously advises rejection of an application.

We have made provision for the appointment of district advisory committees.

11. *Clause 10 (now clause 11).*—The Government should be empowered to call for returns of products sold both as regards description and quantity.

12. *Clause 14 (now clause 15).*—The proviso has been re-drafted so as to make its intention clearer.

13. *Clause 16 (now clause 17).*—The recipients of State aid should be permitted to suggest how the reserve fund should be used but its utilization should require the approval of the Government.

14. *Clause 18 (now clause 19).*—The Government should be empowered to make rules regulating the following matters:—

- (i) the purposes for which aid may be given;
- (ii) the formalities and the manner of creating a mortgage or floating charge under section 9;
- (iii) the functions of Government directors appointed under section 11;
- (iv) the constitution of district committees.

15. The remaining amendments are verbal or consequential.

16. We consider that the Bill has not been so altered as to require republication.

K. V. REDDI.

C. G. TODHUNTER.

K. SRINIVASA AYYANGAR.

C. P. RAMASWAMI AYYAR.

P. TYAGARAYA CHETTIYAR.

JOHN MATHAI.

O. TANIKACHALA CHETTI.

M. SADULLA BADSHA.

V. A. VANDAYAR.

V. P. PAKKIRISWAMI PILLAI.

C. V. VENKATRAMANA AYYANGAR.

A. Y. G. CAMPBELL.

M. KRISHNAN NAIR.

B. MUNISWAMI NAYUDU.

GOVINDOSS CHATHURBUJADOSS.

W. ALEXANDER.

[19th December 1922]

[Note—The alterations made by the Select Committee are printed in italic type]

BILL No. 8 OF 1922.

A BILL

TO

Regulate State Aid to Industries

- Preamble.** WHEREAS it is expedient to give power to the Local Government to assist in the establishment and development of industries in the Presidency of Madras; and whereas the previous sanction of the Governor-General has been obtained under section 80 (a) of the Government of India Act to the passing of this Act; It is hereby enacted as follows :—
- Short title.** 1. (1) This Act may be called the Madras State Aid to Industries Act.
(2) It extends to the whole of the Presidency of Madras.
- Director of Industries.** 2. The Local Government may appoint any officer or other person to perform all or any of the functions of the Director of Industries under this Act.
- Board of Industries.** 3. (1) (a) There shall be constituted a Board of Industries consisting of not less than ten and not more than twelve members including the Chairman and the ex officio members. Not more than three of the members shall be Government officials.
(b) One of the members shall be elected by the members for the time being of the Madras Chamber of Commerce; one by the members for the time being of the Southern India Chamber of Commerce; one by the members for the time being of the Madras Trades Association; and two by the members of the Madras Legislative Council. The election shall be conducted in such manner as may be prescribed. A return of the name of every person so elected shall be made to the Local Government by the Chairman of the Chamber or Association concerned and by the Secretary to the Legislative Council, respectively and such return shall be published in the Fort St. George Gazette.
(c) The Director of Industries, Madras, and the Secretary to the Government of Madras in the Finance Department, shall be ex officio members of the Board of Industries.
(2) The Chairman and the remaining members shall be appointed by the Local Government by notification in the Fort St. George Gazette, provided that, if banking interests are not represented

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by election, one of the persons so appointed shall be a person representing such interests.

(3) The Board of Industries shall assist the Local Government in dealing with applications for the grant of State aid under this Act.

(4) No member shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the Board of Industries if the question is one in which he has any direct or indirect pecuniary interest by himself or his partner or in which he is interested professionally on behalf of a client or as agent for any person other than the Government, a local authority or a Railway Company.

4. No aid shall be given by the Local Government to any industrial business or enterprise except in accordance with the provisions of this Act.

5. (1) The industries to which aid may be given under this Act shall be such as have an important bearing on the economic development of the country and shall be : Industries to be aided.

- (a) new or nascent industries, or
(b) industries to be newly introduced into areas where such industries are undeveloped, or
(c) cottage industries.

(2) No such aid shall be given to any joint-stock company unless :

- (a) the same is registered in India on a rupee capital, and
(b) the company conforms to such rules as may be made by the Local Government from time to time requiring that a minimum number or a proportion of the members of its board of management shall be Indians.

Provided further that every recipient of aid under this Act shall make such provision for the training of apprentices as the Local Government may, from time to time, prescribe.

(3) The decision of the Local Government as to whether the conditions of this section are fulfilled shall be final.

6. Subject to the provisions of this Act and of the rules framed thereunder, the Local Government shall have power to give aid to an industrial business or enterprise in one or more of the following ways :— Method of giving State aid.

- (a) by granting a loan ;
(b) by guaranteeing a cash credit, overdraft or fixed advance with a bank ;
(c) by paying a subsidy for the conduct of research or for the purchase of machinery ;
(d) by subscribing for shares or debentures ;
(e) by guaranteeing a minimum return on part of the capital of a joint-stock company ;
(f) by making a grant on favourable terms of land, raw material, firewood or water, the property of the Local Government.

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7. The Local Government may delegate the power to grant State aid under section 6, provided that no authority to whom such power is delegated shall be empowered to grant aid to any one industrial business or enterprise of an amount or of value exceeding Rs. 10,000.

Application for State aid and procedure in dealing with applications.

8. (1) Any person desiring to obtain a loan or other aid for any industrial business or enterprise shall make his application to the Director of Industries in such form and shall furnish such information concerning his business as may be prescribed.

(2) If the extent of the aid applied for exceeds Rs. 50,000 and in any other case in which he considers this procedure necessary, the Director of Industries shall publish a notice in the prescribed manner calling upon any person who objects to the grant of the aid applied for to state his objections at a time or place to be specified, and shall hear such objection and make such inquiry as may be necessary.

(3) Every application for aid shall be placed before the Board of Industries for advice.

(4) *The Local Government may constitute district committees for the purpose of advising on applications for aid.*

(5) *No aid shall be granted under this Act if the Board by a unanimous resolution at a meeting advises the rejection of the application.*

Grant of loans.

9. No loan shall be granted of an amount exceeding 50 per cent of the net value of the assets of the industrial business or enterprise after deducting existing encumbrances, such value to be ascertained by such person as may be appointed by the Local Government and in accordance with such rules as may be prescribed; for the purpose of this valuation the additional assets which may be created by the expenditure of the sums granted may be taken into account to such extent as may be prescribed.

Loans how secured.

10. Every loan granted under this Act shall be secured by a mortgage or floating charge upon the whole of the assets of the business or enterprise, subject to any encumbrances existing at the time of the grant, and by such collateral security, if any, as may be required by the Local Government, and shall bear interest payable on such dates and at such rates as the Local Government may determine.

Inspection and returns.

11. In any case in which a loan has been applied for under this Act, the applicant, and at any time during the currency of a loan that has been granted under it, the grantee, shall be bound—

(a) to comply with any general or special order of the Local Government relative to the inspection of the premises, buildings, or plant or stock in hand of the industrial business or enterprise;

(b) to permit the inspection of all accounts relative to the industrial business or enterprise;

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(c) to furnish full returns of all products manufactured or sold both as regards description and quantity;

(d) to maintain such special accounts or to furnish such statements as the Local Government may from time to time require;

(e) to submit the accounts of the industrial business or enterprise to such audit as the Local Government may prescribe.

12. In any case in which a loan or loans is or are granted under this Act amounting to two lakhs of rupees or upwards, the Local Government shall, and in any other case may, by the appointment of Government directors or otherwise, take power to ensure such control over the conduct of the business or enterprise as shall suffice in their opinion to safeguard their interests. Control of business assisted.

13. (1) Every loan granted under this Act shall be made repayable by instalments within such period from the date of the actual advance of the loan, or when the loan is advanced in instalments from the date of payment of the last instalment, as may be fixed by the order granting the loan. Repayment of loans.

(2) The period fixed as aforesaid shall not exceed twenty years unless the Local Government shall, by general or by special order, extend the same.

14. No guarantee of a cash credit, overdraft or fixed advance with a bank shall be given except under the conditions prescribed in sections 9 to 12 in respect of loans. Guaranteeing of loans by banks.

15. The condition of subscription for shares and debentures by the Local Government or the guarantee of a minimum return on the capital of any industrial business or enterprise shall be that the business or enterprise shall be subject to the conditions of section 11 in respect of inspection and returns as well as of the provisions of section 12 in respect of Government control: Subscriptions for shares or debentures or guarantee of a minimum return on capital.

Provided (a) that for all shares subscribed by the Government there must be taken up and fully paid for not less than an equal number of shares;

(b) that for all capital on which a return is guaranteed by Government there shall be paid up not less than an equal amount of capital which carries no guarantee.

16. The condition of a grant of subsidy or of any payment under guarantee of a minimum return on the paid-up capital or of the grant of Government land, raw material, firewood or water on favourable terms, shall ordinarily be that an amount equal to the sum paid or to the value of the grant as fixed at the time when it is made shall be repaid to the Local Government at the close of a fixed term of years if within that term the industrial business or enterprise shall be shown to be paying interest or a dividend upon the capital invested in excess of such rate as the Local Government may fix. Subsidy by the Local Government

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No subsidy shall exceed 40 per cent of the cost of the research or of the cost of the machinery as the case may be.

Disposal of profits when condition of State aid is not fulfilled.

17. No recipient of State aid shall pay any dividend or distribute or take any profits in excess of such percentage rate upon the amount of the capital of the industrial business or enterprise as the Government may fix from time to time until the conditions on which the State aid has been granted are fulfilled. The balance of the profits, after setting aside proper amounts for depreciation or obsolescence of plant and buildings, and for the payment of interest on debentures of loans, shall be carried to a reserve fund to be utilized in such manner as the Government may approve.

Methods of recovery of money due.

18. (1) All moneys payable under this Act, including any interest chargeable thereon and costs, if any, incurred, if not paid when due, may be recovered from the person aided and his surety, if any, under the law for the time being in force as if they were arrears of land revenue.

(2) When any sum due as aforesaid is paid by the surety or is recovered from him or out of his property under sub-section (1), the Collector shall, on the application of the surety, so far as possible, recover the same from the person aided and pay the same to the surety.

Power to make rules.

19. (a) The Local Government may make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

(b) In particular and without prejudice to the generality of the foregoing power, they may make rules regulating all or any of the following matters :—

(1) the classes of industrial businesses or enterprises to which and the purposes for which aid may be given ;

(2) the constitution of the Board of Industries, the term of office of its members, the quorum at the Board's meetings, the method of arriving at its decisions, the appointment of its staff, the remuneration of its members and all other matters relative to the conduct of its business ; and the constitution and functions of district committees ;

(3) the delegation of the power to grant State aid under section 7 ;

(4) the manner of making applications for State aid and the information to be given in such applications, provided that no such rule shall require any applicant or grantee of aid to divulge any information relating to the technical details of any process or any patent owned by him ;

(5) the manner of conducting inquiries and the matters to be specially inquired into in dealing with applications for State aid and the powers to be exercised by the Director of Industries conducting such inquiries ;

(6) the mode of ascertaining the value of the assets of an industrial business or enterprise ;

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(7) the nature of the security to be taken for the due application of loans and grants and the rates of interest at which and the conditions under which loans or grants may be given, and the creation of a mortgage, floating charge or collateral security under section 10 ;

(8) the inspection of the premises, buildings, plant and stock on hand and the accounts of any industrial business or enterprise for which State aid has been granted ;

(9) the mode of keeping and auditing the accounts and of furnishing returns of any industrial business or enterprise in respect of which State aid has been granted ;

(10) the appointment and functions of Government directors or the prescribing of other methods of control of industrial businesses or enterprises in respect of which State aid has been granted ;

(11) the application of profits in cases in which the conditions under which loans or grants have been made have not been fulfilled ;

(12) the guaranteeing by the Local Government of cash credits, overdrafts or fixed advances by banks and the recognition of banks for this purpose ;

(13) the fixing of the period for the repayment of loans and the conditions and dates of the repayment of subsidies and grants ; and

(14) the recovery of any moneys due under this Act

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Wednesday, the 20th December 1922, the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR Avargal, K.O.S.I., C.I.E., President, presiding.

I

NEW MEMBER.

Mr. ALEXANDER MACLEAN MACDOUGALL took the prescribed oath of allegiance to the Crown and then took his seat.

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.]

Education of the Pattani Mussalmans of Malabar.

612 Q.—Mr. A. D. M. BAVOTTI SAHIB : With reference to my question No. 204 at the meeting of the Council held on 14th September 1922 regarding the Pattani Mussalmans of Malabar and the answer thereto, will the hon. the Minister for Education be pleased—

(a) to state whether the said Mussalmans are given the same facilities and concessions in the following respects as their Mappilla brethren :—

(i) scholarships to pupils in elementary and secondary schools ;

(ii) concessions for appointments in the Educational department ;

(iii) scholarships to pupils in the School of Commerce, Calicut ;

(iv) exemption from examination rules for public service ; and

(b) to call for a report from the head of the Educational department regarding the state and condition of education among the Pattani Mussalmans ?

A.—The Government have no information but will call for information.

Non-Mappilla Muhammadan representation in the Police department in Malabar.

613 Q.—Mr. A. D. M. BAVOTTI SAHIB : Will the hon. the Law Member be pleased to state whether non-Mappilla Mussalmans of Malabar are given the same concessions and facilities in the selections of sub-inspectors of Police and whether there is at least a single non-Mappilla Muhammadan in Malabar as sub-inspector ?

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A.—The appointment of sub-inspectors is regulated by G.O. No. 635, Judicial, dated 8th March 1916, which was placed on the Editors' Table. As to the latter part of the question the Government have no information.

Introduction of Bill for Vizagapatam Harbour.

614 Q.—MR. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Member for Finance be pleased to state when the Bill for Vizagapatam Harbour will be introduced?

A.—There are several interests to be consulted and it is not possible to name a date at present.

The Cauvery Reservoir project.

615 Q.—MR. K. A. KANDASWAMI KANDAR: Will the hon. the Law Member be pleased to state—

(1) when the Government propose to undertake the Cauvery Reservoir project (Mettur);

(2) whether the Government of Mysore have forwarded their final arbitration report regarding this project; and

(3) how many villages of Salem district are likely to be affected by this project and what is the area to be affected in those villages by it?

A.—(1) The hon. Member's attention is invited to the answer given to question No. 409. As the project will require the sanction of the Secretary of State, it cannot be stated when it will be undertaken.

(2) The question is not understood.

(3) 7,408 acres in 12 villages in Omalur and Dharmapuri taluks.

MR. T. SIVASANKARAM PILLAI:—"The answer to question No. 615 (2) is given as 'the question is not understood'. I presume that when a question is not understood it is generally the practice to ask the member concerned what he exactly means by it. May I know if that was done in this case?"

The hon. MR. K. SRINIVASA AYYANGAR:—"Sir, I generally answer the question as it is sent to me. The question is whether the Government of Mysore have forwarded their final arbitration report regarding the project. That is wholly unintelligible to me, Sir."

MR. T. SIVASANKARAM PILLAI:—"It is likely that the question is unintelligible to the Member. But if there is difficulty about it, it is perfectly open to the hon. Member for Government or the Legislative Council Office to refer back the draft question and ask the member concerned what he actually means by it."

The hon. the PRESIDENT:—"I take it that the hon. Member says that his suggestion may with advantage be introduced as a practice hereafter. But that is hardly a supplementary question."

[20th December 1922]

The hon. MR. K. SRINIVASA AYYANGAR:—"May I mention, Sir, that there is no meaning in the question as it is? The question is (1) when the Government proposed to undertake the Cauvery Reservoir Project (Mettur); and (2) whether the Government of Mysore have forwarded their final arbitration report regarding this project. There is no arbitration at all as regards this project in the first place and the Mysore Government have nothing to do with it. Further there is no arbitration report to be sent in by the Mysore Government. I do not know what the question means."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, it is not a supplementary question that I now wish to ask; but with regard to the observations of my hon. friend, Mr. K. Srinivasa Ayyangar, that there was no project and so on, it is clear that the question is clearly understood by him and therefore it is not quite correct to say that it is not understood."

Quantity of manure sold from Government farms.

616 Q.—MR. A. T. PALMER: Will the hon. the Minister for Development be pleased to state the total quantity of manure sold out from Government farms each year to private individuals for the last four years?

A.—The Government have no information; but can call for it if the

hon. Member will indicate more clearly what he wants. Paragraphs 124-30 of the administration report for 1921-22. Paragraphs 89-91 of the administration report for 1920-21. The Agricultural department deals with many

different sorts of manures and vegetable manure seeds. A perusal of the marginally-noted paragraphs of the last two years' administration reports of the Agricultural department will enable him to indicate the branch of these activities about which he now requires information.

Muhammadan representation in departments under the hon. the Law Member's control.

617 Q.—KHAN BAHADUR MUHAMMAD SADULLA BADSHA SAHIB: Will the hon. the Law Member be pleased to state the number of Muhammadans (excluding peons and attenders) employed in the departments under his control during the year 1921-22?

A.—The figures will be found in due course in the returns prescribed in G.O. No. 658, Public, dated 15th August 1922.

MR. T. SIVASANKARAM PILLAI:—"Does the return mentioned in the answer include the case of the Public Prosecutor also?"

The hon. MR. K. SRINIVASA AYYANGAR:—"I believe the Public Prosecutor is not a Government servant and the return is only with regard to the Government servants."

MR. T. SIVASANKARAM PILLAI:—"Sir, the wording in the question is 'employed'; and I think the Public Prosecutors are employed because they are given a daily fee."

[20th December 1922]

Muhammadan representations in departments under the hon. the Minister for Education.

618 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the hon. the Minister for Education be pleased to state the number of Muhammadans, excluding peons and attenders, that have been newly appointed in the different departments under his control, such as the Registration department, Education department, and the Public Works department in the Presidency town in 1921-22?

A.—The figures will be found in due course in the returns prescribed in G.O. No. 658, Public, dated 15th August 1922.

The improvement of irrigation facilities.

619 Q.—Mr. K. SARABHA REDDI: Will the hon. the Law Member be pleased to state—

(1) whether it is not a fact that there is a Government order directing the Executive Engineer to hold now and then meetings in important centres of districts in their charges with a view to consult people as to what best can be done to improve irrigation facilities; and

(2) at what centres and on what dates the Executive Engineer of Kurnool district held such meetings in Kurnool district after the passing of the Government order?

A.—(1) Yes. The Government order on the subject (G.O. No. 194 W., dated 7th February 1921) has been placed on the Editors' Table.

(2) It is understood that though no conference was held in strict accordance with the Government order, the Executive Engineer, Kurnool division, conferred with and had discussions with the leading ryots on the following subjects at the centres and on the dates shown against them:—

Subject.	Centre.	Date.
(i) Irrigation under the Venkatapuram tank.	Dhone ..	8th June 1922.
(ii) Irrigation under the Koheruvu tank.	Do. ..	9th June 1922.
(iii) Extension of cultivation under the Maidkur channel.	Maidkur ..	15th August 1922.
(iv) Extension of cultivation under the Chopad channel.	Rajoly ..	16th August 1922.

Control of motor traffic in Madras.

620 Q.—Mr. S. SOMASUNDARAM PILLAI: Will the hon. the Law Member be pleased to state—

(1) whether it is intended to add to the number of inspectors and sub-inspectors of police for controlling motor traffic in the City of Madras;

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(2) (a) what is the number of appointments proposed to be made;

(b) how many of these additional appointments are to be filled up by Hindus, how many by Muhammadans and how many by Anglo-Indians; and

(3) whether the additional appointments are to be filled in by policemen already in service in the City Police with previous experience of control of motor traffic or from the mufassal police and in what proportions?

A.—(1) Yes.

(2) (a) One inspector and four sub-inspectors.

(2) (b) & (3) The Government have no information.

Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB:—"With reference to the answer to question No. 620 (2) (b) may I know if the Government will call for the information?"

The hon. Mr. K. SRINIVASA AYYANGAR:—"No, Sir. It is not our practice. At present I do not know whether the appointments cannot be made by the Commissioner of Police himself."

Demarcation stones in the Presidency.

621 Q.—Mr. A. TANGAVELU NAYAGAR: Will the hon. the Member for Revenue be pleased to state in a tabular form—

(a) the demand and collection under 'Repairs and Renewals' of demarcation stones in the several districts of the Presidency during the year 1921-22 as also the amount realized in each district by the adoption of coercive process such as sale of immovables, etc.;

(b) whether the Government are aware that the ryots are put to a good deal of inconvenience and loss by the Revenue officers inspecting the demarcation stones at their whims and fancies without any regularity, and by issuing demands frequently;

(c) whether the Government are aware that as the work of repairing or planting demarcation stones is generally done by the village menials concerned as part of their legitimate duties and the amounts advanced by the Government for engaging coolies for the said purpose are misappropriated by the revenue inspector and karnam, the major portion going to the former, even unrepaid stones are shown as having been repaired and the ryots charged therefor, and that the report of the revenue inspector is final, the fraud not being easy of detection?

A.—(a) A statement showing the demand and collection under renewal and repair of survey marks in the several districts of the Presidency during the year 1921-22 is annexed.* Information regarding the amount realized in each district by the adoption of coercive process is not available.

(b) Under the Survey and Boundaries Act the ryot is bound to keep the survey marks on or within the boundaries of his

* Vide Appendix on page 1039 infra

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holding in good repair and renew them if missing. If he fails to do so, the revenue inspector as survey officer can, under the rules issued under the Act, have the work carried out and recover the cost from the ryot. No complaints have been received of the alleged inconvenience and loss.

- (c) Under existing orders the services of village menials utilized in connexion with maintenance work are treated as hired labour and they are remunerated accordingly. No complaints have been received of the alleged misappropriation by revenue inspectors and karnams.

Mr. A. RANGANATHA MUDALIYAR :—“ Are the ryots concerned allowed an opportunity to repair or renew these stones before the survey officers undertake the work ? ”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
“ The department always welcome the ryots' doing it.”

Mr. A. RANGANATHA MUDALIYAR :—“ Are the ryots intimated of such repairs and renewals ? ”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
“ I believe so.”

Mr. A. RANGANATHA MUDALIYAR :—“ Is there anything in the rules which compels the officers to issue any notices so that the hon. Member believes it to be so ? ”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
“ There is no rule enforcing the issue of a notice, and we shall probably have a lively discussion on it when the Bill is introduced.”

Mr. A. RANGANATHA MUDALIYAR :—“ As regards the fees levied and the number of stones, are the fees in proportion to the number of stones laid ? ”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
“ The calculations are made with reference to the time and labour.”

Mr. A. RANGANATHA MUDALIYAR :—“ I want to know whether the fee levied is in proportion to the number of stones laid ? If ten stones are laid, is the value of the officer distributed over all the ten stones or how ? ”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
“ The cost is in proportion to the work done by a particular individual.”

Mr. A. RANGANATHA MUDALIYAR :—“ Sir, I appeal to you to get me an answer to my question ? ”

The hon. the PRESIDENT :—“ I do not think this is a function I can undertake.”

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APPENDIX.

[Vide answer to question No. 621 asked by Mr. A. Tangavelu Nayagar at the meeting of the Legislative Council held on the 20th December 1922, page 1037 supra.]

Statement showing the demand and collection under renewal and repair of survey marks during 1921-22.

District.	Cost of stones and hired labour.		Fees for the time and labour of revenue inspectors.			
	Demand.	Collection.	Demand.		Collection.	
	RS. A. P.	RS. A. P.	RS. A. P.		RS. A. P.	
Ganjam	2,031 13 0	2,542 0 4	7,041 6 8		10,713 6 0	
Visagapatam ..	506 10 0	360 10 9	3,911 2 0		3,559 8 2	
Godavari	1,795 3 5	2,403 14 5	2,251 10 0		2,765 6 0	
Kistna	3,667 13 8	4,309 13 1	6,210 0 0		6,844 8 5	
Guntur	1,065 12 0	1,617 4 0	3,762 6 0		5,077 9 3	
Kurnool	2,130 10 1	2,270 2 4	4,579 5 0		6,022 4 3	
Bellary	5,472 12 1	5,439 14 8	6,670 18 0		6,704 13 6	
Anantapur	2,381 1 4	2,569 13 2	6,134 0 0		6,299 0 7	
Cuddapah	5,422 9 0	6,172 5 7	10,371 9 3		8,764 5 8	
Nellore	470 18 6	639 15 7	3,202 7 0		4,603 9 0	
Chingleput	806 15 10	745 10 1	7,486 2 0		7,140 3 0	
Chittoor	1,166 14 10	1,137 11 1	3,245 8 6		3,017 6 6	
North Arcot	802 4 6	842 0 0	9,001 10 0		8,643 14 8	
South Arcot	424 9 4	439 15 10	4,109 8 0		3,215 1 0	
Tanjore	2,807 6 8	1,364 7 6	6,727 15 0		4,673 3 2	
Trichinopoly	3,516 2 6	2,719 5 2	10,114 11 0		12,935 6 1	
Madura	1,154 0 0	2,360 14 4	4,555 13 8		6,726 2 0	
Ramnad	1,693 2 8	1,351 7 5	2,089 8 0		2,114 7 0	
Tinnevely	1,814 0 9	2,189 14 10	4,503 0 0		5,477 9 6	
Salem	560 1 6	724 13 7	4,674 4 0		5,914 10 1	
Coimbatore	2,101 1 1	2,597 9 3	8,627 9 4		11,702 8 5	
Malabar	3,127 4 10	3,970 13 7	5,109 0 0		6,717 15 5	
South Kanara	899 0 9	797 3 0	3,580 8 0		3,379 6 5	
The Nilgiris	356 3 0	377 2 9	858 11 2		903 10 3	

Notes.—The figures under collection include also the amounts realized during 1921-22 on account of the arrears of previous years. Figures regarding the amount realized out of the demand for 1921-22 alone are not separately available.

III

DURATION OF THE MEETINGS OF THE COUNCIL IN JANUARY AND FEBRUARY 1923.

The hon. the PRESIDENT :—“ I may inform the House that I propose to adjourn the Council on Friday next, after that day's work is over, to meet again on Monday the 29th January 1923. That meeting will be one of five days' duration—from Monday the 29th January to Friday the 2nd February. On 17th November last, I informed the House that, so far as could be foreseen at that time, there would not be any Government work to justify a meeting in January 1923; but His Excellency the Governor has since decided otherwise and the present announcement is made accordingly. Should the state of the Government business left over at the end of the January meeting demand it, there will be another meeting towards the end of February 1923, which will be held on the 23rd and 24th and, if necessary, on the 26th, and the budget will be presented on the 27th February 1923.

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This provisional programme of Council work in January and February will, I trust, be of help to hon. Members in forecasting their engagements for these months."

Diwan Bahadur P. KESAVA PILLAI (DEPUTY PRESIDENT):—"May I respectfully ask, Mr. President, if the resolutions are taken into consideration in fixing the number of days for the next meetings? A number of resolutions are heaped up."

The hon. the PRESIDENT:—"In the matter of fixing these days, I understood from several members that about five days will be the most convenient period for them to sit, and our practice in this Council has been, as soon as the Government work is over, to devote the whole of the remaining time to non-official work. For instance, during this sitting we shall have, I think, the whole of Friday for resolutions, and there have been meetings when we had two days, three days and four days for resolutions. But it is open, I believe, under the Standing Orders, for His Excellency to allot a particular time for non-official business. If it is the wish of the hon. Member that it should be so, I am prepared to move His Excellency in the matter; but if that is done, there is just the contingency that, when the Government work gets through earlier than is expected, there will not be any other work, and we shall have to adjourn and keep quiet till the non-official work is taken up on the day set apart for it. It is entirely for non-Members to consider what they think to be more convenient for them, but the present practice, I understood, is one which meets the wishes of most hon. Members. But if it is the wish of the Deputy President that His Excellency should be moved to fix a day for non-official work, I believe he can do it by moving an address to His Excellency to that effect."

Diwan Bahadur P. KESAVA PILLAI (DEPUTY PRESIDENT):—"Is it to His Excellency, Sir, or should I submit the matter to you? There is considerable discontent among the members and more discontent among the constituents that most of these resolutions have been put off from session to session."

The hon. the PRESIDENT:—"The information that I have had from several members is somewhat different from what the hon. the Deputy President has stated. But the best thing for him will be to table a resolution, stating exactly his wishes in the matter. I shall be glad, so far as I have the power to do so, to give effect to those wishes, and if the matter is one for His Excellency to consider, I shall put before him the wishes of the House."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"There is, no doubt, Sir, that there are some resolutions of great and urgent importance which we have held over, and there is no way of bringing them up for discussion. As to how this can be done is a matter which has to be thought over. If the resolutions are taken up in their order, there is the contingency that the important ones may not be reached at all, and certainly we cannot make these latter matters of urgent public importance and ask for an adjournment of the House to discuss them. So we are met with difficulties all round and it is a matter for which a remedy cannot be even offered or suggested at the spur of the moment."

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"I have only one word more, Sir, to say. I should like the hon. the Leader of the House to make a statement as regards the Government business that is likely to be brought up in January so that we may be in a position to know, without being surprised by something like the two days' notice as in the case of one of the Bills on the agenda, what business will be brought up in the next session of the Council. I wanted to suggest this at the last meeting, and I hope, before the meeting is adjourned, the Government may make a statement as regards the business which they wish to place before the House at the next meeting."

The hon. Sir CHARLES TODHUNTER:—"I shall be very glad to endeavour to comply with the hon. Member's request."

The hon. the PRESIDENT:—"So far as the state of business is concerned, the proper thing would be for us to appoint a committee consisting of members of all parties to consider this question; the arrangement of the resolutions is done by ballot and I do not think it is open to us, unless we change the Standing Orders, to alter that practice. I should not change it on my own responsibility and, as the hon. Member has said, there may be resolutions which are of importance and which find a place very low down. But if it is the wish of the House to change the practice, the question should be brought up as an amendment to the Standing Orders, or, better still, the House may have a committee to consider the whole question and to report thereon. So far as I am concerned, I have only to give the assurance, which I have already given, that I will certainly endeavour to carry out the wishes of the House, and where those wishes could be carried out only by His Excellency the Governor, I am prepared to place before him the considered wishes of the House for consideration."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I do not know if the hon. the Leader of the House is interested in the setting up of the non-official business to be done in this House. If he is, I would suggest that he should be the person to move for the appointment of a committee such as the one indicated by you, Sir."

IV

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1922-23.

Grant VII.

The hon. Mr. A. R. KNAPP:—"Mr. President, I beg to move

'that the Government be granted a sum of Rs. 13,662 under 22-A (a)—General Administration—Staff and household of the Governor—Personal staff of His Excellency the Governor of Madras and His Excellency the Governor's Bodyguard for additional expenditure anticipated on the Bodyguard of His Excellency the Governor during the current year.'

"I may explain, Sir, that this does not represent any enhancement in the scale of the establishment employed over that which has hitherto been employed and for which the Council at the budget meeting intended to provide. The position is this. Up to last year the charges for the Bodyguard were not brought before the Council at all. They were a military item provided for in the military budget. The Military Secretary, when called upon for the first time to make an estimate of this year's expenditure to be placed on our budget, found himself with very limited data and did

[Mr. A. R. Knapp]

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Grant VII—cont.

the best he could to make a more or less rough estimate of the amount of money which would be required under the various services of the Bodyguard. The amount which was thus provided for was Rs. 1,35,000, and that is included in the item of Rs. 2,10,000 found in the budget. The Military Secretary by the end of September found that he had already spent on these services Rs. 88,434 and he anticipated that he would require for the rest of the year Rs. 62,141. This gives a total of Rs. 1,50,575 and leaves it short by Rs. 14,862 of the sum required to maintain the sanctioned scale. Of this sum Rs. 1,200 is non-voted and will be met by re-appropriation. I now ask the Council to sanction the grant for the balance of Rs. 13,662 required for the maintenance of the establishment."

The motion was put and the grant was made.

Grant XVII.

The hon. the RAJA OF PANAGAL:—"Mr. President, I beg to move

'that the Government be granted an additional sum of Rs. 33,100 under 32. Medical for making arrangements for the teaching of bio-chemistry in the Medical College, Madras.'

"Sir, the importance of bio-chemistry in the diagnosis of diseases was prominently brought before the notice of the Government when, some time back, the Surgeon-General made a proposal that a selected Assistant Surgeon should be sent on deputation to England to be trained in that subject. The idea then was that that officer so trained should be employed as a bio-chemist for all State hospitals. Later on, however, that proposal was abandoned in favour of another. According to the latter proposal, instead of sending a man on deputation to England for training the services of an expert officer were to be had. If the services of an expert were available, it was thought that not only would the Government have the immediate service of that expert, but it would be possible to train a number of assistant surgeons whose services might be used as bio-chemists in the mufassal hospitals. But on account of financial considerations the Government could not proceed with this proposal.

"Now, Sir, the case for the appointment of a bio-chemist in the Madras Medical College has become more urgent. The British Medical Council has declared that from the 1st January 1923 bio-chemistry must be made a compulsory part of the studies of medical students in Great Britain. In recent years, bio-chemistry has gained very great importance and surely the British Medical Council will insist upon the teaching of bio-chemistry in the Madras Medical College on pain of withdrawing the recognition of the Madras M.B. & B.S. Degree. Sir, the University of Madras has also urged on the Government to appoint a professor to teach both bio-chemistry and bio-physics.

"In these circumstances, Sir, the appointment is necessary and it has been arranged to have an expert on a temporary agreement system for three years and the cost of his appointment for three years is estimated at Rupees 83,000 and odd. Out of this we require Rs. 33,100 for the current year. The details of this estimate are: Rs. 1,000 for passage, Rs. 5,000, pay for four months, Rs. 27,000 for equipment and Rs. 92 for the pay of an attendant; altogether in round figures Rs. 33,100. I hope and trust the Council will agree to this grant."

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Grant XVII—cont.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I should like to ask the hon. Member in charge of Local Self-Government what the pay of this officer will be."

The hon. the RAJA OF PANAGAL:—"Rs. 1,250 a month."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I should also like to know whether it is proposed to recruit this officer by advertisement."

The hon. the RAJA OF PANAGAL:—"Yes; I think, by the High Commissioner."

Rai Bahadur T. M. NARASIMHACHARLU:—"May I know, Sir, what bio-chemistry means, and how it will help in diagnosing diseases?"

The hon. the RAJA OF PANAGAL:—"It deals with the chemical side of biological process."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I wish to make one suggestion, Sir. During my peripatinations to the British Universities, it was brought to my notice that these medical appointments, especially the professional appointments in the medical colleges, were not properly advertised in those universities and it was suggested to me that the best way of staffing the Indian universities was to get the best men out of those who were already engaged in teaching in the British Universities. In the interest of the medical profession—not in view of this particular service or that particular appointment, but in the interest of proficiency in teaching in our universities—I suggest that the men should be recruited either from the British or other Universities. I wish to know if this is what is proposed to be done."

The hon. the RAJA OF PANAGAL:—"It is proposed to have the services of this special officer through the Secretary of State and the High Commissioner."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Is it proposed to advertise this appointment?"

The hon. the RAJA OF PANAGAL:—"The discretion is left to the Secretary of State."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Then I must enter a word of protest. I think that if the Local Government has any degree of interest in the appointment, it must make its best effort to get the best man and it should not leave the matter to the Secretary of State. That is exactly the point that I wanted to press."

The motion was put and carried and the grant was made.

V

(1)

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919.

The hon. the RAJA OF PANAGAL:—"I beg to move, Sir, that the Bill further to amend the Madras City Municipal Act, 1919, be read in Council. Sir, the Bill is more or less a formal one. It has been published in the gazette and the statement accompanying the Bill explains its objects and reasons."

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The hon. Rai Bahadur K. VENKATAREDDI NAYUDU seconded the motion.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I only wish to point out that this Bill is not quite so non-controversial a measure as to be passed at this sitting of the House. It was published in the *Port St. George Gazette* only on the 12th of this month, and would have reached mufassal Members about the 14th or 15th. I do not know if any translation of it has been published in the vernacular. If the Bill is merely to be introduced and not passed at this sitting, I would not have considered it necessary to make this suggestion that the hon. the Minister would do well to give sufficient time for all possible views to be expressed before it is taken up for consideration. It will be remembered that the City Municipal Act was passed only in 1919 and it is for the purpose of amending an important provision of it that this Bill is brought forward. The information now before us is to the effect that about thirteen members of the Corporation have given notice of a resolution dealing with this Bill and the Corporation has not considered it. I leave it to the Members to consider whether it is not a case in which we had better have a definite opinion of the Corporation. Seeing that the time allowed for the consideration of the Bill is less than a week—the Bill was technically published on the 12th and communicated later than that—it is better that it is taken up at a future date."

The hon. the RAJA OF PANAGAL :—"Sir, the hon. Member, Mr. A. S. Krishna Rao, himself has admitted that the Bill is one of a non-controversial nature. It does not interest the mufassal Members as it does the Members of the city. Sir, this first amendment in the Bill has been found rather urgent because it provides for the appointment of the Corporation officers as honorary officers and so on wherever their services are necessary. In fact, Sir, the services of the present Commissioner will be required in connexion with the running of the show of the proposed industrial exhibition. So, if we delay the passing of this Bill, it will not be possible to have the services of the Commissioner in connexion with the running of the exhibition. In these circumstances, Sir, it is found necessary to have this Bill passed as early as possible."

Rao Sahib U. RAMA RAO :—"Mr. President, there is no urgency at all to pass this Bill at present, because the Madras Corporation who are entirely responsible for the administration of the City Municipal Act have not passed a resolution desiring such an amendment in their meeting. They do not ask for any amendment of the Act. The history of this amendment is this. The present Commissioner of the Madras Corporation, in addition to his appointment as a Commissioner of the Corporation, is holding some other appointment and drawing some money."

The hon. Mr. K. SRINIVASA AYYANGAR :—"He is not holding any such appointment, Sir."

Rao Sahib U. RAMA RAO :—"He was holding anyhow the office of the Urdu translator to Government. According to the Act, the Commissioner of the Corporation must be a full-time man. So the audit department objected to the present Commissioner holding any other appointment except that of the Commissioner of the Corporation. He had therefore to resign that appointment. It is to enable the Commissioner to hold that appointment again that this Bill has been brought before this Council. As one of the ways of hiding that man the names of the Health Officer and the Revenue Officer are added to it."

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The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I do not know whether it is open to members of this House to impute motives."

Rao Sahib U. RAMA RAO :—"There is no motive at all. This Bill is brought before the Council to show to the members that it is to enable the Commissioner to hold honorary appointments. Sir, as it is, the Commissioner is burdened with any amount of work. We pay a large amount of his pay and the ratepayers of the city expect that every pie should be utilized for the services of the Corporation. In these circumstances we do not want the Commissioner to undertake any other office except that already entrusted to him. The other officers have all got enough to do and in fact they have been complaining of too much work. So I oppose this Bill being permitted to be read in this Council."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"May I know whether the views of the Corporation as regards the proposals contained in this Bill have been ascertained before it was brought before this Council? The officers are really their servants and we should know whether they are agreeable to this proposal apart from any other question. If it is a matter of such great urgency, I think my hon. Friend should have taken the ordinary course and asked for the suspension of rules to pass this measure."

Khan Bahadur MUHAMMAD USMAN SAHIB :—"Sir, I beg to support the motion made by the hon. the Minister for Local Self-Government. It was stated that this Bill was brought to remove the difficulty regarding the holding of the Persian translator's post by the present Commissioner. Even supposing that this is the reason I do not see anything wrong in it. The question whether the services of the present Commissioner could be utilized as a Persian and Hindustani translator to the Government came up before the Corporation and in a resolution they unanimously approved of the suggestion made by Government. Therefore the Corporation has already committed itself to the position now taken up by the hon. the Minister in this Bill. Now, Sir, the question does not arise with regard to that consideration at all. The question I am led to believe arose in this way. The present Commissioner happens to be the examiner of the University in Persian and Hindustani and objection seems to have been taken to it. Therefore this motion is brought before us to-day. Further the Health Officer of the Corporation is doing highly specialized work in public health and that knowledge must be communicated to others. But according to the interpretation now put on the Act he is unable to give lectures to the sanitary inspectors and to the B.S.Sc. students of the Medical College. In these circumstances the Minister thought it was much better to move this amendment. I therefore give my hearty support to the Bill."

Diwan Bahadur Sir P. TYAGARAYA CHETTIYAR :—"Mr. President, I am very sorry to see that my friend, Dr. U. Rama Rao, has been imputing motives to the Government. However, I may tell you how the matter stands. There was a time when the present Commissioner was a translator to the Government. The Government asked the Corporation to give its opinion in the matter, and as Mr. Usman Sahib said, the Corporation had unanimously given its consent and allowed him to take up other work. Now, Sir, another difficulty arose and that is about the coming exhibition. And this Bill, as the hon. the Minister observed, is the outcome of it. There was also another trouble in the case of Mr. Madley who has been asked by the University to deliver a series of lectures. In this way the matter is coming before the

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Council to utilize the services of municipal officers in other ways. These municipal officers are experts in certain branches and their services ought to be utilized in other ways whenever they are needed. I do not see why their services should be utilized by the Corporation alone and not by the Government. It is to avoid this difficulty that this Bill is brought forward. There is also a safeguard in the Bill that the services of these officers will be utilized only when the permission of the Government as well as the Council is obtained. If the Council were to think that a man ought not to be allowed they can then pass a resolution. In these circumstances, I support the motion."

The hon. Mr. K. SRINIVASA AYYANGAR :—"I only want to remove a misapprehension which may be caused in the minds of the members of this Council. The present Commissioner of the Corporation happens to be the Chairman of the Urdu and Hindustani Board in the University of Madras. When suddenly we were left without a Persian and Hindustani translator it struck me that that gentleman could attend to the duties temporarily till a permanent officer was appointed. I take the responsibility, Sir, for having appointed him temporarily. The department is under my charge. When my attention was drawn to the wording of this section in the City Municipal Act, we asked him to resign, and he did resign immediately. It often happens that we want examiners to examine the students in the Persian, Hindustani and Urdu languages; and this gentleman was on occasions appointed to do examining work. He has now done some examining work for which he is entitled to a certain amount of remuneration. The question has been raised whether he can receive it, and the matter is still under consideration. In these circumstances, especially looking to the wording of the present section that a Commissioner of the Corporation shall devote the whole of his time for his work—I take it this means his official time and not all the 24 hours—there is a doubt raised whether he can occasionally be an examiner and whether he can do any honorary work for the University. Even in the case of Government servants who are full-time officers of the Government, the Government allow them to take up honorary work and also to receive occasional remuneration. In order to clear the ambiguity, though it was suggested that the existing section does not prevent the Commissioner from doing any honorary work and from taking occasional remuneration for occasional work, it was thought safe to amend the section so as to bring it in conformity with the usual rules regulating Government servants."

Rao Sahib C. NATESA MUDALIYAR :—"Sir, Mr. President, I strongly support the motion now before the House. Of course, if the services of our Commissioner are indispensable to the Corporation to the fullest extent in the interests of the public, there are sufficient safeguards for that. As my leader has remarked, the consent of the Corporation and the Government is a pre-requisite. Moreover, our Commissioner is such an energetic officer that our work in the Corporation will not suffer."

The hon. the RAJA OF PANAGAL :—"I must say, Sir, that the motive which my hon. Friend, Mr. Rama Rao, has attributed to the Government is at best gratuitous. On a former occasion the Corporation was asked if the services of its Commissioner could be utilized for special work, and the Corporation said it had no objection. In the present case why the demand

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has not come from the Corporation is because the urgency is for the Government and not for the Corporation. The show of the exhibition is to be run by the Government and not by the Corporation, and that is why it is the Government that are interested. That is the reason why the request has not come from the Corporation. Three of the Corporation members who have taken part in the debate on this motion have stated that they have no objection to the Bill being passed. The provisions of the Bill insist on the previous approval of the Corporation for the utilization of the services of these officers either by the Government or by any other body. In these circumstances I do not see any reason why there should be any objection to the passage of the Bill."

The motion was put and carried.

The Secretary then read the title of the Bill.

The hon. the RAJA OF PANAGAL :—"Sir, I move that the Bill be not referred to a Select Committee."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I second the motion."

The motion was put and carried.

The hon. the RAJA OF PANAGAL :—"I request the hon. the President to suspend the operation of Standing Order No. 39."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I second it."

The hon. the President suspended the operation of Standing Order No. 39.

The hon. the RAJA OF PANAGAL :—"I move that the Bill be taken into consideration at once."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I second the motion."

The motion was put to the Council and carried.

The hon. the RAJA OF PANAGAL :—"I now move, Sir, that the Bill be passed into law."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I second the motion."

The motion was put and carried, and the Bill was passed into law.

(2)

A BILL TO REGULATE STATE AID TO INDUSTRIES, 1922—cont.

Consideration of the Bill to regulate State aid to Industries, 1922, was then resumed.

Clause 3.

Sub-clause (2).

Mr. A. RANGANATHA MUDALIYAR :—"Sir, I beg to move

6. (i) After the words 'banking interests' insert the words 'and mufassal or cottage industries'.

(ii) Omit the words 'one of'.

(iii) For the words 'a person' substitute the words 'as far as possible, persons'.

(iv) Omit the full stop at the end and add the words 'or industries'.

[Mr. A. Ranganatha Mudaliyar] [20th December 1922]

Clause 3—cont.

"The sub-clause, if amended as above, will read thus: 'The Chairman and the remaining members shall be appointed by the Local Government by notification in the *Fort St. George Gazette*, provided that, if banking interests and mufassal or cottage industries are not represented by election, the persons so appointed shall be, as far as possible, persons representing such interests or industries'.

"I do not think many words are necessary, after the discussion yesterday, in support of the amendments I have ventured to place before the House. It seems to me to be of imperative importance that mufassal interests should also be represented in this committee. Again, as admitted by the hon. the Minister for Development, cottage industries are likely to play an increasing part in the progress of the country. Therefore, Sir, it seems to me essential that these industries also should be represented on the committee by at least one member. I therefore move these amendments."

Mr. T. SIVASANKARAM PILLAI:—"I second the amendments."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"Sir, I submitted yesterday, in asking my hon. Friend, Mr. Gopalakrishnayya, to withdraw his motion that I was perfectly willing to satisfy the House on the points raised in the amendments before the House. In order to avoid a number of amendments and in order to make the clause clear, I drafted a clause myself incorporating the amendments of my friend, Mr. Ranganatha Mudaliyar, and showed it to him and he has accepted it. It runs thus:

Provided that if banking or mufassal interests or cottage industries are not represented by election the members so appointed shall include, as far as possible, persons who represent such interests or industries.

"I wish to substitute this for the existing proviso in sub-clause (2)."

Mr. A. RANGANATHA MUDALIYAR:—"As already indicated, I have accepted the proposal of the hon. the Minister. Whatever formal procedure is necessary for introducing the change, I am willing to accept."

The hon. the PRESIDENT:—"The hon. Member, Mr. Ranganatha Mudaliyar, has first to withdraw his amendments with the permission of the House and then the hon. the Minister may, with the permission of the House, move his amendment."

Mr. A. RANGANATHA MUDALIYAR:—"I beg leave to withdraw my amendments, Sir."

The amendments were by leave withdrawn.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"I beg your permission and the permission of the House, Sir, to move the following amendment:—

For the proviso in sub-clause (2), substitute the following:—

'Provided that if banking or mufassal interests or cottage industries are not represented by election the members so appointed shall include, as far as possible, persons who represent such interests or industries.'"

The hon. the RAJA OF PANAGAL:—"I second the amendment."

Sriman SASIBHUSHAN RATH Mahasaya:—"I move, Sir, that the words 'as far as possible' in this amendment be omitted."

Mr. M. SURYANARAYANA PANTULU:—"I second it."

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Clause 3—cont.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"I oppose the amendment, Sir. The words 'as far as possible' are taken from the original amendment of Mr. Ranganatha Mudaliyar. My amendment is a compromise between us. The second point is, if the hands of the Government are tied down, the nomination will be a very difficult task."

Sriman SASIBHUSHAN RATH Mahasaya:—"The point is this. No doubt, provision is made for election. But if these banking or mufassal interests and cottage industries are not represented by election and if the words 'as far as possible' are not removed, it will not be binding on the Government to appoint persons representing these interests or industries."

The amendment of Sriman Sasibhushan Rath Mahasaya was put and lost.

The amendment of the hon. Rai Bahadur K. Venkatarreddi Nayudu was put and carried.

The following amendment was not moved and was therefore deemed to have been withdrawn:—

New proviso.

Rao Bahadur K. GOPALAKRISHNAYYA:—

7. *Add the following as proviso at the end of the clause:—*
'provided that no member of the Board of Industries shall be so disqualified if he is a shareholder (other than a director) of an incorporated company.'

Clause 3 as amended was put and carried and added to the Bill.

Clause 4.

12 noon. Clause 4 was passed and added to the Bill.

Clause 5.

Sub-clause (1).

The following amendment standing in the name of Mr. S. Arpudasaami Udayar was not moved and was therefore deemed to have been withdrawn:—

8. *In item (b) after the word 'areas' insert the words 'which are eminently suited for the same and'*

Rao Bahadur K. GOPALAKRISHNAYYA:—"Sir, I beg to move the following amendments:—

9. (i) *in item (c) after the word 'industries' add the word 'or'.*

(ii) *Add the following as item (d):—*
'agricultural or horticultural industries.'

"In my amendment there are three items, of which I do not move the first item, viz., in item (b) omit the last word 'or'. I move the other items; that is, as amended, the sub-clause will read as follows:—

"The industries to which aid may be given under this Act shall be such as have an important bearing on the economic development of the country and shall be:

- (a) *new or nascent industries, or*
- (b) *industries to be newly introduced into areas where such industries are undeveloped, or*
- (c) *cottage industries, or*
- (d) *agricultural or horticultural industries.*

[Mr. K. Gopalakrishnayya] [20th December 1922]

Clause 5—cont.

"On reading this clause I was struck by the fact that the agricultural and horticultural industries have been omitted from this Bill. We know, Sir, that this country is pre-eminently an agricultural country and three-fourths of the people live by agriculture. Prominence will have to be given to agriculture. In this connexion I may bring to the notice of the hon. the Minister that on the occasion of opening the paddy farm at Maruthukudi at which His Excellency the Governor presided, the hon. the Minister made the following remarks:

Agriculture is the key industry of this country, and whatever attempts we may make in bringing about the industrial regeneration of this land, agriculture must remain the key industry of this country for generations to come, and in any attempt to increase the national wealth of this land this industry of agriculture must take the first place in the consideration of the Government.

"So here is an opportunity for the hon. Minister to put into practice what he said then. With that purpose I move the amendment so that agricultural aid also may be given to the agriculturists."

Mr. J. KUPPUSWAMI seconded the amendment.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"Sir, I do not yield to my hon. friend, coming as we both do from agricultural communities, in estimating the importance of agriculture in this land at its proper value; nor do I, for a moment, withdraw a word of what I said on the occasion to which reference has been made by my hon. friend. But this Bill is intended solely for the purpose of developing industries as such. No doubt in one sense agriculture gets the name of industry. The whole problem of agriculture is a very wide one, and my hon. friend will agree with me when I point out that it has an importance of its own which has to be dealt with separately. I have for some time been considering the question of agricultural development. The question, as is just now pointed out, is so very vast and wide that it is very difficult to come to any conclusion. I have not been able yet to place certain schemes, which I have in my mind, before my colleagues in the Cabinet. And I can assure my hon. friend that I have given some attention to this subject, and the one great difficulty which I have been feeling for some time past is the unfortunate division of properties into small holdings. That is the problem which I have been trying to tackle for some time past, but it extends beyond my field, and I have to obtain the co-operation and assistance of others in arriving at conclusions in that matter. However I may tell my hon. friend that I have this question of agricultural development in my mind and that I have been giving my best attention to it, and I hope before the end of next year I may be able to present a scheme acceptable to the House and to the public."

Mr. A. RANGANATHA MUDALIYAR:—"Sir, the idea of the mover is that something should be done to develop agricultural industry. I want to know if it is not possible to do it under the Land Improvement Loans Act and the Agriculturists' Loans Act which are already on the statute. I think this will be an additional reason to urge on the hon. mover to withdraw his amendment."

Rao Bahadur K. GOPALAKRISHNAYYA:—"I gather from the hon. Minister's speech that he is intending to introduce a measure separately for agriculture. In that case it will be very beneficial to the public. May I take it that he is going to introduce another Bill for agriculture?"

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Clause 5—cont.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"As I said, it will have to receive the previous sanction of the Cabinet and it requires a little more study from me. So far as I am concerned, I have no objection."

The amendment was, by leave, withdrawn.

Sub-clause (2).

Rao Bahadur C. V. S. NARASIMHA RAJU:—

In item (b) after the words 'from time to time' insert the words 'designing to give an opportunity to small investors, and'.

"The object of this amendment is this: now, as the Bill stands, it gives aid to individuals taking interest in industries and also it gives an opportunity for joint-stock companies to have State aid. But the question remains as to what sort of companies must be aided by the State. There may be companies where the shares are limited only to big investors, a share being of the value of Rs. 1,000, 2,000 and so on. The object of my amendment is that in all cases where Government intend to give State aid to joint-stock companies the companies must be floated on such a basis that small capitalists may take shares in them. I may be permitted to say that this is not my idea, but it is found in the Report of the Industries Commission. At page 185, paragraph 298, they say:

In order to secure that the opportunity of subscribing to such undertakings is open to all classes of the public, we think that Government should control the allotment of shares, for example, by formulating rules designed to give an opportunity to small investors to joining in industrial enterprises and to induce the Indian public to take any interest in industries.

"Now, this clause is intended to give power to the Government to make rules. I think the Government may be given the power to frame rules so that such companies as have their shares on a small basis and ordinary individuals may take interest in the industrial development of the country. With these few words I commend this amendment to the acceptance of the House."

Sriman SASIBHUSHAN RATH Mahasaya seconded the amendment.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"I beg to oppose this amendment. If this amendment is accepted it will mean that we are practically restricting our aid to such associations or big companies which conform to our rules prescribing the value of a share. No doubt, small shares will enable small investors to put in their money. While I am in sympathy with them, I shall certainly oppose, Sir, any measure which will put inconvenient restrictions upon investors."

"Then, Sir, we have also got the Board which will examine any application for aid under this Bill. Certainly, if the Board thinks that the shares are so very large that it will not benefit the class of people whom they like to help, it is entirely at liberty to reject the application. After all, there are the Board and the Government who have got the leading strings in their hands. Any restriction as regards shares will make capital shy and such enterprise as may be forthcoming may be chilled. I would therefore request my hon. friend not to press his amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, I am unable to accept the salutary advice given by my hon. friend the Minister for Development. The reason why I gave notice of this amendment is exactly

[Mr. C. V. S. Narasimha Raju] [20th December 1922]

*Clause 5—cont.**Sub-clause (2)—cont.*

the reason which he has now put before the Council. I know that the strings will be in the hands of the Government and the Board. The position of the Board is only advisory and the final orders of Government are mere executive orders. As representatives of the people, it is, I think, our duty to demur to the demand from the executive to put as much power in the hands of the executive as is desirable. The hon. the Minister has not said that the principle is bad. He says that it may create inconvenience to Government in granting applications."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"Not to the Government, but to the organisers and promoters."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"That is exactly the reason why I want to press the amendment. My point is this, that public money is to be given as aid to the public, and as many people as possible should be given an opportunity to have a share in the profits of the undertakings. It is the duty of the State to regulate the share capital in such a way that small capitalists take interest in the industrial development of the country, and the shy capital, however small it may be, comes out for the development of the country. With these words, I commend this amendment to the acceptance of the House."

DR. JOHN MATHAI:—"I want to mention in this connexion that all the industries which have not been referred to here, except the cottage industries, are new industries. That is to say, they are industries the possibilities of which have not been sufficiently realized by the country and about which there is bound to be a certain sense of risk in the minds of the investors; and I want to ask if these are the industries likely to appeal to investors. From a practical point of view, I want to suggest that the matter is not quite so important as the hon. Member seems to think."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I am not able to follow the argument of Mr. Narasimha Raju. In the Bill, aid is given not only to companies but also to individuals. This includes small investors also."

12-15 p.m. "And then, Sir, the provision which he wants to be added would mean an interference with the arrangements of the company itself. I do not know whether it is proper or necessary for the Government to make rules as regards the internal arrangements of a company. In the beginning a company may not care for any aid from the Government, but it may come to a position in which it may require such aid. Is it to alter its constitution simply because it has to go to the Government for aid, or is it to deny itself the advantages which this Bill will otherwise give it? I therefore think that there are difficulties in accepting the amendment as proposed and I do not think it will be for the benefit of industries for which this Bill is intended. For those reasons I oppose the amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Sir, it was said that in the case of new industries small capitalists might be shy in investing their money. When the share amount is fixed, a rich man with an overflowing purse may take a thousand shares, whereas a small capitalist may satisfy himself by taking one or two shares. I do not understand how the situation may be made difficult in the eyes of the expert on industrial questions in this House."

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*Clause 5—cont.**Sub-clause (2)—cont.*

The hon. the PRESIDENT:—"Does the hon. Minister in charge want to say anything in reply?"

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"No, Sir."

MR. V. P. PAKKIRISWAMI PILLAI:—"Mr. President, Sir, I understand that my hon. friend who moved the amendment wants that aid should be given to those companies which issue shares of the value of Rs. 10 or Rs. 15 each, or for such small sums. If the Government has to give preference to such companies alone, I am afraid the Government or the Board will have to make elaborate inquiries as to which company they should prefer. Such inquiries alone will take a very long time, as lots of cases will have to be examined. Heaps of applications may come from poor companies and Government will have to sanction them, if it is to be laid down that they should be given preference. We cannot pull on for a long time if help is given only to such sort of companies, and Government may not be able to help really deserving big companies. So I think that, in the interests of the public, the Government ought not to be fettered by any such restrictions as are suggested in this amendment. Besides, as industries are a transferred subject, we can safely let the Bill pass as it is, and if in course of time we find that it is not being worked to the benefit of the vast majority of the people, we can bring in amendments to the Act. With these remarks, I oppose the amendment."

MR. C. V. VENKATARAMANA AYYANGAR:—"I want to say a few words, Sir, in opposing this amendment on two practical points. My opinion is that the amendment is very vague. It is not clear who is a small investor and who can call himself a big investor. By big investment, we may mean even a crore or two crores of rupees; but even shares valued at Rs. 50 each may be considered big when dealing with companies with a capital of Rs. 10,000. Even shares valued at Rs. 1,000 each will not be big in large companies as the 'Tatas' companies. So it must be defined what a small investment is. Apart from that, there is a practical difficulty. The amendment, if carried, will unnecessarily add to the working expenses of companies. Their lists of shareholders will become very big and as they will have to issue notices to all the shareholders, the printing charges, certainly, and other charges, also, will become unnecessarily high. Moreover the difficulty of the quorum may come in. It is very difficult to work if the discretion of the Government or the Board is fettered by making these small rules compulsory. I think therefore it will be better to leave the discretion entirely to the Board and the Government. Share amounts depend upon the capital amounts that are necessary for particular companies, and also on the manner of people that necessarily subscribe to them. There may be electric companies and big mills, where the value of share stands high, for instance, the Tata Electric Company in Bombay in which the shares are valued at Rs. 1,000 each. There are also manufactories with small companies where each share is worth Rs. 5 or even Re. 1. Therefore any limitation, as suggested in the amendment, will hamper the work of new industries. I therefore oppose this amendment."

The amendment was put to the House and negatived.

[20th December 1922]

Clause 5—cont.

Sub-clause (2)—cont.

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

11. *Add the following as a proviso:—Provided that no aid shall be given to any individual in preference to a joint stock company.*

"The spirit in which I move this amendment is identical with that of the previous amendment. Whenever an application for aid is made by an individual and also by a company, I hold that the company should be given preference over individuals. The reason is that, as it has already been stated by the hon. the Minister, the leading strings will be in the hands of the Government, but I want to take them away as far as possible from the hands of the Government and retain them in the hands of the Legislature."

Mr. M. SUBYANARAYANA PANTULU seconded the amendment.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"The leading strings, Sir, in the hands of a Government which is responsible to this House and through this House to the country at large need not terrify my friend, as perhaps they did some time ago, unless it be that anyone here, either in the Government or in the House, should try to get out of the control of the people of this country.

"Well, Sir, coming to the amendment itself, I feel again that here is another restriction sought to be imposed on the free flow of capital. The whole purpose of the Bill has been to induce people to come forward with their capital, and to put their money in industries so that the industrial regeneration of the country may be achieved. Now, the hon. Member wants to see that no aid is given to any individual in preference to a joint stock company. Let us take half a dozen or—I do not know exactly the number of persons that can form a company—(A voice 'Seven'), or seven persons who may be any body, whether they may be capable or incapable of executing the work they may undertake, or whether they may be capable or incapable of carrying on the industries which they propose to start may form themselves into a company and defeat, by putting in an application to the Government, another application that may be made by an individual. There is the Board and there is the Government, and whatever the mover may say as regards the leading strings, the Board has considerable powers in spite of the fact that its decisions are advisory. If a company is forthcoming, which in the opinion of the Board and the Government is capable of carrying on successfully, can we not conceive that in such cases they will ordinarily reject an individual? I want to know why there should be all these restrictions. This is a Bill which has got to be worked with a broad mind and in a broad spirit, and to put in such restrictions as these will only go against the intentions of the Bill, namely, the helping of industries. I therefore oppose this amendment."

Diwan Bahadur M. KRISHNAN NAYAR:—"I also rise, Sir, to oppose the amendment moved by my hon. friend, Mr. Narasimha Raju. I thought very often that honest and enterprising individuals require aid more than companies. Joint stock companies are very often able to help themselves, and I cannot think that there will be many joint stock companies coming to the Government seeking their help. But it is quite conceivable that there

[20th December 1922] [Mr. M. Krishnan Nayar]

Clause 5—cont.

Sub-clause (2)—cont.

will be many individuals who are really honest and want to do some industrial work in the country and who may come to the Government seeking their help. If the amendment had stood the other way, I would have supported it. I think that individuals should be preferred to joint stock companies, but not joint stock companies to individuals. I therefore oppose the amendment."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I think that the remarks of my hon. friend, Mr. Krishnan Nayar, are responsible for inducing me to say a few words on this subject. The particular question that is raised is, whether it is the policy of this Bill to help individuals or to assist joint stock companies in which a large number of people put in their capital?"

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"I may point out, Sir, that the policy is to favour industries but not individuals or companies."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"My friend seems to be fairly familiar with the industrial policy in the west. But I do think that the policy in the western countries has been to help joint stock companies, or aggregates of individuals, and not single units in the matter of protection of industries. Therefore, if my hon. friend says that individuals should be helped, he will be creating a class of capitalists who will be working for themselves not necessarily under the limitations of joint stock companies. That is the only point that has been raised, and I am surprised to hear my hon. friend's speech to the effect that the policy that is adumbrated in the amendment should be reversed, and that it should be the duty of the Government to help individual capitalists to improve their own fortune. I do not wish to raise any other proposition, but that seems to be the reason for which my hon. friend has ventilated this amendment. It is true that the Government should have some amount of discretion in dealing with these applications and that the Board should also have certain amount of discretion, but it is a question of policy whether individuals should be helped to make profits from funds borrowed from the State or whether joint stock companies who put in their capital and who are to co-ordinate effort should be helped. I have no doubt that the amendment contains the right idea."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Sir, I think we shall be going beside the point if we concentrate our attention on the leading strings of the Government and such other matters. We are here trying to make a law to help industries. The fostering of industries must be our object. If we apply this test to the present amendment, I should think that it would go very much against that object. It may be that there are several companies with huge capital, which may require large loans. For instance, the cotton industry which is a well-established industry in several places will ask for very large loans. If we are going to prefer these joint stock companies to individuals, it will mean that you will have to pay all the money you are capable of giving as loans to those cotton companies with the result that any new industry that may have come into existence in the country and that may ask for help will receive no aid whatever. So it is not to be considered simply from the point of view of individual or joint stock company. We shall have to consider whether a

[Mr. T. A. Ramalinga Chettiyar] [20th December 1922]

Clause 5—cont.

Sub-clause (2)—cont.

particular industry requires help or not, and that I think ought to be a more important consideration than merely the fact whether the person who asks for State aid is an individual or represents a joint stock company. If we accept amendment, it will only mean that such industries as ought to be helped by Government and as ought to be placed on a proper footing should not be helped simply because they are run by individuals. That will be a very bad policy and will go against the fostering of industries, and from that point of view I have to oppose the amendment of Mr. Narasimha Raju."

Dr. JOHN MATHAI :—"With regard to the remark made by Mr. Ramachandra Rao, may I say that, as far as England is concerned, in all aids given under the Development Commission, the distinction that is made is between profit-making concerns and non-profit-making concerns, and not between individuals and joint stock companies?"

Mr. A. Y. G. CAMPBELL :—"I would like to point out the fact that if the amendment of Mr. Narasimha Raju is carried, the cottage industries will be affected. We have, in certain parts of the country, weaving carried on as a cottage industry. Under this amendment we shall be debarred from granting aid to any individual weavers, and therefore the cottage industry of weaving will not get the special assistance under this Bill. Moreover, the provision can be easily evaded by the capitalist who will be able to associate himself with half a dozen men as nominal shareholders. I think, Sir, that the amendment is therefore dangerous."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, I am one of those that are quite jealous of giving power to the executive, and my friend said with reference to this particular Bill, 'you better wait and see how the representatives of the people do their work as executive members'. I think we are yet to learn how they work, and that is the reason why my old habit continues."

"I fear much importance is not given to the word 'preference' in my amendment. When I said preference is to be given to joint stock companies as against individuals, I meant preference should be given to concerns undertaken by joint stock companies over those undertaken by individuals. When both concerns make application for State aid, my amendment means that the State should aid only the joint stock companies, and not the individuals. The reason why I advocate it is that public funds should go to aid joint stock companies more than individuals. I do not, for a moment, mean that when individuals are in the field, and no joint stock companies ask for aid, the individuals should not be helped. My amendment does not mean that and I never intended to convey such a meaning."

"It has been said that seven persons may form a company and demand preference. A company is quite different from a joint stock company. A joint stock company has got its own basis, its own formation and other peculiarities, of which every one of us is fully aware."

"My friend, Mr. Krishnan Nayar, said that he would certainly vote for the amendment if it was inverted. I am not at all able to understand the logic of it. What is the principle on which he is going to support it? Then he went on to say that between individuals and joint stock companies, individuals ought to be preferred. If that be the case, that is exactly the reason why I have tabled this amendment."

[20th December 1922] [Mr. C. V. S. Narasimha Raju]

Clause 5—cont.

Sub-clause (2)—cont.

"As I have already submitted, the working of responsible ministers is yet to be watched with great interest. Executive powers are quite different from legislative powers. When individuals are to be preferred to joint-stock companies, there is always danger ahead. I would, therefore, press my amendment."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I may at once say that my hon. friend has not met the points raised on this side of the House. When it was said that any seven persons could form a joint-stock company, my friend wanted to say that that was not a joint stock company. A joint-stock company is one which should conform to certain rules and formalities to which my friend referred. Such companies could be formed with a minimum of seven members. If individuals are treated as 'men of straw', as Mr. Campbell would have it, they will be compelled to join with others to form a joint-stock company and bring pressure to bear upon the State. But those persons may not possess the capacity for business. I do not think, Sir, I need worry myself or this House with arguing on that point."

"The other observation which he made was that he was yet to learn something about the Ministry. All that I can say is that if two years were not sufficient for it, perhaps many more years will not be."

"There is one more point referred to by Mr. Ramachandra Rao. My hon. friend observed that in England and in the West the policy has been to assist these companies. I may at once point out to him that, so far as England is concerned, the policy of State aid is of a very, very recent origin, and that, perhaps, is not a matter from which we can draw great many lessons. But, apart from it, it is one thing to declare a policy and another thing to put on a restriction. It may be that it should be the policy of the Government or of the Board to see that some preference is given to joint-stock companies, provided of course the other conditions are fulfilled, namely, business capacity, capacity to put in the necessary money, push and energy which are so very essential for the carrying on of an industry to success. Granting all those conditions are present, it is quite possible that the policy may be perfectly sound. But, as I said, policy is quite different from restriction. What is now sought to be imposed by this amendment is not a declaration of policy but the imposition of a restriction upon bodies which have the authority to give the aid. All I want to say is 'let this not be fettered by any chains'."

The amendment was put and lost.

Sub-clause (3).

Rao Bahadur T. NAMBERUMAL CHETTIYAR :—"With reference to sub-clause (3) of clause 5, I wish to ask the Minister if, in the opinion of the Board of Industries, a certain industry is fit to be helped, and, if in the opinion of the Government it is not so fit, whether that industry is to be dropped. The sub-clause says, 'The decision of the Local Government as to whether the conditions of this section are fulfilled shall be final'. Such an absolute authority or power to veto a proposal would be suicidal to the best interests of the country's industries. The Board of Industries might treat a particular industry, as a cottage industry and the Government may say it

[Mr. T. Namburumal Chettiyar] [20th December 1922]

Clause 5—cont.

Sub-clause (3)—cont.

is not a cottage industry. All that I want to know is whether that decision should finally prevail."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"No, Sir. I beg to submit that no such thing was intended by that sub-section. If the hon. Member wants to amend it now, notice should have been given. Apart from that, there are peculiar difficulties in the way. The section was conceived on a broader basis than on the basis of cottage industries. Various other matters will have to be decided by the Board and, if an exception like that is made, it might make the working of the Bill almost an impossibility. All I can say is that the hon. Member can trust the Government."

Rao Bahadur T. NAMBERUMAL CHETTIYAR:—"Opinions once arrived at, after careful consideration are often altered according to time, place or circumstances. Industries which were considered *not* economic are now considered to be so. Vested interests assert themselves."

"I understand that Government has started the bobbin industry at Bareilly on a small scale. Those outside India, who were interested in that industry, waited on the Secretary of State, to move the Local Government to put a stop to that industry. Luckily the Secretary of State was firm and would issue no such instructions. If he was otherwise inclined, the bobbin industry would be a sealed book to India. The industry brings in a steady revenue of 30 or 40 lakhs a year to the manufacturers outside India."

"To withhold Government aid or encouragement to that or any other industry which the Board of Industries (to be appointed under the Bill) may unanimously support, would, to say the least, be detrimental to the best interests of India."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"I may at once refer to the bobbin industry to which my friend has referred. I have myself started inquiries, and I am myself trying to introduce it from the Government point of view. If a private individual is going to adopt it, I may assure him that every assistance will be given to that industry. As for Government stopping any cottage industry, I do not think that Government can actually stop an industry. They may perhaps stop the aid the industry may seek, if in the opinion of the Government the industry is not one that should be assisted. Such a discretion ought to be allowed to the Government. Unless there is something radically wrong in an industry or unless it is uneconomical, the Government will not object to such industries being helped. Let us hope, however, that there will be no such industries."

Rao Bahadur T. NAMBERUMAL CHETTIYAR:—"I applied to the manufacturers in England for information about the machinery suitable for manufacturing bobbins; and I am told that no help will be rendered to starting in India an industry which will be prejudicial to their own interests."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"If the hon. Member had referred the matter to the Industries Department or to myself, he would have been posted with such information as we have now with us. Even now, he is at liberty to ask for such information."

Clause 5 was then put, passed and added to the Bill.

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Clause 6.

18-45 p.m. Mr. S. ARPUDASWAMI UDAYAR:—"Sir, I beg to move the following amendment:—

12. In item (c) after the word 'subsidy' insert the words 'for the training of apprentices'.

"Sir, I am of opinion that the provision made for research is a step in the right direction. Nobody acquainted with the conditions prevalent in industrial countries will for a moment minimise the importance of research. The development of industries is inseparably connected with the provision made for research. In the most progressive industrial country in Europe, namely, Germany, we find a wonderful co-operation with the different firms and an equally wonderful co-ordination of work between these firms and the scientists working in the laboratories and the technological institutes. But even in such a progressive industrial country as Germany, provision was made for research, I think only in the first quarter or in the first half of the nineteenth century, that is, long after the industries had been found to be in a flourishing condition. It seems to me, Sir, that provision for the training of apprentices is even more important than that for research. The first five years following the introduction of this Bill will be the period of experimentation; the success of this measure will largely depend upon the availability of a sufficient number of well-trained apprentices; and the expansion of the industries will depend upon the training given to these apprentices and their capacity to cope with the work entrusted to them. No doubt provision is made in the Bill imposing an obligation on the part of every recipient of State aid to make suitable arrangements for the training of apprentices; but I think it will go a great way towards the encouragement of industries, if only the hon. the Minister for Development gives us an assurance that some positive provision will be introduced in the Bill itself empowering the grant of some help for the training of apprentices. I therefore wish that provision should be made here or in some other part of the Bill giving effect to the object contained in my amendment."

Mr. A. T. PALMER seconded the amendment.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"It was not the desire of the Select Committee nor of myself to deprive in any way certain industrial enterprises and businesses of any sums that may be paid to them for the training of apprentices. Certainly the training of apprentices is a very important work in the industrial development of this Presidency. As a matter of fact we have been assisting something like forty educational institutions and industrial schools with funds in the city of Madras itself. We have two big firms which are receiving small sums for the purpose of training apprentices selected by the Government. This portion of the work is more or less of an educational character. Evidently the hon. mover of this amendment has tabled this amendment in view of clause 4 which has been introduced into the Bill by the Select Committee. In order to cover this case and another case about which an amendment is tabled by my hon. friend Mr. Sasibhushana Rath, I have drafted a clause which I have shown to both the hon. Members, Mr. Arpudaswami Udayar and Mr. Sasibhushana Rath and they indicated to me their willingness to have it embodied in the Bill. I shall, with your permission, Sir, move it after the last clause is put and carried. I hope that the hon. mover of

[Mr. K. Venkatarreddi Nayudu] [20th December 1922]

Clause 6—cont.

this amendment will see his way to withdraw this amendment as he has already seen the new clause which I am going to move presently."

The amendment was by leave withdrawn.

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

13. Add the following as item (g):—

(g) by making plant available on hire-purchase system for cottage industries.

"Sir, I first doubted whether the wording of clause (a) 'by granting a loan' would include the giving of plant on hire-purchase system. I consulted some of my friends on this point and they were also of opinion that the words 'by grant of a loan' did not include giving of plant on hire-purchase system. That is the reason why I gave notice of this amendment. The Indian Industrial Commission has conceded the advisability of aiding small cottage industries by giving plant on the hire-purchase system. Paragraph 301 of the Indian Industrial Commission Report states:

It should be a condition of the loan that it should be spent on approved types of plant and the department itself might when desired by the applicant purchase the plant. There are numerous types of plant suitable for the purposes of agriculture or of small industries which could be made available by Government on the hire-purchase system. This system has already been followed with some degree of success in Mysore by the State Department of Industries and by private concerns elsewhere. We print as Appendix M the rules for hire-purchase in force in the Mysore State as an instance of a mechanism which experience has shown to be effective.

"As this system is already in working order in the Mysore State, I do not think the hon. the Minister for Development will find it difficult to accept the amendment."

Mr. M. SURYANARAYANA seconded the amendment.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"I am sorry, Sir, I cannot take the advice of my hon. friend. There is a system of loan provided for in the Bill. There is no practical difference between a loan and the hire-purchase system which is now sought to be introduced. In the case of a loan the industrialist purchases the machinery and the machinery becomes his own property at once. In the case of a hire-purchase system, the Government purchase the same and lend it to the industrialist and take a certain sum of money every year or every month, as the case may be, and until the last pie is paid, the machinery remains the property of the Government and if the industrialist should fail to pay any instalment, the machinery will be put up for sale. The result is, that even though the industrialist has paid a portion of the cost of the machinery, he does not become a part owner of the same. It will therefore be noticed that it is not in the interests of the industrialist at all to introduce this hire-purchase system. Even as regards the Government, there are certain practical difficulties in the way. There is the question of insurance. Again, if a machine is purchased by Government and if it is given only on the hire-purchase system, I take it that under the Indian Contract Act, the loss by *vis major* will have to be borne by the Government. I think the purpose of the industrialist will be served so long as he is able to get money for the purchase of machinery. We have also provided for the grant of subsidies for the purchase of machinery. When the granting of loans and the paying of subsidies fulfil

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Clause 6—cont.

the necessary requirements, I think this complicated hire-purchase system will involve additional trouble and difficulty and it will also expose the Government to some risks. The industrialist will also incur a certain amount of loss because he will not become the owner of the property until the last pie is paid down. Under these circumstances, I think it is not at all desirable to incorporate this amendment in the Bill."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"My hon. friend states that loan is preferable to hire-purchase system. I beg to draw the attention of the hon. Minister to the fact that the hire-purchase system is found to work advantageously to the industrialist in the Mysore State. Here I may be permitted to explain the difference between the hire-purchase system and loan. In the case of a loan, whenever Government grant it to any individual for cottage industries, they certainly insist on the giving of proper security before granting the loan. But in the case of the hire-purchase system, the plant itself remains the property of Government and no fresh security is necessary, because the Government remain the owner of the plant until the last pie is paid. That is the main difference between the two and that is why I advocate that the hire-purchase system should be preferred to the loan system. In the case of individuals they may not be able to give sufficient guarantee or security to the Government. They may not be possessed of sufficient property to be shown as security to the Government. Under those circumstances, I think, it is an elementary principle that the hire-purchase system should be preferred to the loan system in the case of small cottage industries. Regarding the supposed inconvenience which may be caused to the Government on account of loss by any *vis major*, I would respectfully draw the attention of the hon. Minister to the successful working of the system in the State of Mysore. When we find that the hire-purchase system is working with admirable success in the neighbouring State of Mysore, the only thing left for the Government to do is simply to copy those rules and adopt the same system here. I am sure the system will work with the same amount of success in this Province also. When I sent notice of this amendment, I did not have in my mind the contingency of utilizing power with a view to aid cottage industries. The word I have used is 'plant' and it does not necessarily include the utilization of any power. Take for instance the iron lathe which is generally used in some villages for iron work especially in the case of shaping sugarcane mills. The iron lathe costs about Rs. 1,000 or Rs. 1,500 and where sugarcane mills are at work it is a very desirable machine. Perhaps it may be beyond the means of a village smithy to obtain a loan and purchase it. But if the Government is prepared to give it, it would be of very great advantage to the industrialist as well as the agriculturist. These were the main principles that I had in my mind when I gave notice of the amendment."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"I forgot to mention one point, Sir. 'This question' was raised in the debate when the Bill was introduced last month. The speeches in the Legislative Council bearing on the State Aid to Industries Bill were analysed and placed before the Select Committee, and this point was unanimously rejected by the Select Committee."

The amendment was put to the vote and lost.

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Clause 6—cont.

The following amendment standing in the name of Mr. S. Arpudaswami Udayar was not moved and was therefore deemed to have been withdrawn:—

14. *Add the following as item (g):—*

(g) *by arranging with the railway companies for special concession rates in the case of new and nascent industries.*

Sriman SASIBHUSHAN RATH Mahasaya:—“Sir, in view of the assurance given by the hon. the Minister that my amendment or one with a little modification will be moved by him I do not propose to move the amendment standing in my name:—

Add the following after item (f):—

(g) *by making purchases of stores required for the Government of Madras.*

(h) *by recommending to the Government of India the purchase of such stores.”*

The amendment was therefore deemed to have been withdrawn.

Clause 6 was put to the House and passed and added to the Bill.

Clause 7.

Clause 7 was put to the House and passed and added to the Bill.

Clause 8.

Sub-clause (2).

The following amendment standing in the name of Mr. S. Arpudaswami Udayar was not moved and was therefore deemed to have been withdrawn:—

15. *For the figure ‘50,000’ substitute ‘20,000.’*

Sub-clause (5).

Mr. A. RANGANATHA MUDALIYAR:—“Sir, I do not propose to move the first part of my amendment, but I want to move the alternative amendment. I beg to move:—

16. *For the words ‘unanimous resolution’ substitute the words ‘two-thirds majority.’*

“The sub-clause will then read as follows: ‘No aid shall be granted under this Act if the Board by a two-thirds majority at a meeting advises the rejection of the application.’

“I shall briefly explain, Sir, my reason for this amendment. The committee, as it is proposed to be constituted under this Bill, will consist of at least three officials, and I think there are likely to be as many Europeans also on that committee. It has been my experience, and I think the experience of several others in this House, that the points of view from which questions are looked at differ in the case of officials and non-officials. It has been my experience, however honest I may be in my endeavours to co-operate with officials in the work they are carrying on, that they are less than cordial in reciprocating my good feelings. The other day my hon. friend, Mr. T. Sivasankaram Pillai tried to bring to the notice of the Government the

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Clause 8—cont.

Sub-clause (5)—cont.

famine conditions prevailing in certain areas, and what was the reward he got? He was advertised all over the Presidency as having made the report”

The hon. the PRESIDENT:—“I am sorry to interrupt the hon. Member. I would point out to him that we are not dealing with famine conditions just now.”

Mr. A. RANGANATHA MUDALIYAR:—“I want to emphasize the fact that Government officials often take a view, which is somewhat different from that of the non-officials. . . .”

The hon. the PRESIDENT:—“But even that we are not dealing with just now.”

Mr. A. RANGANATHA MUDALIYAR:—“I think my reference was relevant in this way. When the committee consists of a number of officials, their point of view may differ from that of the non-officials in the committee. The degree of European element in the committee will affect us in the same way. An industry which may be considered suicidal to the interests of the country by the Indian element may be thought the other way by the European element in the committee. Even if a committee may consist of a majority of Indians, and they may unanimously be of opinion that a particular industry should not be helped, the hon. the Minister will not be bound by the opinion of the majority, because, unless it has been rejected unanimously, the hon. the Minister is not bound to accept the advice. I want to strengthen the hands of the hon. the Minister in dealing with a transferred subject. I do not want him to be subjected to influences which may not be patent to many outside, but I want him to be strong in the attitude he may have to take on matters like this. I think that his attitude will be very often one which will be endorsed by the Indians in the country. So, I say, Sir, that instead of the words ‘unanimous resolution’ we may substitute the words ‘two-thirds majority’. It gives a sufficient guarantee that there will be no hasty rejection of any application. All applications are bound to be well considered, and when as many as two-thirds of the members reject an application there is something to be said in favour of that view, and in such a case the hon. the Minister is bound to act on that advice.”

Rao Bahadur A. S. KRISHNA RAO PANTULU:—“Sir, I beg to second the amendment. I wish to point out that the select committee having come to a very proper decision that the recommendations of the Board of Industries should be accepted whenever the Board is unanimous regarding the rejection of an application, they must consider and see what is the practical effect of carrying out that resolution. We are all agreed that the view of the Board of Industries should, as far as possible, be accepted by the Government though their functions are of an advisory character. This House is aware that it is with very great difficulty that we have agreed upon the composition of the Board of Industries so as to represent several trading and other interests. Having done that, the retention of the word ‘unanimously’ is likely to take away the beneficent result that will otherwise follow from the retention of this provision. Because there are a number of cases in which those who present applications for aid will be able to secure the support of at least one

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Clause 8—cont.

Sub-clause (5)—cont.

member of the Board of Industries. If by the support of one member of the Board of Industries an applicant can prevent the possibility of a unanimous resolution I think, Sir, then the purpose of this clause is taken away altogether. As in the case of other statutes it is certainly desirable that we should not ask for any such provision in the case of a bare majority. But if there is to be a substantial majority, be it two-thirds or three-fourths, it does not matter. I think, Sir, it must be taken as equivalent to the unanimous resolution of that body and effect ought to be given to it. Unless the word 'unanimously' is taken away and the sub-clause modified as suggested, I am afraid, the purpose of the retention of this provision will be taken away altogether. If the hon. the Minister is prepared to accept the suggestion, as I hope he will, I think it may be necessary to have a small verbal amendment by adding the words 'at least by two-thirds majority at a meeting advises the rejection of the application'."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"I am afraid, Sir, that I cannot accept this amendment. The clause itself is a new one as can be seen from the printing in italics. It was not in the original Bill, but the Board of Industries advised that a provision like this might be included in the Bill and out of deference to the views of the present Board of Directors this clause was put in. I do not propose, Sir, in answering this amendment, to reply to certain observations which my friend Mr. Ranganatha Mudaliyar has allowed himself to let go. As regards his remark that non-officials are influenced by officials, all that I can say is that it is undeserved. Later on he said that he was afraid that the Ministers might be subjected to influences not patent to outsiders and he wanted to protect the Ministers from such influences. Let me assure him, Sir, and the hon. Members of this House that the only influence which can be allowed to bear upon this Government is the influence of this House and of nobody else (*hear, hear, from Mr. Sixsankaram Pillai*), and we have not given so far, I take it, any reason for anyone to believe that any outside influence was ever allowed to bear upon the decisions of this Government.

"Sir, I object to this amendment for two or three reasons. It will be noticed, Sir, that by unanimity is meant only a resolution passed unanimously at a meeting of the *members that are present*. We do not ask for a unanimous resolution of the whole Board of twelve members. And now, if this amendment is accepted, what will be the result? Let us take it that four or five will form the quorum of the Board. Two-thirds of the members may mean two or three, or at the most four. Now, why should an industry be not helped simply because two or three members have rejected it—because two-thirds may mean three or four of those that are present at a particular meeting as my friend apprehends that a particular class of people may be present at a particular meeting, since it is quite possible too that those who are interested in seeing that a particular industry is not assisted may form a majority at that particular meeting? What is the remedy? After all, all that we are asking for is that a large number of persons should have declared themselves in favour of it. The principle of that is recognized here. Sir, if a meeting of the Board be held consisting of Indians alone and they should refuse an application, the Government should not accept it. In other words, my hon.

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Clause 8—cont.

Sub-clause (5)—cont.

friend has got sufficient confidence in the Indian members on the Board of Industries, a confidence which he is not prepared to extend to his Indian colleagues in the Government. Do we cease to be Indians the moment we become Government officials? How then does this argument hold? I think, Sir, this is rather a very unnecessary and insupportable restriction to be placed upon the actions of the Government."

Diwan Bahadur M. KRISHNAN NAYAR:—"May I add just one word to what the hon. the Minister has stated. My friend Mr. Ranganatha Mudaliyar's theory is that there may be a pretty large number of Government officials on this Board. As a matter of fact, the statute itself prescribes the maximum number of Government officials. Clause 3, which has been already passed, says: 'Not more than three of the members shall be Government officials.' The minimum number of this Board is ten and the maximum is twelve. As the hon. Minister stated yesterday, ordinarily the maximum number will be three on the Board so that out of the twelve members not more than three only can be Government officials. Then, again, I may also say, Sir, that this question whether it should be a unanimous decision or a decision by a majority of two-thirds was carefully considered in the Select Committee which consisted of a pretty large number of members of this House and the unanimous decision of the Select Committee was that it should be unanimous and not a majority of two-thirds. For that reason, I believe, my hon. friend will not press his amendment."

Mr. A. RANGANATHA MUDALIYAR:—"Well, Sir, I do not know if the hon. the Minister has answered the difficulties felt by us. He raised certain other difficulties, but they do not take away the force of the arguments urged by me. I do not mind if it is three-fourths or five-sixths majority. I am of opinion that if it is to be unanimous, we shall be asking for a condition which is impossible of fulfilment."

The amendment was put and lost.

Clause 8 of the Bill was put and carried and added to the Bill.

Clause 9.

Clause 9 of the Bill was put to the House, passed and added to the Bill.

Clause 10.

1-15 p. m. Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, I move that

17. For the words 'secured by a mortgage or floating' substitute the word 'a'.

"The object of the amendment is that the person taking a loan from the Government need not execute a bond. A statutory charge will be created by mere granting of the loan if my amendment is accepted. Of course, for the recovery of the amount it is provided in the Bill that it should be recovered as arrears of land revenue. When such a remedy is provided, I do not see any reason why a statutory charge should not be created regarding the amount that is granted by the Government as a loan under the Act. It is with this object that I propose this amendment and I commend it for the acceptance of the House."

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Clause 10—cont.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" I oppose the amendment, Sir, because it is unnecessary. The words ' mortgage or floating security ' have been advisedly used. My hon. friend would have noticed the word ' or ' between the two forms of security mentioned. It is not necessary, therefore, that both the forms should apply. On the other hand, any one of them will do. Where a mortgage is found necessary, a registered document will be executed. The reason for the provision is this. No doubt we can create a statutory charge upon the property by incorporating in this measure a provision like that contained in the amendment. But I am afraid a mere notification in the gazette will not be a sufficient guarantee to the outside world to let them know what charges there are on the property in case the owner of the property should try to mortgage it for a second or a third time. But if it happens to be a registered deed, it will be open to any one to apply for a copy of the encumbrances in the sub-registrar's office. So it is in the interests of the public that the words ' mortgage or floating security ' have been used. It is after all, Sir, a mere form that is involved. I can assure the hon. Member that the security so far as the Government are concerned will be sufficiently safeguarded by the provision as it occurs. As regards giving any advantage by lessening the stamp duty, I am told by my friend, the hon. the Law Member, that there are a number of difficulties in the way and that various provisions are to be amended. I therefore think that the amendment is not necessary for the purpose."

The hon. Mr. K. SRINIVASA AYYANGAR :—" Sir, there is one obvious difficulty which I apprehend from the acceptance of the amendment under consideration. If the amendment is accepted, the clause will read thus :—

Every loan granted under this Act shall be a charge upon the whole of the assets of the business, etc.

" Whether this will not prevent the operations normally done in a business concern is a question to be investigated. At present the House will notice it is a floating charge that the clause provides for. The word floating charge has a definite meaning; it will not prevent the normal operations of a business going on and at the same time it will become what in technical language is called a fixed charge. As soon as proceedings are taken, by the mere introduction of the amendment and by the creation of a charge upon the estates there may be difficulties in working the concern."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, it has been pointed out that the clause, as it is, provides for the creation of mortgage or a floating charge. It has been said that a mortgage is necessary, for a notice may be necessary in some cases to the public and it has been argued that a mere notification in the gazette is not sufficient notice to the public and that registration would constitute such notice. If I remember the law on the point correctly, I think even a notification in the gazette amounts to notice."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" Sir, I was not speaking of what in law constitutes notice but what I meant was that it was quite open to the public to go to the sub-registrar's office when any transaction was entered into and apply for a copy of encumbrances. Otherwise the person would have to hunt up for the District Gazettes and Fort St. George Gazettes and take all the trouble which he could impose upon a public officer by paying a small fee."

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Clause 10—cont.

*Rao Bahadur C. V. S. NARASIMHA RAJU :—" I am quite aware of it, Sir, but my point in pressing this amendment is this. Notification in the gazette is presumed to be notice because men are presumed to read the gazette. It is necessary for any man who subsequently advances money to make all necessary inquiries as to the existing charges or encumbrance on the property. How that is avoided in the case of a charge created even under the provisions of this Bill as it now stands I am not able to understand. Regarding the difficulties as to the floating charge, it is not quite clear how a charge once created will affect at all the working of any business. The main intention of my amendment is to remove the words ' secured by a mortgage '. The latter portion of the clause may remain."

The amendment was put to the House and lost.

Rao Bahadur C. V. S. Narasimha Raju did not move the following amendment standing in his name :—

18. *After the words ' at the time of the grant and ' insert the words ' shall be secured '.*

The amendment was deemed to have been withdrawn.

Clause 10 was put and carried and added to the Bill.

Clauses 11 to 18.

Clauses 11 to 18 were then put and carried and added to the Bill.

Clause 19.

The following amendment was not moved and was therefore deemed to have been withdrawn :—

Mr. S. ARPUDASWAMI UDAYAR :—

19. *In item (2) after the word ' remuneration ' insert the words ' if any '.*

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I beg to move—

Add at the end, the following :—

20. *Provided that such rules are laid before the Legislative Council for its approval and notified in the Fort St. George Gazette when they shall have the force of law.*

" The reason for this amendment is obvious. Much has been left to the rules to be framed under this Bill and the hon. the Minister has already said that the only influences he would allow himself to be subject to are those of the House and I am providing him with an opportunity for ascertaining the views of this House. Of course, if he does not want that the amendment should be accepted because it stands in my name, he may change it, Sir. I do not mind it so long as the substance of my amendment is accepted."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" Sir, I have absolutely no objection to the hon. Member's name to begin with. The practice usually observed is to place it on the table of the House. Then it will be open to the Members to move resolutions to alter it or amend it. So I propose an amendment to the following effect :—" *Provided that such rules are laid on the table of the Legislative Council and notified in the Fort St. George Gazette one month after which they shall have the force of law unless*

[Mr. K. Venkatarreddi Nayudu] [20th December 1922]

Clause 19—cont.

amended by the Legislative Council within that period; or if the Council is not sitting during that period, at its next sitting. The words 'at its next sitting' have been introduced so as to avoid its being placed on the table at a time when the Council is not sitting. That is the practice that obtains everywhere and which I adopt in this case."

Mr. A. RANGANATHA MUDALIYAR :—"I, then, beg leave to withdraw my motion."

The amendment was by leave withdrawn.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I move my amendment, Sir :—

That the following addition be made to clause 19 :—

"Provided that such rules are laid on the table of the Legislative Council and notified in the Fort St. George Gazette one month after which they shall have the force of law unless amended by the Legislative Council within that period; or if the Council is not sitting during that period, at its next sitting."

Mr. A. RANGANATHA MUDALIYAR :—"I have great pleasure in seconding it, Sir."

Mr. T. SIVASANKARAN PILLAI :—"I beg to propose a small change in the amendment moved. The consideration of the rules may be carried on from one sitting of the Council to another within which time the period of one month may elapse and the rules will have to come into operation."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I think, Sir, the amendment requires modification even for the purpose of achieving its object. The hon. the Minister was good enough to tell us that he would allow a modification of the rules at a meeting of the Legislative Council at its next sitting. But the period prescribed is only one month and no provision is made for cases where no meeting is held within that period. The amendment does not make it clear in such a case whether the rules come into operation after the lapse of a month even though no meeting of the Council is held. So the amendment requires a change."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I gave my attention to the matter and it is to provide for such a contingency that I used the word 'or'."

At this stage the Council adjourned for lunch.

2-30 p.m. The Council re-assembled after lunch at 2-30 p.m. with M.R.Ry. Diwan Bahadur P. KESAVA PILLAI Avargal in the chair.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"Sir, I move that the following proviso be added to clause 19 :—

Provided that such rules are laid on the table of the Legislative Council and notified in the Fort St. George Gazette one month after which they shall have the force of law unless amended by the Legislative Council within that period or if the Council is not sitting during that period, at its next meeting."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I second it."

The amendment was put to the House and accepted.

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Clause 20.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"Sir, with a view to meet certain objections raised in the course of the debate by my friends, Mr. Sasibhushana Bath and Mr. Arpudaswami Udayar, I beg to move that the following be added as clause 20 of the Bill :—

"20. Nothing in this Act shall be held to debar the Government—

(a) from starting or conducting industrial enterprises for experimental purposes or with a view to stimulate industrial development;

(b) from assisting an industrial business or enterprise by agreements to purchase on business terms the whole or a portion of the products of the same;

(c) from assisting an industrial business or enterprise by giving gratis or on favourable terms, the services of Government officials or experts either in the capacity of advisers or for a limited period not exceeding one year for starting or conducting such business or enterprise;

(d) from assisting an industrial business or enterprise in connexion with industrial education or the training of apprentices."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I second it."

Mr. M. SURYANARAYANA :—"Sir, may I suggest to the hon. the Minister that some provision may be added at the end so that, at the close of the period of one year, if it is considered necessary to have the assistance of a special officer for any further period, that assistance may be given."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I am afraid, Sir, it is unnecessary. Even the one year period is too long for a Government servant to leave off his work and attend to duties elsewhere. Of course, if it is a question of sparing the services of another officer that will probably be done."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, I do not see what necessity there is for this new clause. There is nothing in the series of clauses we have passed debarring the Government from starting or conducting any enterprise."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"Under clause 4, aid to industries is refused except under the provisions of this Bill. This amendment therefore is intended as a mere safeguard to avoid possible contentions that may be raised. I may say, Sir, that this is only an 'enabling clause'."

The amendment was then put to the House and carried.

The preamble of the Bill was then put to the House and carried.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I now move that the Bill as amended in this Council be passed into law."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I second it."

Rao Bahadur C. NATESA MUDALIYAR :—"Sir, Mr. President, I congratulate the hon. the Minister for Development and the people of this Presidency for this nation-building Bill having come to the stage of being ready to be enacted into law and for its having emerged from the Select Committee almost unscathed. It shows how well the Bill was conceived and how

[Mr. C. Natesa Mudaliyar] [20th December 1922]

Clause 20—cont.

thoroughly it was prepared. The operation of this Bill on a large scale will be heavily handicapped by our iniquitous contribution to the Government of India.

"Industries for the conversion of our raw products into manufactured ones, as for instance match-making, mining and metallurgy, and the training of our young men here and abroad in industries, ought to have our first attention. But taking into consideration our financial circumstances, it is desirable that the Government directs its attention to tried remunerative industrial concerns so that the revenue derived from them may be utilized not only for their own extensions but also for the undertaking and encouraging of fresh enterprises. I request the hon. the Finance Member, if any money is scraped by the Retrenchment Committee, to allow it to be applied in this direction.

"Sir, there is a fear expressed by some people that if India is regenerated industrially, it will be developing factory systems which will attract rural population to urban areas infecting them with all the evils connected with urban life. But let us assure them that, taking lessons from, and having profited by, the mistakes our Western countries committed in the beginning, we will adjust our industrial life with sufficient safeguards for sanitation, housing and education, both elementary and moral, of our labourers.

"Sir, nor this Bill to bear fruit depends upon the fiscal policy of the Government of India. Protection and protection alone can regenerate India both industrially and economically. Some of our Western friends advocate free-trade for India on the plea that protection will increase cost of living and make masses suffer. But let us assure those friends that we Indians are prepared to undergo initial inconveniences and sacrifices; for, no land or country attained salvation without such sacrifices.

"Sir, as per Lord Morley's fur-coat theory, English fiscal system will not suit the conditions existing in India. It is only the protective tariff that made agricultural America what it is to-day—one of the richest countries, nay, the international banker of the whole world. Sir, it is only when India becomes industrially great that she can hope to be politically great."

Khan Bahadur MUHAMMAD USMAN SAHIB:—"Sir, I also take this opportunity of offering our very grateful thanks to the hon. the Minister for Development for his having quite successfully piloted this most important piece of legislation through this Council. This Bill is full of potentialities for the industrial regeneration of our country, and by getting this piece of legislation passed through the Council our Minister has done a very great service to our country. By this legislation he has brought credit not only to himself, and to the Government, but also to the Legislative Council itself. For all these reasons I have very great pleasure in offering him our heartiest congratulations and in expressing our great appreciation of the very great service he has rendered to our country."

Mr. S. ARPUDASWAMI UDAYAR:—"Mr. President, on behalf of the Indian Christian community, I most heartily congratulate the hon. the Minister for Development on the introduction of this measure—the first measure of its kind to be introduced into any provincial Legislative Council. Nobody will accuse me of prying into the secrets of the department when I tell the House that there has been a very large demand for copies of this

[20th December 1922] [Mr. S. Arpudaswami Udayar]

Clause 20—cont.

Bill—a sure sign that Bills of a similar nature will be introduced into other local Legislatures and also into the legislative bodies of the various Native States. Till the introduction of this Bill the Indians were living in a state of doubt or uncertainty and amid a great deal of suspicion; but now the clouds have been dispelled, the industrial horizon is very bright, and I think, as my hon. friends who supported the Bill when it was first introduced expressed very emphatically and very clearly, that there is a very large demand in this province for various kinds of industries to be developed, that there is every prospect of such industries being successfully developed, and that this Bill will certainly inaugurate a bright and happy era and open a new chapter in the history of the industrial development in this province. It therefore affords me very great pleasure, Sir, to express the wish and hope that this Bill will be an instrument in the hands of Providence for doing very great good to Indians not only in this province, but throughout the country, and secondly that the various industries which will be started as a result of this Bill being passed into an Act will flourish, will grow, develop, prosper and fructify."

Rao Bahadur T. BALAJI RAO NAYUDU:—"Sir, I also rise to thank the hon. the Minister for Development for introducing this Bill before the other Presidencies took it up. I think the people of the Telugu districts may well congratulate themselves on the fact that the Minister who is responsible for taking this bold step happens to be one of their own district. He comes out of my district and he is one of my own colleagues as representing the Kistna district, and so I take this opportunity of congratulating him for the introduction of this most important piece of legislation."

Mr. V. PAKKIRISWAMI PILLAI:—"Mr. President, I also beg to congratulate the hon. the Minister on his piloting the Bill so safely. He has yet to obtain the sanction of His Excellency the Governor, as well as of the Governor-General, and I hope the Secretary of State will not raise any objection to it though the present Government in England is said to be not very favourable towards India. The hon. the Minister has of course done already a very great thing, but many things still remain to be done. We cannot reap the fruit of this unless we are provided with sufficient funds to assist these enterprises, and the Government should be liberal enough to lend us sufficient money according to the requirements of the country. As it is, any amount of industrial concerns will be started as soon as this Bill is passed into law and accepted by the Government. I had my own suspicion when the Bill was in the Council whether the Government themselves would be able to start enterprises for the purpose of experiments. From the commencement of the Reforms we have been pressing on the attention of our Minister to get us a sizing machine to size our warps so that we might be in a position to supply all our districts with sized warps. Our country is in need of scientifically sized warps. Hitherto our people were able to get only country-made ones and they are not able to stand the strain of present-day requirements. For the cottage industry, unless the Government have a sizing machine and supply the required sizes to the people, it cannot prosper. For very nearly these 2½ years we have not been able to get it, and every time I ask our Minister, he says 'Well, we are waiting for the machine'. After passing this Bill I hope he will not have any difficulty in finding money for this purpose."

[Mr. V. Pakkiriswami Pillai]

[20th December 1922]

Clause 20—cont.

“With these few words, Sir, I have very great pleasure in congratulating the Minister.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“I also want to say a few words, Sir, in support of the motion. Originally I thought that there would be no speeches necessary to support this motion in view of what has already been done at the introduction of the Bill, but seeing that some of the hon. Members have thought it necessary to support and speak a few words by way of congratulation, I want to add my own words of congratulation, the more so as this measure has been now represented by some to be a party measure. It is one of those national measures on which we should congratulate ourselves and we should congratulate the Minister more on the fact that it has been his privilege to be the first Indian Minister to introduce this Bill and to carry it through this Council. (Cheers). We have yet to see how the Act will be worked in the future. More depends on the way in which the Act is worked than in merely passing it. So far as this Presidency is concerned, there are a number of industries to which he must direct his attention first. Among the major industries where the products are produced in this country, we have those dealing with cotton, jaggery and groundnut. A very large quantity of these things is exported out of this Presidency and also outside this country. I would therefore invite him to see to it that the existing companies for the manufacture of these things are fostered and also that new companies are started on these lines. We have also got a number of small minor industries the development of which will remove the necessity of our getting large imports, such as paper, matches and other things. Above all, our Presidency is rich in water power which can be converted into electric power by little expenditure of money and that will save a large amount of labour and fuel which can be utilized for other purposes.

“Having said so much, I have only one word more, Sir, to add. The whole of this Council must help the hon. the Minister in getting large funds from the Government of India. Without the sinews of war—and the Finance Member's pool is always dry—there is no chance of anything being undertaken. After all, the Minister and the Government are going to supply only about 18 to 20 lakhs of rupees for this purpose for the whole of this year. I do not know if 18 to 20 crores will be sufficient, but in any case 18 to 20 lakhs will be absolutely useless. One of our cotton mills in Coimbatore has got a capital of about 18 lakhs. All that I say is Government must have the power, if they are able to spend money, to have a large resource of money at their back. We are sure that the Minister and the Government will use this money very carefully. Money should not be frittered upon particular industries especially if they are already thriving. Anyhow we may require large sums of money for supporting the industries already in vogue and also for starting new industries for which there is plenty of scope. All that I say is, we thank him much for what has been done, but more in anticipation of what he will do impartially, carefully and cleverly.

“With these few words, Sir, I have very great pleasure in supporting the motion.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“Sir, I also wish to express our gratitude to the hon. the Minister for the step he has taken in inaugurating this legislative measure which is calculated to help the

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Clause 20—cont.

industrial regeneration of our country, and I hope and trust that the time will come when we shall congratulate him once more on the success with which he will carry this measure into actual practice. The success of this measure largely depends upon the funds which he will be able to get in the course of the next year for the industrial concerns. There is a fear that the sum which after all he may succeed in getting from the Government of India for this purpose will not be sufficient for helping the various industrial concerns started and to be started throughout the country in an adequate manner. And may I add, Sir, that there is a fear that small concerns in several rural areas, unknown to those in the metropolis and not properly advertised, may not be in a position to have their legitimate requirements adequately satisfied? My friend, Mr. Venkataramana Ayyangar, has just pointed out that the 18 or 20 lakhs of rupees which may be obtained for this purpose may not be sufficient for even one cotton mill in the Coimbatore district. It may be so or may not be so. . . .”

Mr. A. RANGANATHA MUDALIYAR :—“May I rise to a point of order, Sir? We are now concerned with the passing of this Bill into law and I do not know whether all these miscellaneous things are relevant to the point at issue.”

The hon. the DEPUTY PRESIDENT :—“I think that such valedictory addresses can be delivered at the time of passing a Bill. Our esteemed Secretary tells me that it is quite in keeping with Parliamentary practice to allow members to make valedictory or benedictory addresses when a Bill is about to be passed. But I think they might be well content with offering benedictions instead of going into all these miscellaneous matters, because I am afraid every member will be glad to pay a tribute to the hon. the Minister for all the trouble he has taken in regard to this epoch-making enactment. There are ever so many other subjects to be gone through and the benedictions have come from representatives of all parts of the country, from the Brahman, from the non-Brahman, from the Muhammadan and from the Christian, and I think we can very well be content with them.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“I accept your suggestion and I may point out that this is the only occasion when we

3 p.m. can make suggestions about the working of this measure not merely with reference to the clauses which have been incorporated in this Bill but also in respect of the various rules which have to be framed for that purpose. I wish on this occasion to point out that the hon. the Minister has a very serious responsibility in distributing the monies which will be placed at his disposal so as to satisfy the various requirements of the several districts in this Province. If he is going to utilize all the 18 or 19 lakhs of rupees for a particular locality and be satisfied with particular concerns, I may inform him at once that it will create any amount of dissatisfaction throughout the country. It is necessary to remember that the remotest village in this Presidency is anxious to take early advantage of this opportunity to see if it cannot make some headway in showing some industrial progress. If *bona fide* attempts are made and if *bona fide* applications are forthcoming, I hope he will see his way to arrange the distribution of the grant in as equitable and satisfactory a way as possible. With these remarks, I support the motion that the Bill be passed into law.”

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Clause 20—cont.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—“ I am so thankful to you, Sir, for permitting me to reply, though perhaps that question would not have arisen if my hon. friends did not speak or if we understood each other better. In keeping with the practice, you will give me this opportunity of thanking the members of this House for the very kind words with which they have received the final stages of this Bill. But in accepting these, I must, Sir, in duty bound pass on these thanks and congratulations to others who have assisted me, no doubt not in the origin of the Bill but in the later stages. The idea of this Bill, Sir, was conceived by me more than a year and a half ago when the outlines of it were given expression to in speeches that I delivered in Tinnevely and Tuticorin. But later on it passed into that admirable body which alone knows where the loopholes are, I mean the Secretariat. Here, the Development Secretary, Mr. Stokes, who is on leave, improved the Bill considerably. Later on, Sir, the Bill was transferred to a Select Committee of the Cabinet and, though my two friends are not here just now, I must recognize and acknowledge with thanks the great services they have rendered not merely in drafting but in improving the substance of the Bill. I refer to the hon. Sir Charles Todhunter and the hon. Mr. K. Srinivasa Ayyangar. Later, Sir, I had the benefit of two eminent experts. Mr. Campbell, who was on special duty on this very subject while in England, studied not merely the conditions of State aid in England and Great Britain but also the conditions of State aid in almost every civilized country, and was good enough to place at my disposal the full knowledge which he alone possesses, without any offence to anybody. Dr. Mathai, as you all know, is a very great professor and a well-known economist and I had the benefit of his advice in the later stages of the Bill. To all these and to the members of the Select Committee who, Sir, as you must have noticed, have allowed the report to pass unanimously, and last but not least this very Council which did not consider this as a party measure and which was ever ready with amendments which individual members considered necessary and to those without whose support I should not have ventured to think of introducing a measure of this kind in the Legislative Council, I tender my thanks.

“ Sir, my hon. friend opposite mentioned that it was a national measure. My friend, Dr. Natesa Mudaliyar, said that without industrial development political freedom would be of no value. Sir, I do not know whether I can say or accept the position in exactly the same terms as they have employed. But permit me, Sir, to say that I myself am a bit of a dreamer. I dreamed very often. I have often dreamed that not only are we set on the road to freedom and full responsible government but that the goal of responsible government is not far off, that we have almost reached the first milestone on that road and that true responsible government otherwise called ‘Swaraj’ is within our sight. There is a national consciousness in it. To that national consciousness must be added the national desire of raising the standard of national living and permit me to say, Sir, that national living is not a possibility when the nation is not sufficiently rich and when there is no national wealth to count. If national wealth is desirable and if the desire is a natural one, may I take the privilege, Sir, in a humble way to say that this measure is an attempt to increase that national wealth? I do not for a moment mean to say that this Bill will bring on new life; but permit me, Sir, to say that provided the Bill is worked in the spirit in which it is

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Clause 20—cont.

conceived, the day may not be yet far off when perhaps India industrially may claim her place in the nations of the world—a place to which she is legitimately entitled, a place to which her immense potentialities of national resource entitle her and which I am told she occupied years ago but which for one reason or another she has lost. You might remember those days as the days of the pagoda tree. Sir, conquests extending over 15 or 16 centuries from different parts of the world have shaken that tree branch and root and I may almost say it was uprooted; and but for the timely intervention of a Providence that sent us the benign British Government over this land there will not perhaps be the possibility of renovating that tree. May I at this stage again, Sir, claim that this Bill may be expected to sow the seed which may once more revive that tree, the tree of pagoda; for, in addition to our agricultural products, the only other thing that can add to our national wealth is the industrial regeneration of this land.

“ Sir, there are one or two points to which I should like to reply. Among the criticisms that were levelled from outside this House it was said ‘What can you do with an empty purse?’ It may be, Sir, that our purse is empty. It is true that the impost is working cruelly upon us. But, Sir, if our purse is empty our credit is still high. To those that criticize the Bill on these lines my answer is that many of the purposes in this Bill can be served by the borrowing of money, except perhaps for the purpose of giving bounties. Even for that there is some hope. I think almost everything that is expected by the Government to be done under the provisions of this Bill can be done with borrowed money. My friend opposite told us that 18 or 19 lakhs may not suffice. I agree. But, Sir, that is a provision only for one year. I do not for a moment, Sir, mean to say that it will go a long way; but that is only for the first year. All these dark days cannot continue in our horizon. The cloud is no doubt there. But a silver lining is still visible, and though it is said to be shrouded in certain quarters, Madras will not keep quiet and bear like a brute the burden that is placed on its back just at present. The fight will be continued and the day must come when the authorities above will realize that after all justice will have to be done to us. Sir, my hon. friend opposite referred to certain matters connected with certain particular industries and gave me advice which I must say is wholesome. He referred to various industries like cotton, sugar, oil-seeds, paper, matches and water power. May I take this opportunity of mentioning that every one of these industries has been investigated by myself and by the Department of Industries? We have got information; we have got statistics and in some cases we have even got estimates in order to see what help can be rendered in these directions. While speaking of the natural resources of the country, my hon. friend referred to water force and the power that could be generated therefrom. May I tell him that in the last one year not less than three or four concessions have been granted for this purpose of generating electricity and just now there is a very big scheme under the consideration of the Government intended to supply not merely light and air by means of fans to the municipalities of Coimbatore, Coonoor and the Nilgris, but also with a view to supply power that may be necessary for the factories in the place from which my friend comes. These resources have not been neglected and let it be said to the credit of the department that they have been ever vigilant and that they have been hard worked. If to-day we have not been able to show

[Mr. K. Venkatarreddi Nayudu] [20th December 1922]

Clause 20--cont.

as much as we ought to have been able to show in substance it was because we had not powers enough and we had not machinery sufficient to deal adequately with the needs of the country. This Council has given this machinery and has given this power to the Government and all that I can say is that as long at least as I am here in this place, it shall be my earnest duty to carefully keep the provisions of this Bill in view and do everything that one can possibly do in trying to achieve the object which the Members of this House and myself have, namely, the industrial regeneration of this land."

The motion was put and carried. The Bill was passed into law.

(3)

THE MADRAS SURVEY AND BOUNDARIES BILL, 1921.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
3-16 p.m. "Mr. President, Sir, the House will remember that on the 13th November last I had the honour to present the report of the Select Committee which was appointed to report on the Bill to amend the law relating to survey of lands and settlement of boundary disputes and moved that the report of that Committee be taken into consideration. At that time some of the hon. Members pleaded that on account of the large number of motions that had been tabled and the short time given to them for studying the various amendments, most of them were unprepared to discuss them; and on behalf of Government I considered it only fair that while the plea urged was that of unpreparedness, I should raise no manner of objection at all. I, therefore, agreed that the further consideration of the Bill might be taken up at the next meeting of the Council and that is why, Sir, I move that the further consideration of the Bill to amend the law relating to survey of lands and settlement of boundary disputes be now taken up."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I second the motion."

The motion was put and carried.

Chapter I-- Clause 1.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
"Sir, in clause 1 (1) the figure '2' has got now to be supplied after the figures '192'. This has been deliberately left out because we had no idea then as to when this Bill would be passed. I, therefore, move that the figure '2' be added to the figures '192'."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I second it."

The motion was put and carried.

Clause 1 as amended was put, passed and added to the Bill.

Clause 2.

Clause 2 was put, passed and added to the Bill.

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Clause 3.

Sub-clause (i).

The following amendments were not moved and were therefore deemed to have been withdrawn :—

Mr. K. PRABHAKARAN TAMPAN :—

1. Add the following as item (f) :—

Any janmam land in Malabar which is subject to separate assessment to land revenue or cess payable to Government or any local body.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

2. Add the following as sub-clause (ii) :—

'Ryot' means a ryot as defined in the Madras Estates Land Act, 1908.

Renumber the remaining sub-clauses from (ii) to (ix) as (iii) to (x).

Sub-clause (viii).

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, I beg to move--

3. After the words 'survey officer' insert the words 'or the bunds or fences recognized in the survey'.

"There are some natural bunds and fences. I had a talk with an officer of the Survey department and he said that it would be better to add these words. I therefore move this amendment."

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

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
"Sir, I consider that the addition of these words is superfluous. While the hon. mover of this amendment has had the benefit of consulting some retired officer of the Survey department, I may assure him at the same time that I have consulted a number of officers working in the Survey department and they give me just the opposite opinion. Reading the clause as it is, it is obvious that the addition of any words at the end of it will be meaningless, inasmuch as what is stated is that it should be a 'mark, or object erected, made, employed or specified by a survey officer to indicate or determine or assist in determining the position or level of any point or points'. I am inclined to think that the bunds or fences to which reference has been made in the proposed amendment will certainly come under the definition of 'mark' or 'object' which are mentioned in this clause. I do not see any necessity for burdening legislation with superfluous expressions. I cannot therefore accept the amendment."

Mr. C. V. VENKATARAMANA AYYANGAR :—"If the hon. Member thinks that there is no necessity for this amendment, I withdraw it."

The amendment was, by leave, withdrawn.

Clause 3 was put, passed and added to the Bill.

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Clause 4.

The following amendment was not moved and was therefore deemed to have been withdrawn :—

Mr. C. V. VENKATARAMANA AYYANGAR :—

4. *Add at the end the following :—*

'And may cancel such appointment by a special notification when found expedient'.

Clause 4 was put, passed and added to the Bill.

Chapter II—Clause 5.

Mr. M. SURYANARAYANA :—“ Sir, I beg to move :

5. *Omit all the words occurring after the words 'such land'.*

“ The object with which I move the amendment is this : Ordinarily when a survey of a ryotwari tract is ordered, or when a resurvey of a Government district is required, certainly there will be a demarcation boundary on every Government land which is being demarcated, and in the course of the demarcation it will certainly be necessary for the Government to demarcate the boundary between that land and any other land. But it often happens that in a zamindari estate there will be a lapsed inam which becomes the property of the Government. The question then arises as to the nature of the boundary and the officer to whom the powers are delegated, say the District Collector or the divisional officer or a survey officer, has to settle it ; and all the requirements in the Survey Act will be followed, that is, a summary procedure as laid down in the Act will be followed and not the ordinary procedure followed by the civil courts.

“ There is absolutely no reason why the rights of a party should be curtailed in the way in which the Survey and Boundaries Act does. In the ordinary course, the Government ought to fight out the question of boundary as between the Government and a private party and as between one private party and another. That is why I say that all the words occurring after ‘ such land ’ should be omitted, with a view merely to safeguard private interests when the question is only with regard to mere boundary.”

Sriman SASIBHUSHAN RATH Mahasayo seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : “ Sir, I am sorry I am unable to comprehend exactly the point of view of the hon. the proposer who has just spoken on this matter. If I understand the object of this Bill aright, it is, I take it, the determination of boundaries. Whether the boundary lies between two private owners or whether the boundary lies between one private owner and Government, all the same the surveying of that boundary and the determination of that boundary as such have to be done under this Bill. There is no other enactment, no other law in force under which the boundary between a private individual and Government can be surveyed or demarcated. This is the only provision under which the Government can take any action for the settlement of boundary disputes which may arise in respect of private holdings and their own lands. This provision has been in existence since the year 1897. The only thing that now seems to have attracted the special notice of the House appears to

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Clause 5—cont.

be that in the present Bill we have followed a particular procedure. Formerly there was a separate chapter devoted wholly and solely for demarcation of boundaries. We considered the existence of a separate chapter unnecessary. So we have abrogated absolutely that chapter from the existing Act. We have brought the survey of lands and the determination of boundaries on one and the same level and have incorporated the survey of land and demarcation of boundaries automatically, side by side, into every appropriate clause in the present Bill. That is why you find the words ‘ or of the boundary forming the common limit of Government land and land that is not Government land ’ appearing here. I would ask the House to point out to me whether there is any other provision under which Government can do it. Supposing there is a dispute between Government land and private land, supposing there is a dispute between a zamindari boundary and a Government boundary, under what provision of law, under what other Act, under what other statute can Government interfere for the purpose of determining what the boundary between the zamindari land and the Government land should be. If that clause is taken away from this enactment Government will be left absolutely powerless. The only consequence will be that in every such dispute, either the zamindar or the Government will be forced to go to court. I only appeal to the hon. the mover to consider whether it is his intention to drive the zamindar and the Government to court over every little dispute.”

Mr. M. SURYANARAYANA :—“ There are specific instances where, I am afraid, the Bill ought not to be used in favour of the Government. In the zamindari of Vizianagram there is a lapsed inam in regard to the boundary of which there is dispute as to whether the eastern boundary is the zamindar's patta land or Government land. It is only with reference to such points that the Government will be asked to go to civil courts and not proceed under the Survey Act.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : “ All that I can say is that if the result of the survey and boundary adopted by the Government in respect of the particular instance now referred to is found unsatisfactory, the zamindar or the proprietor of that inam, as the case may be, has got the same right as any other individual who comes under this enactment, to contest the determination of that boundary by the survey officer in a court of law for which elaborate provisions have been made in the subsequent clauses.”

The amendment was by leave withdrawn.

Clause 5 was put, passed and added to the Bill.

*Clause 6.**Sub-clause (1).*

Rai Bahadur T. M. NARASIMHACHARLU :—“ Sir, I beg to move—

6. *After the word 'notification' in line 19 insert the words 'in the district gazette and by beat of tom-tom in the village in which the land or the boundaries of which the survey has been ordered.'*

[Mr. T. M. Narasimhacharlu] [20th December 1922]

Clause 6—cont.

"My reason for this amendment is that this clause which provides for the publication of a notification, is unhappily very vague. It reads:

When any survey is ordered under section 5, the survey officer shall publish the notification inviting all persons having any interest in the land, etc.

The survey officer may publish a notification in Madras concerning a village in Ganjam. I think the notification must be more specific and precise."

The hon. Sir CHARLES TODDUNTER:—"Sir, may I point out that the amendment is not properly worded, and the sense is incomplete for want of a verb in the relative clause?"

Rai Bahadur T. M. NARASIMHACHARLU:—"I do not wish to press my amendment."

The amendment was by leave withdrawn.

Mr. B. MUNISWAMI NAYUDU:—"Sir, I beg to move—

7. After the word 'notification' in line 19 insert the words 'in two successive issues of the district gazette and in the village or villages where the land to be surveyed is situate in such manner as may be prescribed.'

"Sir, the object of this amendment is that the form of notification should be clearly expressed in the statute and not left to be provided for in the rules. I believe, Sir, my amendment is not open to the technical objection to which the amendment of my hon. friend Mr. Narasimhacharlu was exposed. With these words I move my amendment."

Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur: "Sir, I may at once state that these are matters which are always provided for by the rules. In the present Bill also power has been given to the Government to frame rules, and one of the clauses in the Bill itself covers a contingency of this description. When the rules are framed, it will certainly be up to the Government to consider, taking all circumstances into account, which will be the best, the most effective and the most useful method of publishing these notifications so that they may as far as possible reach all the individuals concerned.

"The General Clauses Act, with a view to remove the necessity of having to introduce into every enactment the specific mode of publication, has laid down that, whenever it is ordered in any piece of legislation that a notification should be published, it should be understood as meaning that that notification should be published in the official gazette of the province and of the district concerned. There are similar provisions in the District Forest Act and the Land Acquisition Act which merely mention the issue of notifications and leave the method, in which these notifications are to be issued and the manner in which they are to be made to reach the public at large, to the province of rules. Therefore, when we come to the stage of framing rules we shall certainly keep in mind the various suggestions that have been made by hon. Members in this House as to the manner in which these notifications are to be published. I hope that with this assurance the hon. mover will withdraw his amendment."

Mr. B. MUNISWAMI NAYUDU:—"Sir, I know that the provision referred to exists in the General Clauses Act; and, if I remember rightly, when giving notice of this amendment, I looked into the General Clauses Act.

[20th December 1922] [Mr. B. Muniswami Nayudu]

Clause 6—cont.

But I think that in that Act it is stated that notification means notification in the *Fort St. George Gazette* but not in the *District Gazette*. But if the hon. the Revenue Member says that the section in the General Clauses Act defines notification as including a notification in the *District Gazette*, I may consider whether I can withdraw my amendment. I only want the hon. the Revenue Member's explanation and assurance on the point."

Diwan Bahadur Sir T. DESIKA ACHARIYAR:—"May I point out, Sir, that this is a matter which has to be considered later on under clause 26 (e) which makes provision for the publication of all notifications issued under this Bill, and for the form, issue and service of all orders, communications and notices? It comes under the rule-making powers of the Government and possibly hon. Members may consider it at the time we come to clause 26 (e)."

Mr. A. RANGANATHA MUDALIYAR:—"I think, Sir, all ambiguity will be removed if the words 'in the prescribed manner' are inserted between the words 'notification' and 'inviting'. In that case the whole of the trouble we are now trying to solve will disappear. We can consider what to prescribe when we come to clause 26 (e)."

Mr. T. SIVASANKARAM PILLAI:—"My hon. friend, Mr. Ranganatha Mudaliyar, says that the insertion of the words 'in the prescribed manner' will remove the trouble. I may say that this suggestion forms the subject of a different amendment (No. 9 on the Agenda) which stands in the name of Mr. A. S. Krishna Rao."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur: "I shall have no objection, Sir, to add the words as proposed, but I consider them absolutely unnecessary. For everything has to be done in the prescribed manner, and there is a separate clause [clause 26 (e)] which makes it incumbent on the Government to prescribe the manner in which every process has to take place under the Bill. But if it is the desire of the House that the words 'in the prescribed manner' should be added after the word 'notification', I have not the least objection."

Mr. B. MUNISWAMI NAYUDU:—"Sir, it has been explained that in clause 26 (e) of the Bill there is a provision for rules for the publication of all notifications, etc., issued under this Bill. But the object of this amendment is to make it more specific. The object of my amendment is that the notification should not only be published in the *District Gazette* but also that it should be given wide publicity in the villages affected by beat of tomtom or otherwise. Secondly, the way in which that notification is to be published is stated in my amendment to be made in such manner as may be prescribed. So that if this amendment is accepted, clause 26 (e) of this Bill will come into operation and we can then prescribe the method. In view of the very extraordinary effect which is proposed to be given under this Bill to the decisions of the survey officer, namely, that they cannot be set aside after one year, etc., I think it is absolutely necessary that a definite statement should be made in the Bill itself as to the manner of publication of the notification in the villages. I hope that for these reasons the hon. the Revenue Member will accept my amendment, though he may think that the addition of the words will be unnecessary, as another executive rule may be passed to give effect to it under clause 26 (e)."

[20th December 1922]

Clause 6—cont.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“All that I have been asked to say, Sir, is that I should accept the suggestion that the notification should be published in the District Gazette. We know that there is a village sheet attached to the District Gazette. That village sheet goes to the village officer, and the village officer has to fix that village sheet on the village chavadi. We know the whole process incidental to village organization. The hon. mover merely asks that I should agree to the publication of the notification in the District Gazette. But I have said already that if the words ‘in the prescribed manner’ are added after the word ‘notification’, when the Government make rules under section 26 (e) and lay them on the table of this House, as is provided for in that clause, I shall surely be prepared to consider the question that the notification shall be given wider publicity than what probably my hon. friend now suggests. I hope this assurance will satisfy the hon. mover.”

Mr. B. MUNISWAMI NAYUDU:—“After the assurance given by the hon. the Revenue Member that in the rules to be framed by Government he would give effect to the proposal contained in my amendment, I beg to withdraw my amendment.”

The amendment was by leave withdrawn.

Mr. A. RANGANATHA MUDALIYAR:—“I formally move, Sir, that the words ‘in the prescribed manner’ may be added after the word ‘notification’.”

Diwan Bahadur M. KRISHNAN NAYAR seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“I accept the amendment.”

The amendment was put and carried.

Mr. S. ARPUDASWAMI UDAYAR:—“I am not very particular about moving the amendment which stands against my name, and which runs as follows:—

8. After the word ‘notification’ in line 19 insert the words ‘in the district gazette a copy of which shall be put up in a conspicuous place, the taluk cutchery or the village chavadi, as the case may be, and communicated by beat of tom-tom.’

“I would only ask the hon. the Revenue Member not to forget a very important point, i.e., the notification by beat of tom-tom. The villagers are so very ignorant that all these things have to be hammered into their ears by tom-tom, and I believe that the hon. the Revenue Member will make provision for giving such publicity.”

The amendment was therefore deemed to have been withdrawn.

The following amendments were not moved and was therefore deemed to have been withdrawn:—

Rao Bahadur A. S. KRISHNA RAO PANTULU:—

9. For the words ‘publish a notification inviting’ substitute the words ‘give notice in the prescribed manner to.’

Sub-clause (2).

Rao Bahadur A. S. KRISHNA RAO PANTULU:—

10. Omit this sub-clause.

[20th December 1922]

Clause 6—cont.

Mr. M. SURYANARAYANA:—

11. After the word ‘boundaries’, insert the word ‘thereof’ and omit the words ‘of which the survey has been ordered’.

New sub-clause.

Mr. M. SURYANARAYANA:—“Mr. President, Sir, I beg to move the following amendment:—

12. Add the following as sub-clause 3:—

‘Such notification shall further require all registered holders of the lands about to be surveyed—

(a) to clear within a period specified, by cutting down or removing any trees, jungle fences, standing crops or other material obstructions, the boundaries or other lines, the clearance of which may be necessary for the purposes of the survey;

(b) to provide labour at such times and for such periods, as may from time to time be required by furnishing flag-holders and chainmen;

(c) to provide suitable survey marks or otherwise to give such assistance in the survey as may reasonably be demanded under this Act or the rules made thereunder.

‘Provided that in every case, in which the registered holder can be ascertained, a special notice shall, in addition, be served on him, in the manner provided for service of a notice under the Madras Estates Land Act.’

“Hon. Members will notice that this new sub-clause is practically section 6 of the old Act—I suppose I am entitled to call it an old Act, for it is bound to become an old Act perhaps in a few hours. The old Act provided that a notification requiring a survey should further require all registered holders of the lands about to be surveyed—(a) to clear, within a specified period, by cutting down or removing, any trees, jungle fences, standing crops or other material obstructions, etc., as stated in the new proviso for the addition of which I am now moving this amendment. This provision has been omitted in the new Bill, and the hon. the Revenue Member has been pleased to tell us in the Statement of Objects and Reasons appended to this Bill that he did so because under the old Act this provision was not working very well. This explanation to my mind does not appear to be very satisfactory. I really do not see how Government work can be handicapped by reason of the fact that a notification is also issued requiring the registered holders to clear the jungles or to provide survey stones. We all know very well, and it is a matter that does not require any discussion, that the cost of anything, when done by the Government, will be infinitely more than the cost of the same thing when done by private agency. I am quite sure that the cost of the survey stones supplied by the Survey Department will be far higher than when they are supplied by ourselves. Registered pattadars are in most of the cases ryots of ryotwari holders. Being ryots themselves, they can command good cattle; they have also labour facilities, for they have under-tenants and sub-tenants; and they can furnish as many carts as may be required by the survey officer. They can also get jungles cleared and obtain such labour as may be necessary for the survey officer. This will certainly involve a cost far lower than it will eventually be if the Government got the work done.

[Mr. M. Suryanarayana] [20th December 1922]

Clause 6—cont.

According to the next clause, the cost, if any, of the labour employed and of the survey marks used in any survey notified under section 5, will be determined and apportioned among the persons who have any interest in the land or in the boundaries of which the survey has been ordered. This means that all the cost will eventually be borne by the pattadars, and it will certainly be far greater than what will cost them if the work is allowed to be done by themselves. I do not also believe that the Government will lose in any way, for after all, if the registered pattadar does not, within the period prescribed by the survey officer, do the things required from him, the Government can certainly get the work done and then they will be able to recover the cost from the pattadar. I do not therefore see how the Government will be hampered in any way. It must be conceded that between the date of the notification of the survey and the date when the actual survey operations commence, there will be some time, and if, within this time, the registered holders do not supply the necessary things, the Government can get the work done itself. I do not see any reason which can come in the way of section 6 of the old Act being re-enacted in this Bill. I therefore commend this new sub-clause to the favourable consideration of the House."

Mr. R. SRINIVASA AYYANGAR :—" I second this amendment, Sir."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :

4 p.m.

"I would only urge that it is rather wrong to imagine that this Bill in any way prohibits the supply by the landholder concerned of either stones or labour, for the conduct of the survey, for the intention of this new clause proposed by my hon. friend opposite evidently is for the purpose of enabling the landholder to do so. It is true, Sir, that in the original draft of the Bill which was placed before the Select Committee the words in clause 8 did not convey any interpretation whereby it could be inferred that survey stones or labour could be supplied by the landholder himself. For, the original Bill merely contained the words

the cost of the labour employed and of the survey marks used in any survey notified under section 5 shall be determined and apportioned . . .

"The Select Committee, who very carefully examined this Bill, I confess, took the same view as the hon. the mover has now taken and were of opinion that it would be fair to give every opportunity to the landholder to supply stones and labour in the first instance if he was so inclined to do, and that it was only when he failed to do so that the officer responsible for the survey should step in and do the needful. For, the survey processes cannot be prolonged until it pleases a particular landowner to provide a couple of coolies or to dump down a couple of stones. So they very wisely added the words *if any* after the word 'cost'. Then again, they translated their intention into action by laying down in clause 26 (f), an obligation on the Government to frame rules for the purpose of regulating the furnishing of survey marks, labour and such materials as are necessary to surveys notified under the Act. Therefore, Sir, reading the addition made by the Select Committee in clause 8 and the provision which exists in clause 26 (f) whereby the Government have to frame rules for the purpose of enabling landowners, who are so minded, to supply stones and labour, I think a separate clause by itself is absolutely unnecessary."

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Clause 6—cont.

Mr. T. SIVASANKARAM PILLAI :—" Sir, I had occasion to explain the provisions of this Bill to the villagers in the several places I visited, and all of them are anxious that something definite should be provided for in the Bill or under the rules to call upon the ryots concerned to supply the labour or the stones so that they may themselves do it without any cost. Since the hon. the Revenue Member has promised that this will be considered while framing the rules, I only wish to urge that whatever is suggested in these amendments may go bodily into the rules, and request that he may remember this and make the rules as elaborate as possible."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
"Oh, yes. I will not forget the 20th of December in any case."

Mr. M. SURYANARAYANA :—" In the Statement of Objects and Reasons in paragraph 4 we find :

The arrangements defined in the Act, under which any particular landholder may supply labour and stones, are not really workable, and therefore it is proposed in future that Government should pay the initial cost of all surveys and recover it.

"It is therefore an express provision. But when the Bill went to the Select Committee, the hon. the Revenue Member says, the words 'if any' were advisedly put in there to meet a contingency such as that I have mentioned. But I beg to draw the attention of the hon. the Revenue Member to the fact that in the notes of the report of the Select Committee on clause 6, we do not find that the words 'if any' were inserted with that object. They say :

We have considered the adequacy of notification under section 6, but it has been pointed out to us that during the operations of settlement both before and after survey every endeavour is made to ascertain the real owners of land.

"It is only for that reason that the Select Committee was actuated to introduce the words, 'if any.' In the absence of a positive assertion by the hon. the Revenue Member in the Statement of Objects and Reasons stating the reason why clause 3 has been omitted, I am afraid it will not be possible for us to conclude that it will be possible for the ryotwari pattadars to contribute labour and furnish stones. The hon. the Revenue Member told us that under clause 26 (f) it would be possible for rules being made to regulate the furnishing of survey stones, labour and materials required under this Act. It is certainly open to the Government to make rules for the purpose of furnishing survey marks. But by whom? Not by pattadars. The rules need not necessarily say anything with regard to the manner in which the pattadars or registered holders should supply those things. There is absolutely nothing in the Bill to say that it is the pattadar that should be asked to do it. The Government, in framing rules, may say that there is no provision in the Bill and make rules for the furnishing of survey marks. It is only to guard against this that I brought forward my amendment; otherwise I should certainly not be very particular about pressing it. My only object is to see that the work is left to be done by the pattadar in the first instance, and if not done by him, by the Government."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
"We have every intention to enable the ryots to supply their own labour and stones, and that question will certainly be borne in mind when the rules are framed."

[20th December 1922]

Clause 6—cont.

Mr. A. RANGANATHA MUDALIYAR:—"May I say a word, Sir? The hon. the Revenue Member, I think, has indicated to us that when it is left to him he will certainly frame rules in the manner recommended by the hon. the mover. I wish, Sir, that these provisions are incorporated in the Bill itself instead of being left to rules and regulations which will be framed and modified not by this Council but by the Local Government. This is too serious a matter, I think, to be left to the caprices and whims of one or two of the members who constitute the Government. I would rather urge, Sir, that the provisions are embodied in the Bill itself. The hon. the Revenue Member referred now to the notifications that are issued in the district gazette and in the village chavadi where a sheet is to be hung up. I would ask the hon. the Revenue Member how often, during his tours, he found such notifications in the village chavadi. I do not think he has found many. Therefore, the provision is quite necessary.

"More important still is the last clause which says:

Provided that in every case, in which the registered holder can be ascertained, a special notice shall, in addition, be served on him, in the manner provided for service of a notice

"I have not much objection in regard to other methods of publicity, but this provision which insists upon a special notice being served upon the person is one which will bring to the knowledge of the person concerned the survey to be conducted, and therefore it is very important. I think that every opportunity should be given to the poor ryot to provide the materials himself whenever it is possible for him to do so, rather than do things behind his back and force him to pay an express sum of money."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I am really unable to understand the position of the hon. Member in charge of the Bill. This particular proviso which my friend, Mr. Suryanarayana, wishes to see included in clause 6 was in the old Act. It is part of the survey notification. The hon. Members will notice under clause 6:

the survey officer shall publish a notification inviting all persons having any interest in the land or in the boundaries of which the survey has been ordered, to attend at the time of the survey.

"and the further proviso to that clause in the Act which prescribes how such notifications should be sent to all the registered holders and that notices should be served on them so that they may be present and assist the survey officers at the time of the survey. Such being the fact, I do not quite understand why this has been omitted in the present Bill."

Rai Bahadur T. M. NARASIMHACHARLU:—"As the hon. the Revenue Member has assured us that this point will be remembered while framing the rules, I think, Sir, we may rest assured that it will be done so. But if it is not done, under section 26, sub-clause (3), the rules that will be made will be laid on the table of the Legislative Council for a period of not less than two months while the Council is in session. If these rules do not incorporate the promises made by the Revenue Member, I think the time will come when we shall catch him. Then we can amend the rules ourselves and see that provision is made for the landholders to supply materials. I

[20th December 1922] [Mr. T. M. Narasimhacharlu]

Clause 6—cont.

think, Sir, that this kind of provision was not in the old Bill. Now that he has promised to incorporate it in the rules, when the rules are placed before us without that provision, we can point out that his promise has not been fulfilled."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I am afraid the hon. Member, Mr. Narasimhacharlu, has not exactly realized the supposed undertaking given by the hon. the Revenue Member. The hon. the Revenue Member did not state that he would incorporate that provision in the rules but simply stated that he would remember the suggestion and the discussion of the 20th December. Therefore let us not proceed on the basis that he will incorporate it in the rules and that it is unnecessary for us to accept this amendment.

"Again, Sir, I wish to point out that it is not a correct principle to allow all questions of importance to be relegated to the rules. We have been very free in giving the rule-making power to the Government. But the correct principle is to restrict it as much as possible and provide it only for matters of detail where we cannot come to a correct understanding all at once. There has been a fairly large amount of opinion in favour of this clause so that it is absolutely essential that this should be incorporated in the Bill itself. I think that, if we leave it to the rules, we shall be practically relegating our function to some other body over which we have not that amount of control as we imagine, and we shall have to regret later on. For these reasons, I think that this amendment should be supported."

Diwan Bahadur Sir T. DESIKA ACHARIYAR:—"Sir, I am not able to understand the object of the mover of this amendment. 4.15 p.m. Whatever is contained in this amendment will come under clauses 26 (e), (f) and (g). All that the amendment requires is that provision should be made for suitable survey marks or otherwise to give such assistance in the survey as may reasonably be demanded under this Bill or the rules made thereunder. Such notification further requires all the registered holders of the lands about to be surveyed to clear the trees, bushes, etc., within a period specified. In my opinion these things have to be relegated to the proper place, namely to the rules. These are not substantial portions of the legislation and therefore they should go into the provision relating to rules."

Mr. M. SURYANARAYANA:—"Sir, as suggested by my hon. friend, Mr. Krishna Rao, I think it is far better that provisions of this sort are embodied in the Bill itself and not relegated to the rules. I therefore press the motion."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I have already replied, Sir, that I would bear this in mind when framing the rules. I think provisions of this sort should be embodied in the rules and not in the body of the Bill."

The amendment was by leave withdrawn.

Clause 6, as amended, was put, passed, and added to the Bill.

[20th December 1922]

Clause 7.

The following amendment standing in the name of Mr. Suryanarayana was not moved and was therefore deemed to have been withdrawn:—

13. (a) *Number the existing clause as sub-clause (1)—*

(b) *Add the following as sub-clause (2):—*

'If any person fails to comply with any requisition made by a survey officer under section 6, sub-clause (a), (b) or (c) of clause 3 and clause 4 of the same section the survey officer may employ hired labourer for the purpose of the survey or provide himself with suitable survey marks, as the case may be.'

Clause 7 was put, passed and added to the Bill

Clause 8.

Mr. M. SURYANARAYANA:—"Sir, I beg to move the following amendment:—

14. (a) *After the word 'apportioned' in line 38, insert the words 'in the prescribed manner.'*

(b) *Delete the words 'in the prescribed manner' in line 41.*

"The object is that the determination and the apportionment of the cost of the survey should be in the prescribed manner. As the clause now stands, the words 'in the prescribed manner' may relate to the survey and not to the apportionment of the determination of the cost of survey. With a view to clear this ambiguity I have suggested the above amendment."

Sriman SASIBHUSHAN RATH Mahasayo seconded the amendment.

The hon. Khan Bahadur Sir Muhammad Habib-ul-lah Sahib Bahadur accepted the amendment.

The amendment was put and carried.

Mr. A. RANGANATHA MUDALIYAR:—"Sir, clause 8 says:

The cost if any of the labour employed and of the survey marks used in any survey notified under section 5 shall be determined and apportioned among the persons who have any interest in the land.

"Sir, if a taluk is to be surveyed, how are they going to calculate the cost? I expect that the entire cost will be made up of the value of the stones used and the cost of the labour utilized. I suppose all that will be taken as a lump sum. If that be the case, I should like to know how they are going to distribute the amount among all the registered holders. It may be that some men have provided their own labour and furnished their own stones. How are these people going to be helped for the work undertaken by them. If the taluk happens to be the unit, or the village for the matter of that, I do not know, Sir, how this apportionment of cost is going to be effected."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur: "I shall merely draw the attention of the hon. Member to the words 'in the prescribed manner' in line 41. How the recovery has to be made will be prescribed. I shall also draw the attention of the hon. Member to clause 26 (f) which says:

The Local Government may make rules regulating the furnishing of survey marks, labour and other matters necessary to surveys notified under this Act and the recovery of charges incidental thereto where they are recoverable.

"Probably the hon. Member himself knows how these charges are collected at the present moment. At the same time I quite confess that I am not satisfied with the way in which calculations have been made in the past,

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Clause 8—cont.

because that method has left a large amount of outstandings to be collected now. The question of bringing about a better state of things in the matter of adjustment of these amounts is engaging my attention and I assure the hon. Member that proper rules will be framed to regulate the apportionment of cost."

Clause 8 was put, passed and added to the Bill.

Clause 9.

Mr. M. SURYANARAYANA:—"Sir, I beg to move the following amendment:—

15. *Delete this sub-clause;*

or (if the above amendment is not carried by the Council), after the word 'decision' in line 52 insert the words 'together with a sketch'.

"I do not intend to pursue the amendment so far as the deletion of the clause is concerned. I shall therefore proceed with the second alteration that I have suggested namely the insertion of the words *together with a sketch*. Hon. Members will notice that under clause 10 when a boundary is in dispute, the survey officer, after making an inquiry, will pass a decision and a copy of the decision will be communicated to the party concerned together with a map. I do not see any reason why an absentee pattadar—an *ex parte* ryot as we would call him in a civil suit—should not be supplied with a copy of the decision and a copy of the plan also. It seems to me that it is but fair that he should get notice of the manner in which the survey has been conducted and also get a copy of the map along with the decision in the same way as he will get a copy of the decision under clause 10."

Sriman SASIBHUSHAN RATH Mahasayo seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur: "Sir, I am not sure if the hon. Member realizes what he is bargaining for. I believe my hon. friend has an idea of the total number of holdings that are surveyed in a particular district when a survey party is operating there. If he is not already aware of the number of undisputed cases in each district, I may tell him at once for his information that it is only in 3 per thousand of the cases there are disputes and in the remaining 997 cases there are no disputes at all. If the hon. Member's suggestion is accepted, we shall be obliged to supply to several lakhs of pattadars in a district a copy each of the plan in respect of the boundary which has been surveyed and this means an equal amount of expenditure which I am quite sure the Council will not have the large-heartedness to vote for. Then again the hon. Member has drawn our attention to the fact that whereas there is provision in clause 10 for the grant of a copy of the decision with a map, the same has been eliminated from clause 9. The hon. Member took great care to stop at the particular part of the clause which was in his favour and omitted to read the last few words. The last few words are: *on his application and at his cost*. If it is the intention of the hon. mover of this amendment that in case of a determination under clause 9 also the party should be supplied with a copy of the decision *on his own application*

[Sir Muhammad Habib-ul-lah Sahib] [20th December 1922]

Clause 9—cont.

and at his cost, then I shall have the least objection to adopt that suggestion. I took into consideration the number of amendments which have been tabled on clauses 9, 10 and 11 with regard to the grant of copies, the issue of notice and the decision of the survey officers, and, with a view to carry out the intentions of the various hon. Members in a compendious form, I propose to move an amendment, the draft of which I now have in my hands. I shall move that amendment after clause 11 is passed. The amendment which I intend moving runs thus:

Any person affected by a decision under sections 8, 9 or 10 may appeal to the prescribed officer. The decision of the appellate authority with reasons therefor shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal. Any modification of the survey officer's decision ordered by the appellate authority shall be noted in the record prepared under section 9 or 10 as the case may be.

A copy of the order under sections 9, 10 or 11 and a copy of the map recording the boundaries as determined under sections 9, 10 or 11 (1) shall be furnished to any person interested in such order as the case may be on his application and at his cost."

Mr. M. SURYANARAYANA:—"Sir, as the hon. the Revenue Member stated the majority of cases will be *ex parte* cases and therefore how is a pattadar to know the exact date when a particular decision was given and when the demarcation was made in a particular manner. With a view to enable him to prefer an appeal under clause 11 within the prescribed period, it is necessary that he should be furnished with a copy of the decision under clause 9. Even under clause 9 a person against whom an order has been passed has the right of appeal; but how is he to appeal unless he has notice of the fact and of the manner in which the demarcation has been made? It is therefore necessary that the party should be informed of the decision."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur: "Sir, I may point out that clause 9 (2) definitely lays down:

Notice of every decision of the survey officer under section 9 (1) shall be given in the prescribed manner to the registered holders of the lands the boundaries of which may be affected by the decision.

"If it is a disputed case it is governed by clause 10; if it is an undisputed case it is governed by clause 9. The decision of the survey officer, whether it is based on disputes inquired into or on cases not disputed, should be communicated to the landholder concerned. Inasmuch as we have provided for the communication of the decision even in undisputed cases, the party has the right to submit his appeal under clause 11. Clause 11 clearly says that a person affected by a decision under clauses 8, 9 or 10 may appeal to the prescribed officer. We have made it obligatory on every survey officer to communicate his decision in every case, both when the dispute has been enquired into and when there has been no dispute. Under these circumstances, I hope the hon. mover will not press his amendment."

The amendment was by leave withdrawn.

Clause 9 was put, passed and added to the Bill.

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Clause 10.

The following amendments were not moved and were therefore deemed to have been withdrawn:—

Sub-clause (1).

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—

16. For the words '*such inquiry as he considers necessary*' substitute the words '*an inquiry in the prescribed manner*'.

Mr. C. V. VENKATARAMANA AYYANGAR:—

17. For the words '*after making such inquiry as he considers necessary*' substitute the words '*after making inquiries in the prescribed manner*'.

The following amendment standing in the name of Mr. S. Arpudawami Udayar was deemed to have been withdrawn as the Member was not in his place:—

18. After the word '*necessary*' in line 7, insert the words '*and after carefully going through the documents produced and the maps and records of the previous survey, if any*'.

Sub-clause (2).

The following amendment was not moved and was therefore deemed to have been withdrawn:—

Mr. C. V. VENKATARAMANA AYYANGAR:—

19. For the word '*Notice*' substitute the word '*Purport*'.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur: "I ask, Sir, that in clause 10 (2) the last sentence be omitted; for, I want to bring everything under one category. The following is the sentence I propose to omit:

A copy of the order and of the map recording the boundaries as determined shall be furnished to any of them on his application and at his cost."

The hon. Sir CHARLES TODHUNTER:—"I second it."

The motion was put to the House and passed.

Clause 10 as amended was put, passed and added to the Bill.

Clause 11.

Mr. M. SURYANARAYANA:—"The motion that stands in my name runs thus:—

Add at the end the words 'and the appellate authority shall also communicate his order on appeal to the party concerned.'

"The object with which I tabled this amendment was to enable the party who had to submit an appeal against an order under sections 8, 9 or 10 to obtain a copy of the decision to enable him to file a suit under clause 14. I know that clause 13, as it is, prescribes a period of one year from the date of the final publication of the notice in the gazette with regard to the conclusion of the survey. Instead of that we can have the order of the appellate authority communicated to the party concerned just as an order under clause 10 which lays down that '*notice of every decision of the survey officer under section 10 (1) shall be given in the prescribed manner to the parties to the*

[Mr. M. Suryanarayana]

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Clause 11—cont.

dispute and other registered holders of the land the boundaries of which may be affected by the decision.' Similarly, there is absolutely no reason why a notice of the decision under clause 7 should not be given to the party."

Mr. T. C. SRINIVASA AYYANGAR :—" I second it."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I imagined that on a previous motion when I had made my position somewhat clear I had stated that I was myself going to propose an amendment to this clause with a view to carry out the intentions of the various hon. Members who have given notice of amendments. So, my proposal now is to substitute the following for the existing clause :—

' Any person affected by a decision under sections 8, 9 or 10 may appeal to the prescribed officer. The decision of the appellate authority with reasons therefor shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal. Any modification of the survey officer's decision ordered by the appellate authority shall be noted in the record prepared under section 9 or 10 as the case may be.'

" I have merely transposed a few words so as to be in accord with the desire of the hon. Members."

Mr. M. SURYANARAYANA :—" Sir, in view of the amendment the hon. the Revenue Member is proposing, I beg leave to withdraw my amendment."

The amendment was by leave withdrawn.

The following amendment was not moved and was therefore deemed to have been withdrawn :—

Rai Bahadur T. M. NARASIMHACHARLU :—

Add the following as a separate paragraph :—

' Notice of the decision of the appellate authority shall be given in the prescribed manner to the parties to the dispute and other registered holders of the land, the boundaries of which may be affected by the decision.'

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Mr. President, I beg to move :—

In clause 10 (2) omit the second sentence.

For clause 11 the following shall be substituted :—

11. (1) Any person affected by a decision under section 8, 9 or 10 may appeal to the prescribed officer. The decision of the appellate authority with reasons therefor shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal. Any modification of the Survey officer's decision ordered by the appellate authority shall be noted in the record prepared under section 9 or 10 as the case may be."

The hon. Sir CHARLES TODHUNTER :—" I second it."

The motion was put to the Council and agreed to.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" For the reasons I have already explained and in fulfilment of the promise I have already made I beg to move that the following be added as clause 11 (2) :—

A copy of the order under section 9, 10 or 11 and a copy of the map recording the boundaries as determined under section 9, 10 or 11 (1) shall be

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Clause 11—cont.

furnished to any person interested in such orders as the case may be on his application and at his cost."

The hon. Sir CHARLES TODHUNTER :—" I second it."

Mr. M. SURYANARAYANA :—" I propose that the words ' and at his cost ' in clause 11 (2) be omitted. It seems to me that since it does not cost much to the Government and since it is inconvenient to the parties to go and wait at the Survey office to get copies of the decisions, etc., it is very desirable that the parties should not be asked to pay the cost of copying, etc. It is only a small piece of paper."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I am quite prepared to be charitable if the House is charitable. I may at once tell the House that I shall have to pay a heavy bill if I am asked to entertain the required establishment for the purpose of taking copies of every one of the maps, etc., and furnish them in all uncontested cases. I may inform the House that 99·7 cases out of 100 are uncontested and in a very large percentage of these cases the parties may not care how the boundary has been settled and what decision has been made. If I am asked to furnish automatically a copy of the map, etc., in all these cases too, I may tell the House that it will mean lakhs of rupees in the survey budget estimates and that the House cannot afterwards find fault with me for being extravagant."

Mr. M. SURYANARAYANA :—" I believe that in 99 cases out of a hundred the parties do not apply for copies of maps, etc. If you will permit me, Sir, I will propose the deletion of the words by moving an amendment."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB

4·45 p.m.

Bahadur :—" I am sorry, Sir, that I cannot accept it. I wish to warn the hon. Member once more that it will be very difficult for the officer concerned to know in what cases an appeal will actually be preferred."

The hon. the PRESIDENT :—" If the hon. Member wishes to press his point, he must formally move his amendment."

Mr. A. RANGANATHA MUDALIYAR :—" I rise to ask the hon. Member, Mr. Suryanarayana, not to move his amendment. For the House will have power to look into the rules when they make the regulations. I think my hon. friend may have his chance then if he wishes to incorporate his idea into the Bill. I would now request him, Sir, with your permission, not to move it."

Clause 11 (2) as proposed by the hon. the Revenue Member was put to the House and carried.

Clause 11 as amended was put to the Council and carried, and added to the Bill.

Clause 12.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I move

For the word ' two ' in line 31 substitute the word ' three '.

" The effect of the amendment would be that the time for preferring an appeal would be extended from two to three months. Hon. Members of the Council are aware that questions affecting boundary disputes are complicated

[Mr. A. S. Krishna Rao Pantulu] [20th December 1922]

Clause 12—cont.

and will take some time before one can ascertain exactly what the difficulties are and how to meet them. A period of two months is too short in the case of these appeals and I suggest its extension to three months. We also know that in various cases in revenue matters the ordinary period of appeal, except in the case of appeals to the Collector, is three months, and I do not see any reason why in a complicated matter like this the period should be reduced to two months. We also find that it will take some time before one can get oneself acquainted with the facts of the case. Again, the parties may be in different villages and it may take time for communication of orders to them. In these circumstances, I move for the extension of the period."

The hon. the PRESIDENT:—"The hon. Member, Mr. Krishna Rao, proposes the amendment only in one line of the clause. The next amendment proposes to insert 'three months' for 'two months' in the clause wherever the words occur. I think it better to take up the second amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I then withdraw my amendment, Sir."

The amendment was by leave withdrawn.

Mr. B. MUNISWAMI NAYUDU:—"Sir, I beg to move

For the words 'two months' wherever they occur in this clause substitute the words 'three months'.

"Sir, the object of this amendment is to provide for sufficient time for preferring appeals. The survey parties to whom we have to apply for copies go from village to village and district to district and it takes much time for the application to reach them. Moreover, we do not know to which officer the application should be made and in many cases when we apply for copies, the memorandum is returned to be sent to some other officer. It takes some time at the outset even to apply for a copy. And though there is a provision made that time taken in applying for a copy may be excluded, some time is lost in knowing to which officer to apply. To meet this difficulty, I move that the period of two months be raised to three."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I hope there is no impression anywhere that the intention of the Government in the curtailment of the period of appeal was to prejudice the rights of appellants. On the other hand, the intention was, as far as possible, to help them. In the Bill we had entered only one month as the period within which an appeal should be preferred. We did this deliberately on non-official advice. Before fixing the period under this clause, we asked the Board of Revenue to obtain non-official opinion throughout the provinces as to what the feeling was regarding the period of appeal. The Board of Revenue consulted as many as 65 non-official gentlemen in the provinces. Fifty-five of them were distinctly of opinion that it would be to the interests of the ryots if the appeal was preferred and heard within as brief a period as possible after the decision of the survey officer. It may probably look anomalous how it can be to the advantage of the ryot. May I explain how it is? The Survey department is working in a particular district; it takes its own time for the completion of its preliminary operations. When it

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Clause 12—cont.

has finished these operations, it serves notices on the parties communicating to these parties the result of the operations. If the parties are allowed longer time than is now permissible for preferring the appeal, the chances are that the particular set of officers who have conducted the preliminary investigations are no more in the district: they have gone somewhere else; they are certainly neither in nor about the locality concerned. So, the longer the time allowed to them, the greater the inconvenience, the greater the trouble and the greater the expense to the parties. Fifty-five non-official gentlemen have expressed the opinion strongly that it will be preferable that the appeals are heard by the survey officers in or near the village and for this it will be desirable that the period of appeal should be curtailed as much as possible. In the original draft of the Bill we fixed one month. The Select Committee examined every provision with almost a searchlight and they considered that one month was too short and raised it to two months. What are the safeguards at the present moment in the clause itself? The period occupied for the purpose of taking copies is excluded. Not only that. In the second proviso we have also distinctly and definitely stated that the appellate authority may admit an appeal after the expiry of the said period on his being satisfied that the appellant had good and sufficient cause for not preferring the appeal within such period. We have not shut the doors deliberately against the appellants. We have given the appellant two months' period to begin with. This has been, as I said, in deference to the non-official opinion. That is clearly to the advantage of the party himself for he will have the advantage of the same officer who has conducted the preliminary investigations being at his door and if the appellate authority thinks it necessary to go once more to the spot and see whether the original fixation of the boundary is correct or not, the officer is there available. One morning he rides on his horse, goes to see it and verifies it for himself. But if he has left the place and if he has gone from Salem to Vizagapatam, you surely cannot expect the party to be running after the survey officer. If the survey officer in Vizagapatam hears the appeal do you expect the party to be satisfied with the decision? With a view to make it as much as we can a factor in favour of the appellant, we have fixed the period at two months. One more fact I may add. If a party is not going to take advantage of two months for the purpose of preferring an appeal and if the survey officer's decision has really affected his interests and if he is eager to prefer an appeal, I am not sure whether the extension of the period by one month more will be of great help to him. Nor am I quite sure whether the two months' time will seriously impair the chances of the appellant. For all these reasons, I think the action of the Select Committee in having raised the period to two months is sufficiently liberal and I see no reason for further increasing it."

Mr. A. RANGANATHA MUDALIYAR:—"I cannot help feeling that the eloquence of the hon. the Revenue Member might have been spent on a better cause. If the hon. the Revenue Member really wants that the disputes should be decided as early as possible, I would suggest to him that the officers who are responsible for communicating the orders and the officers responsible for granting copies when applications are made must not take unnecessarily long time. The difficulty has always been in obtaining copies. If the hon. Member takes the trouble of investigating the dates when the

[Mr. A. Ranganatha Mudaliyar] [20th December 1922]

Clause 12—cont.

applications are made and the dates when copies are granted, he will find, Sir, that copies are granted not only after the officer in Salem has gone to Vizagapatam, but also after he has gone to the other world. I would like the hon. Member to put more pressure on his subordinates and see that they do not waste time in communicating the decisions or in granting copies. The difficulty comes in in the case of absentee landowners. It is just conceivable that they may not get the notices in time. The hon. the Revenue Member seems to think that the parties would like to sleep even when their interests have been decided against them. It is not so. As soon as the man comes to know of it, he will certainly prefer an appeal. No doubt there is provision that if the appellate authority is satisfied that the delay is excusable, it may be condoned. But we know too well how the magistrate comes just a minute before time, calls the party thrice and disposes of the case. So is the case with the income-tax officers. So, I think the House will be well advised in pressing for the extension of the period. No doubt some non-official members have indicated their opinion in favour of a short period. But if any one like my hon. friends, Mr. Muniswami Nayudu or Mr. Krishna Rao, had been deputed to ascertain the non-official view, they would have found many gentlemen saying that the period should be extended to three months."

The House adjourned to meet at 11 a.m. the next day.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Thursday, the 21st December 1922, the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR 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.]

Leper asylums in the Presidency.

622 Q.—Mr. S. ARPUDASWAMI UDAYAR: Will the hon. the Minister for Local Self-Government be pleased to place on the table a statement showing—

- (a) the number of leper asylums in this Presidency;
- (b) the places where they are situated;
- (c) those directly under Government control;
- (d) those under private management; and
- (e) the grants, if any, allotted to private asylums?

A.—A statement furnishing the information desired is laid on the table.*

Vacancies in the Police department.

623 Q.—Rao Bahadur T. BALAJI RAO NAYUDU: Will the hon. the Law Member be pleased to state when the Vellore Police School is going to be re-opened?

A.—As at present contemplated the school will be re-opened in October 1923.

Grants to Mappilla elementary schools.

624 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Minister for Education be pleased to call for a report from the Inspector of Schools, Malabar, as to how the complaints from managers of Mappilla elementary schools regarding the smallness of grant in 1920 were disposed of and whether they were paid additional grant or refused the same?

A.—A report will be called for on the question.

Scholarships to Mappilla pupils.

625 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Minister for Education be pleased to state the number of scholarships awarded to pupils in higher elementary schools (classes VI, VII and VIII) in Malabar and the number of such scholarships awarded to Mappilla pupils for the last three years in Malabar?

A.—The Government have no information.

* Vide Appendix A on page 1102 infra.

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Amount of fine in connexion with the Mappilla rebellion.

626 Q.—MR. A. D. M. BAVOTTI SAHIB: Will the hon. the Home Member be pleased to state the amount of fine and the proceeds of the sale of confiscated properties in the Malabar rebellion?

A.—Rupees 9,96,089 had been imposed in the shape of fines by December 1st, 1922. This includes a large amount which is to be collected by instalments.

There have been no receipts from the sale of confiscated property.

MR. A. RANGANATHA MUDALIYAR:—"With regard to the second part of the answer, Sir, I wish to know if any sales of confiscated property were held at all."

The hon. Mr. A. R. KNAPP:—"I am not aware, Sir, that there was any confiscated property at all so realized."

Mosques and Mappilla schools destroyed during the Mappilla rebellion.

627 Q.—MR. A. D. M. BAVOTTI SAHIB: Will the hon. the Home Member be pleased to state—

(a) how many mosques and madarasas (indigenous schools) were burnt or destroyed by the military or police forces in the rebellion; and

(b) whether any compensation was paid or ordered to be paid for them?

A.—The Government are not aware that any mosques were burnt or destroyed by the military or police during the rebellion and would be glad if the hon. Member would inform them if he knows of any such cases. As regards madarasas the Government have no information.

Effects of enhancement of charges on coupe contractors.

628 Q.—MR. B. P. DEVARAJULU NAYUDU: Will the hon. the Home Member be pleased to state—

(1) whether the coupe contractors of the South Cuddapah forest division have submitted petitions to the district forest officer and the conservator of forests complaining of the serious losses they incur as a result of the enhancement of railway freight charges;

(2) whether it is a fact that none of the coupes in the Bulupalli range supplying fuel to Madras have started any work up till now;

(3) whether this has resulted in loss of income to the Government; and

(4) whether the Government have taken or propose to take any action in the matter?

A.—(1) Yes.

(2) No. Out of seven coupes sold, four coupes are working and only three coupes are not worked.

(3) Yes.

(4) The matter is being investigated by the forest officers and the railway authorities.

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Nomination of members to local bodies.

629 Q.—MR. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Minister for Local Self-Government be pleased to state on what principle the nominations of members to local bodies are made; whether it is on the recommendations of the Collectors, or on those of the presidents of the boards and of the chairmen of the councils, or by Government direct?

A.—In nominating members to district boards and municipal councils, the Government are guided by the principles laid down in section 9 of the Local Boards Act and section 7 of the District Municipalities Act. Under these sections the Government are at liberty, in selecting their nominees, to adopt whatever procedure they deem fit. The Government have no information as to the procedure adopted by presidents of district boards in nominating members to taluk boards or by presidents of taluk boards in nominating members to union boards.

MR. A. RANGANATHA MUDALIYAR:—"Do the Government generally approve the principle of nominating candidates defeated in election?"

The hon. the RAJA OF PANAGAL:—"There is no hard and fast rule that defeated candidates should not be nominated."

Remuneration to Muhammad Abdul Samad Sahib for recruiting work during war.

630 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the hon. the Home Member be pleased to state—

(a) whether one Muhammad Abdul Samad Sahib, a clerk of the Sub-Registrar's office, Tuni, Godavari district, was employed by Government as a recruiting officer during the war;

(b) what was the work done by him in 1916-17 and in 1918;

(c) whether he was paid travelling and other expenses or any other remuneration for the work done by him;

(d) whether he incurred any pecuniary losses for obtaining recruits and whether any grant of lands was promised to him;

(e) whether there is any military department's order to the effect that a commission may be conferred on any one who secures 100 combatants within three months and whether the said person was eligible for the same; and

(f) how the Government are going to reward him for his services seeing that he spent money from his pocket for this recruiting work and that his health also was affected by constant travelling?

A.—Muhammad Abdul Samad was reported to have done good work as a recruiter on behalf of the Rani of Tuni and was awarded a war badge in 1919. The Government have no information on the other points raised in the question.

Construction of platforms, etc., at railway stations.

631 Q.—MR. A. T. PALMER: Will the hon. the Home Member be pleased to state—

(a) whether there is any principle followed in the construction of railway platforms in regard to their height;

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(b) whether it is a fact that passengers are put to great inconvenience in junction stations with single-side platforms;

(c) whether it is a fact that eatables sold in railway stations are of very inferior sort, though vended at high rates;

(d) whether provision cannot be made by which all the lavatories in the carriages are cleaned at every first-class station; and

(e) whether it is a fact that in many of the stations the issue of tickets does not commence at the scheduled time?

A.—(a) Yes. The heights of platforms are laid down in the Schedule of Dimensions issued by the Government of India.

(b) & (e) The Government have no information.

(c) The Government are not aware that there is ground for any such general complaint as is suggested by the hon. Member. His attention is however invited to the answer to question No. 12 asked at the Legislative Council meeting, dated 13th July 1920. The question of food supplies on railways will also be considered by a Committee that has been recently appointed to investigate the general question of sanitary administration on railways.

(d) The Committee referred to in the answer to clause (c) will also consider the question of keeping railway passenger cars in a clean and sanitary condition.

Mr. A. T. PALMER:—"With reference to (e), will the Government be pleased to get the information?"

The hon. Mr. A. R. KNAPP:—"No, Sir. I am afraid the Government cannot possibly undertake to do it. It may be possible to consider cases which are brought to notice of the Government."

Technical scholarships awarded by the Government.

632 Q.—Mr. A. T. PALMER: Will the hon. the Minister for Development be pleased to state the various technical scholarships given by the Government within the Presidency and outside, the value of each scholarship, the number of years for which each is tenable and the purpose for which each is given?

A.—A statement furnishing the information asked for is appended.*

Khan Bahadur SADULLA BADSHA SAHIB:—"Will the hon. the Minister be pleased to state if any of them are Muhammadans?"

The hon. the RAJA OF PANAGAL:—"It is not possible to make a statement, Sir."

Annual report of the Ohintaladevi farm.

633 Q.—Mr. A. T. PALMER: Will the hon. the Minister for Development be pleased to lay on the table the annual report of the Ohintaladevi farm?

A.—The latest report of the farm is laid on the table.†

* Vide Appendix B on page 1108 infra.

† Vide Appendix C on page 1108 infra.

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The Mopad project.

634 Q.—Mr. A. T. PALMER: Will the hon. the Law Member be pleased to state if the Mopad project has been completed; if not, how many more years it would take and how much money?

A.—The project was completed during 1920-21.

Malabar students in Government first-grade colleges.

635 Q.—Mr. K. PRABHAKARAN TAMPAN: Will the hon. the Minister for Education be pleased to lay on the table the information promised to be made available under question No. 400, dated 13th November 1922, regarding the Malabar students in the Government first-grade colleges?

A.—The number of students from the Malabar district now studying in the third and fourth year University classes in all the Government first-grade colleges in the Presidency is 82.

Persons authorized to issue brake certificates for motor-cars, etc.

636 Q.—The RAJA OF RAMNAD: Will the hon. the Law Member be pleased to lay on the table a list showing persons authorized by district magistrates to issue brake certificates for motor-cars and buses plying for hire in all the districts of the Presidency and the amounts earned by every such person by the issue of brake certificates?

[If the information is not immediately available for all the districts, the list may be furnished at least for the Ramnad district showing the persons authorized to issue brake certificates and the fees earned by each of them during the last three years.]

A.—The information asked for by the hon. Member in the first part of the question is not available. As regards the Ramnad district, the only information available at present is that there are 131 cars or buses holding valid permits for plying for hire in the district, that the District Superintendent of Police, Ramnad, the Executive Engineer, Madura Special division, and the District Board Engineer, Ramnad, conduct the half-yearly examinations as to the structural strength, condition and running order generally and that a fee of Rs. 25 is charged for each inspection.

Muhammadans newly appointed in departments under the Minister for Local Self-Government.

637 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the hon. the Minister for Local Self-Government be pleased to state the number of Muhammadans excluding peons and attenders that have been newly appointed in the departments under his control, such as the Local and Municipal department, Medical department, etc., in the Presidency Town, in 1921-22?

A.—The figures will be found in due course in the returns prescribed in G.O. No. 658, Public, dated 15th August 1922.

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Release of Mr. Kaleswara Rao and Seshiah from custody.

637-A Q.—Diwan Bahadur M. RAMACHANDRA RAO PANTULU: In view of the answer given by the Government to my question No. 560 at the meeting of the Council held on 18th December 1922, will the hon. the Law Member be pleased to consider the desirability of releasing Messrs. A. Kaleswara Rao and Seshiah of Bezvada from custody?

A.—The matter is one which is within the competence of the District Magistrate and in which the Government cannot, under the law, interfere. The Government presume the District Magistrate will act under section 124 of the Code of Criminal Procedure, 1899, if he is satisfied that the persons in question can be discharged.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"May I know if the Government will be pleased to ask the District Magistrate to consider the question?"

The hon. Mr. K. SRINIVASA AYYANGAR:—"I shall consider the matter."

APPENDIX A.

[Vide answer to question No. 622 asked by Mr. S. Arpudaswami Udayar at the meeting of the Legislative Council held on the 21st December 1922, page 1097 supra.]

Statement showing the number of Leper Asylums in the Madras Presidency, the grants paid to the private asylums, etc.

Serial number and location of asylum.	Management.	Grants paid to private asylums.		
		Recurring.		Non-recurring.
		Rate.	Maximum.	—
1. Tondiarpet (Madras).	Government.		Rs. ..	
2. Salaru (Visagapatam).	Private ..	Rupees 4-8-0 per mensem per patient treated.	6,000 a year.	
3. Visianagram (Visagapatam).	Do. ..	Do.	2,300	
4. Ramachandrapuram (Godavari).	Do. ..	Nil.	Nil.	
5. Bapatla (Guntur) ..	Do. ..	Rupees 4-8-0 per mensem per patient treated.	5,400 a year.	
6. Koduru (Cuddapah) ..	Do. ..	Do.	1,900	
7. Vadathorasalur (South Arcot).	Do. ..	Rupees 5 per mensem per patient treated.	3,900	
8. Kumbakonam (Tanjore).	Do. ..	Rupees 4-8-0 per mensem per patient treated.	2,000	
9. Manamadurai (Ramanad).	Do. ..	Do.	6,700	
10. Chevayur (Malabar).	Do. ..	Do.	8,000	
11. Mangalore (South Kanara).	Do. ..	Rupees 3 per mensem per patient treated.	1,700	
		Total ..	28,900	

These are generally given to the extent of half the cost of the buildings. In one case (Vadathorasalur) the Government agreed to give a grant of two-thirds of the cost as a special case.

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APPENDIX B.

[Vide answer to question No. 632 asked by Mr. A. T. Palmer at the meeting of the Legislative Council held on the 21st December 1922, page 1100 supra.]

Statement of technical scholarships granted by the Government of Madras in the Development Department.

Number and kinds of scholarships.	Number.	Where tenable.	Value.	Term.	Purpose.
1. State Technical Scholarships.	8 at a time.	Europe or America.	£200 per annum plus £40 temporary allowance.	Ordinarily two years. May be extended or terminated at discretion. Do.	Development of indigenous industries.
2. Indian Institute of Science Scholarships.	15 at a time.	Bangalore.	Rs. 60 per mensem.		Do.
3. Victoria Jubilee Technical Institute Scholarships.	6 every year.	Bombay ..	Rs. 60 per mensem.	Four years.	Do.
4. Petty Industrial Scholarships.	60 every year.	In Industrial Schools in the Madras Presidency.	Ranging in value from Rs. 1-8-0 to Rs. 7-8-0 per mensem.	Five years.	Do.

APPENDIX C.

[Vide answer to question No. 633 asked by Mr. A. T. Palmer at the meeting of the Legislative Council held on the 21st December 1922, page 1100 supra.]

Annual Report of the Chintaladevi Cattle Farm for 1921-22.

The Ongole Cattle Farm is situated about a mile from the village of Chintaladevi in Kavali taluk, Nellore district, 36 miles from Kavali Railway Station at almost the tri-junction of the three taluks, Kavali, Udayagiri and Kandukur. The farm is about 800 acres in extent consisting of black, red gravelly and sandy soils. About a third of the area can be irrigated by the Mopad project. The farm was opened in the year 1918-19 with a view to improve the Ongole breed of cattle. This breed is well known throughout India as a dual purpose one, i.e., draught and milk. The animals are large in size, and slow, steady workers. They yield from 6 to 15 lb. of milk per day. The best type is confined to two small tracts between—

(1) Musi and Guntlakama rivers.

(2) Chilakalurpetta on the banks of the river Vogaru.

The production being limited and the demand great, the prices are tempting both for bulls and cows and the best of them are being constantly removed. Breeding from indifferent and bad animals is therefore being resorted to and consequently the breed is deteriorating rapidly and, if not checked in time, the breed may become quite

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useless. To remedy this, a cattle farm has been started by Government at Chintaladevi, the most suitable place which could be procured near the breeding centre, combining the requirements for fairly cheap land and qualities for growing fodder crops under irrigation, presence of lime in the soil, etc. The tract is thinly populated and consists of red and black soils overlying lime kankar. Large herds of sheep and a few cattle are reared and the trade in this is largely carried on by local men in the slack season and as a subsidiary occupation.

2. There were 46 cows, 5 breeding bulls, 25 calves, 20 work animals and 4 bull calves (for virus production) on the farm at the commencement of the year. During the year 25 calves were born, 16 of these being bull calves. The five bulls were inspected and their breeding qualities examined; it was found that three of these animals were useless for breeding purposes and so they were castrated. Tours were made both in the Ongole and Guntur tracts in search of a good breeding bull but none were to be found. A bull aged 20 months was purchased in the Guntur tract in January last and he will serve a number of cows this year. Five heifers in calf, three work animals and one bullock for the single bullock cart were purchased during the year.

3. Milk recording was started on the farm, the cows are milked out one day per week. It was found that one or two of the cows gave up to 20 lb. of milk per day. When the permanent buildings are ready for occupation, these cows of high milk-yielding capacity will be separated from the others and fed on special rations and efforts made to breed a good dual purpose animal.

4. Five of the oldest bull calves have been put on special rations to see if this will bring them to maturity quicker. One or two young bull calves have been specially selected out and put on extra rations.

Nine cows on the farm had gone an average of 202 days without coming into heat, a young bull was allowed to run with the herd and it was found that this did not answer the solution; so a handful of fish meal was included in the ration of these cows and this has proved effective in the case of six of them. The viril of the breeding bull was also increased by including fish meal in its ration.

5. There was an outbreak of black quarter on the farm in October; breeding bull Sambasivadu and Cow No. 37 were attacked and died of this. The animals affected were at once isolated and precautionary methods taken to combat the disease with satisfactory results. Two calves died during the year, one of lung trouble and the other of bloody flux.

6. Two crossbred bull calves were purchased as virus producers. One of these died of rinderpest and the other survived.

The Veterinary Superintendent conducted the inoculation for rinderpest by the serum simultaneous method in December. Thirty-two cows, 34 calves and 1 bull were successfully done. The remaining animals such as newly calved cows and cows approaching parturition were inoculated with serum alone against rinderpest. The work animals were also done by the latter method as the Superintendent ran short of blood.

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7. During the year, the total number of services performed were 49, divided up as follows:—

Sambasivadu	...	...	...	12 cows.
Ganapati	...	...	...	34 "
Krishna	...	...	...	1 cow.
Bull No. 26	...	...	...	2 cows.

8. The health of the animals throughout the year was good.

9. The number of cattle at the end of the year was—

Cows	...	...	...	50
Bull calves	...	...	...	29
Heifer calves	...	...	...	18
Breeding bulls	...	...	...	2
Work animals	...	...	...	27
Bull calves	...	...	...	5 (virus producers)

Total ... 131

10. An experiment has been started to see what a certain number of calves gain in weight each week and also the growth of their limbs each month, measurements being accurately taken.

11. The rations fed to the animals have been increased, the average being the following:—

	Bulls.	Cows with calves.	Dry cows.	Bull calves.			Heifer calves.		
				1-2 years.	6-12 months.	3-6 months.	1-2 years.	6-12 months.	3-6 months.
Gingelly cake	2	2	1	1	1	1	1	1	1
Grain	3	2	1	2	1	1	1	1	1
Cotton seed	1	2	1	1	1	1	1	1	1
Rice bran	2	2	1	1	1	1	1	1 or 2	1
Straw or	30	30	30	30	30	30	30	30	30
Grass	60	50	50	30	30-40	milk.	30	30	milk.

Dry cows.—Two months before calving, cake and bran increased to 2 lb. each per day.

Green fodder is cut and fed to the work animals, breeding bulls, calves and cows in milk. The animals are allowed to graze each day, but during the hot weather there is very little grazing owing to the pastures being burnt up.

12. Ticks were very numerous; the animals were washed with Cooper's cattle tick dip and smeared with grease. This has proved successful, but we shall not be free from these ticks until we move into the permanent buildings as ticks are in all the mud walls of the temporary buildings.

13. The animals inoculated lost a little in condition, but at the end of the year they were all looking in good bloom.

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14. All the bull calves have had the milk of their dams up to 10 lb. per day, the surplus above this has been milked out for farm staff use or another calf from a poor milk yielder has been allowed to suck.

15. Season.—A statement of the rainfall recorded is—

Month.	1920-21.				1921-22.			
	First fort-night.	Number of rainy days.	Second fort-night.	Number of rainy days.	First fort-night.	Number of rainy days.	Second fort-night.	Number of rainy days.
April ...	...	...	...	...	1-30	1	...	...
May ...	...	...	2-18	3	0-08	1	...	...
June ...	...	...	0-22	1	...	...	...	...
July ...	...	...	...	...	1-24	4	2-27	7
August ...	...	...	1-03	2	...	...	0-91	3
September ...	2-40	3	5-15	6	1-81	4	1-35	3
October ...	5-27	6	12-17	8	8-24	6	8-26	3
November ...	0-62	3	5-34	4	3-23	3	...	...
December ...	...	...	...	...	...	...	...	...
January ...	0-30	1	0-40	1	2-74	5	...	...
February ...	...	...	...	...	...	...	...	...
March ...	...	...	...	...	...	...	...	...
Total ...	9-19	13	26-60	25	20-38	24	8-59	16

The total rainfall was 28.82 inches spread over 40 days as compared with 35.79 inches in 38 days last year. It was evenly distributed over the period. There were dust storms and hail storms in the month of May.

16. Crops.—The crops sown in the north-east monsoon did not do well owing to the scanty rainfall in August. Most of the crops were intended for fodder only and so not much grain was harvested. Appended below is a statement of the crops sown in each field and the result:—

Field number.	Crops.	Area in acres.	Date of sowing.	Remarks and results of cropping.
II	Pedda jonna, kudraivali sunnhemp, teff grass and Pillapasara mixture.	50-00	July ...	41,000 lb. fodder.
G. 7	Kattukambu and sunnhemp mixture.	8-00	Do. ...	2,000 lb. green fodder and 5,000 lb. dry fodder.
G. 8	Local Cumbu and Cowpea.	11-00	Do. ...	6,000 lb. straw and 2,000 lb. green fodder ration.
H. 3 & F. 3	Sunn hemp...	12-72	Do. ...	11,200 lb. green fodder and 2,600 lb. dry fodder.
H. 1, E. 2, H. 2, E. 4, and F. 5.	Sunn hemp and Sajja.	25-59	Do. ...	16,000 lb. fodder.

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Field number.	Crops.	Area in acres.	Date of sowing.	Remarks and results of cropping.
F. 4.	Pillapasara ...	2-97	July ...	1,450 lb. dry fodder.
G. 4.	Teegapasaala ...	15-00	Do. ...	13,900 lb. dry fodder.
II	Pedda jonna green-gram, sunnhemp, Pillapasara, sajjja and teff grass.	27-00	September ...	Grain did not set on account of rains 4,900 lb. dry fodder.
G. 1.	Groundnut ...	5-13	Do. ...	Ploughed green.
F. 2.	Cowpea ...	7-94	Do. ...	1,500 lb. vines.
B. 4.	Pillapasara ...	8-79	Do. ...	On account of heavy rains in January seed could not be collected.
O. 4.	...	...	...	...
D. 4.	...	...	...	...
Near the wall.	Rhodes grass ...	0-25	Do. ...	Not yet cut.
F. 6.	Oberukupatcha jonna.	6-22	Do. ...	2,933 lb. green fodder, 70 lb. grain.
Red soil area.	Horsegram ...	12-00	October ...	216 lb. grain, 1,170 lb. pottu.
Black soil area.	Do. ...	32-00	Do. ...	950 lb. grain, 491 lb. pottu.
E.	Pyrjonna ...	33-00	November ...	5,365 lb. grain, 18,745 lb. straw.
Series A.	Pyrjonna and greengram.	21-00	Do. ...	150 lb. greengram, 516 lb. green-gram pottu, 780 lb. jonna grain, 4,890 lb. jonna straw.
Series B. 1, B. 2, B. 3.	Pedda jonna and greengram.	23-48	Do. ...	300 lb. greengram grain, 130 lb. greengram pottu and 824 lb. Pedda jonna grain, 4,890 lb. Pedda jonna straw.
F. 1 and G. 6.	Periamanjai ...	19-00	Do. ...	11,410 lb. straw, 8,129 lb. grain.
F. 4.	Maise (local and Calcutta).	2-92	December ...	650 lb. cobs, 6,417 lb. fodder.
G. 5, II	Sweet potato ...	1-25	Do. ...	Not yet out. Good crop.
F. 6	Sunn hemp...	8-00	January ...	Failed.
	Midathur jonna and sunnhemp.	4-72	Do. ...	Midathur jonna failed, 3,000 lb. Sunnhemp hay.
G. 5.	Guar ...	1-00	Do. ...	207 lb. green fodder.
Do.	Teff grass ...	0-40	Do. ...	Failed.
Do.	Maise (local and Calcutta).	2-75	Do. ...	4,827 lb. fodder.
G. 4.	Lucerne ...	5-00	Do. ...	Failed.
G. 5.	Sweet potato ...	1-50	Do. ...	Not yet out. Good crop.
Do.	Rhodes grass ...	0-12	February ...	Do.
G. 4.	Mysore and local ragi.	5-00	Do. ...	5,607 lb. green fodder.
F. 3	Guinea grass ...	4-50	Do. ...	2,237 lb. green fodder. A large portion of area was planted late in February and March.
G. 5.	Elephant grass ...	0-25	March ...	Not yet out.
F. 2.	Palap jonna ...	7-00	Do. ...	Do.
G. 4.	...	...	...	...
F. 2.	Chitra vellai jonna.	7-00	Do. ...	Do.

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17. A manurial experiment on grass land is being carried out as follows on plots of 1 acre:—

Plot I	...	No manure.
II	...	Farm yard manure 5 tons.
III	...	Fish manure 5 cwt.
IV	...	Basic slag 5 cwt.

Portions of the pasture area have been sown with Pillapasara and this has done fairly well. The pasture area has been harrowed and a number of small shrubs removed and this has improved it.

18. Levelling of fields has continued throughout the year. Bunds have been strengthened and some of the fields realigned. Approach roads have been made to most fields.

19. The trees planted along the fence are growing slowly, several of them have died off. The trees on the shelter belt near the building are growing well.

R. W. LITTLEWOOD,
Deputy Director of Agriculture, Live-stock.

II

COMMUNICATION TO THE COUNCIL.

The SECRETARY then laid on the table his report * on his deputation to England to study Parliamentary Procedure.

III

THE MADRAS SURVEY AND BOUNDARIES BILL, 1921—cont.

The House resumed consideration of clause 12 of the Madras Survey and Boundaries Bill.

Clause 12—cont.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I shall merely emphasise what I said yesterday, viz., that the Bill, as now framed, allows two very prominent concessions over the existing provisions in the Act. In the Act of 1897, an unconditional period of three months only was allowed; no concession was allowed to the appellant to count the period that was occupied for obtaining copies of the orders of the officer against whom he intended to appeal. In the present Bill we have definitely added a proviso (proviso No. 1), which reads:

Provided that the time taken to obtain a copy of the decision and of the map shall not be included in the period of two months allowed for appeal.

"Not only that, Sir; we have also decided to add a special proviso which does not find a place in the present Act. That proviso is that absolute and unfettered power is given to the appellate authority to admit appeals which are barred by clause 12 and in respect of which the appellant is able to urge sufficient reasons for the admission of his appeal. Now, when all these three provisions are read together it will appear to the House that against the original period of three months we have now allowed the appellant longer period. For, I think it was stated last evening in this House by my hon.

* Vide Appendix D on page 1149 infra.

21st December 1922] [Sir Muhammad Habib-ul-lah Sahib]

Clause 12—cont.

friend from Bellary that, at the present moment, there is a lot of delay involved in obtaining copies of records from survey officers about decisions against which parties intend to appeal; and, I think, I had an impression when he was speaking that in some cases it also so happened that records were given after the period of appeal had expired."

Mr. A. RANGANATHA MUDALIYAR:—"No, Sir. I only stated that it might be more than three months before they were received."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Thank you. In any case, from the date of the notice given to him under clause 11, that his case has been disposed of in a particular manner, whether it be under clause 9 or whether it be under clause 10, the party is given reasonable time for the purpose of applying for and securing the copies of records. After he has secured these records, he is allowed a definite period of two months within which to decide whether he should prefer an appeal, and, if so, what action he should take in respect of that appeal. And then again, he is given another concession: if for any exceptional circumstances beyond his control, it has not been possible for him to take advantage of the two months, he is allowed the liberty to put in his appeal before the appellate authority and mention the circumstances which prevented him from doing so in time, and that appellate authority is given the discretion to admit the appeal. This allows the appellant a much longer time than contemplated by the present Act. Sir, may I say that the longer the time taken by the appellant for the purpose of preferring his appeal and for the purpose of securing a decision on the appeal, the longer will it be necessary for the Government to detain the survey party in that particular district?"

"I am anxious, and I am sure the House is also anxious, that the appeals should be heard and disposed of by the survey officers as far as possible in and around the places where the appellants live. I repeat that it will become necessary for me to detain the survey party in the district until all the appeals have been received and until all of them have been disposed of. This again means much more expenditure than is incurred at the present moment by the survey parties. I am trying, and every one in this House is trying, to effect economy in the expenditure on survey in the Madras Presidency; but if the House is going to add provisions which will swell the expenditure under survey, I am afraid our aim will not fructify. In view of these circumstances, I would further appeal to the House to see whether it is absolutely essential that the two months' period should be raised to three months and whether provisions do not already exist which allow sufficiently long periods for the appellants to put in their appeals."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Sir, I am sorry I cannot see eye to eye with the hon. the Revenue Member even when he 11-15 a.m. has chosen to draw the red-herring of additional expenditure in the matter. In several cases the landholders are away from the places of inquiry and we are bringing in this Bill a provision that even in *ex parte* matters, even when there is no dispute, the decision of the survey officers is conclusive except when set aside by appeal. It may be some time before the agent or the lessee can know what is done by the survey officers. The agent or the man on the spot should first ascertain it, then put himself in correspondence with the principal, and, then, if he gets the information to proceed,

[Mr. T. A. Ramalinga Chettiyar] [21st December 1922]

Clause 12—cont.

he should apply for the copies and forward the same to the principal. Thereafter he must wait for instructions to file an appeal or not, and when such instructions are received, he should present the appeal. So, Sir, considering these several inevitable delays, I think that the three months asked for is not too much at all. It is only because finality is attached to *ex parte* decisions, I support the insertion of three months.

"With regard to the question of cost, I may also state, Sir, that it is not as soon as orders are passed that the Survey department leave the district. They have to bring the records up to date; they have to complete their maps and have to do so many other things, all of which generally take them several months before they are able to leave the district in which these orders have been passed. So this question of expenditure has been unnecessarily dragged into this matter, and I do not think that we should be led away by that consideration. It is not really a matter which affects the case. So, Sir, I hope the Council will, in view of clause 13, accept this amendment."

Mr. W. VIJAYARAGHAVA MUDALIYAR:—"Sir, in gratefully acknowledging the solicitude evinced by the Government on behalf of the parties affected, we should see that all facilities are given to them in the matter of preferring appeals. I think, Sir, that, in spite of the general provision made that the time taken in obtaining copies of the records will be excluded from the period allowed for appeal, this small alteration of two months into three months is quite necessary and I hope that the Government will be pleased to accept this amendment. Sir, although this provision for the exclusion of the time taken in obtaining copies may be considered to have the effect of lengthening the period allowed for appeal, there are certain other provisions which work to the detriment of the parties. For instance, while the hon. the Revenue Member is very anxious to see that appeals are disposed of as quickly as possible, he has not made any provision as to the manner in which the notice is to be served; nor has he said anything about the notice being served on the party affected. As it is, notices are supposed to be served on the parties if they are published in some prescribed manner; for instance, a notice pasted on the wall of the house wherein the party is supposed to be residing is considered to be sufficient. There is thus the contingency that the notice may not reach the actual person affected. Secondly, Sir, in such small matters like applications for copies of documents, the subordinate revenue officer insists upon the person affected appearing in person for the purpose of presenting the application, and applications from proxies are not entertained. Taking all these difficulties into consideration, I think, Sir, that this small concession of allowing three months for appeal will add very much to the convenience of parties and I request Government to accept the amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, I should like to point out that it will be very convenient to the party concerned if this amendment is accepted. Otherwise, his right to obtain remedy in a civil court under clause 14 will not in any case be barred, and, if he fails to get a remedy from the appellate authority, it will only drive him to file a suit in a civil court. So, in order to avoid litigation, it is better that the time for obtaining remedy from the appellate authority is extended."

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Clause 12—cont.

Diwan Bahadur Sir T. DESIKA ACHARIYAR:—"Mr. President, the period of limitation that is prescribed is not prescribed in the ordinary way. The clause is:

An appeal preferred under section 11 may be summarily dismissed if it is not filed within two months from the date of service of notice under section 8, 9 or 10.

"Therefore, it is not a period of limitation in the ordinary sense of the expression. Under the Civil Procedure Code there are orders which have to be set aside within one month and there are orders contemplated by the Limitation Act which also have to be appealed against within one month. So there is apparently no particular hardship in having a limitation of two months. In a sense all laws of limitation are unjust. The liberty of the subject in any matter cannot at all be hampered by any direction either of the legislature, or of the administrative authority; but for purposes of expediency it is necessary to have a speedy termination of disputes which crop up in such matters. I think it is on the whole to the benefit of the person whose boundaries are interfered with that there should be as little delay as possible in the disposal of his case. Moreover, I may point out that the time of two months is one which is not prescribed strictly as a period of limitation, because the proviso says:

that the appellate authority may admit an appeal after the expiry of the said period on his being satisfied that the appellant had good and sufficient cause for not preferring the appeal within such period.

"I do not know if three months will be any better than two months, or if two months are going to be any better than one month for a person who is not going to take note of any notice served in the prescribed manner; but for a person who is diligent, one month is long enough. There is absolutely no reason why we should be increasing the period of limitation in matters of appeal. I can quite understand if it is a question of the curtailment of the liberty of the subject with reference to the establishment of substantial rights. Of course, if the hon. the Revenue Member is going to accept the amendment, I have no objection even to six months being given."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, in the existing Act the period of appeal prescribed is three months. In the original Bill submitted to this Council the period fixed was one month. In the Select Committee the question was considered and a compromise was arrived at, viz., a period of two months; and it was also inserted therein that the time taken for getting copies of the order in order to file an appeal should be counted in favour of the appellant. This provision is not in the existing Act. It has been borrowed from the Limitation Act. So also is the other provision, which relates to the discretion allowed to the appellate authority in admitting appeals even after the expiry of two months. However, respecting the strength of feeling in this House and considering the fact that the Government is not going to be a loser by extending the period from two to three months, I hope the hon. the Revenue Member will reconsider the matter and be pleased to accept the amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, if I, at this stage, wish to make a few remarks, though I am aware of the attitude of the hon. the Revenue Member at present, it is because there is an idea that in the Select Committee an amount of concession has been shown by extending the

[Mr. A. S. Krishna Rao Pantulu] [21st December 1922]

Clause 12—cont.

period of one month originally prescribed to two months after allowing the concession given in the Limitation Act. I think, Sir, that any one who is acquainted with the ordinary procedure in every appeal will realize that this is a provision which has been in operation generally, and I do not understand how it has been conferred as a special privilege when it has already been enjoyed by the parties affected. After all, the provision for excluding the time taken for granting copies and the privilege given to the officer to condone delay are nothing new. It is in the general law of the country—in the Limitation Act—and it has been extended to this Bill and the mistake in this Bill has thereby been rectified. So there is absolutely no question of any concession being shown in this Bill. I now intervene because I find that two hon. Members who have been in the Select Committee wish to support the provision of two months on the ground that some concession has already been shown.

Diwan Bahadur M. KRISHNAN NAYAR:—"I have a word of personal explanation to offer, Sir. If that reference is to me, I may say, Sir, that I was not speaking against the amendment and I concluded my remarks by specifically asking the hon. the Revenue Member to allow this amendment to go forward."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I quite properly understood Mr. Krishnan Nayar to support the principle of the amendment made in the Select Committee. This he simply gave up by saying that since there was a strong feeling in this House, and notwithstanding the fact that the amendment in the Select Committee was a very reasonable one, the period of three months might be accepted. In fact, there is absolutely no special concession shown here. The period of three months is already there and the restoration of it is but bare justice."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"In view of the strength of the feeling expressed in this House in favour of this amendment, whatever my views on the question may be as regards the sufficiency or otherwise of the two months which have been provided for in the Bill, I accept the amendment."

The amendment was then put and carried.

Consequently the following amendments fell through:—

Mr. M. SURYANARAYANA:—

24. For the words 'two months' wherever they occur in this clause substitute the words 'three months'.

Mr. K. PRABHAKARAN TAMPAN:—

25. (i) For the word 'two' in line 31, substitute 'three'.
(ii) For the word 'two' in line 37, substitute the word 'three'.

Mr. B. MUNISWAMI NAYUDU:—"Mr. President, the amendment standing against my name reads:—

26. Add, at the end, the following:—

Explanation.—The fact that notice under sections 8, 9 or 10 was not served personally on the appellant or that no notice was given to him shall be deemed to be good and sufficient causes within the meaning of the above proviso.

21st December 1922] [Mr. B. Muniswami Nayudu]

Clause 12—cont.

"Sir, it will be found that, under clause 13 of this Bill, once a survey has been completed and the completion has been notified, it immediately becomes conclusive against all persons, whether notice is served on them personally or not. Under clause 9 the order is to be served upon the registered holders of the lands the boundaries of which may be affected by the decision. In section 10, it is to be served on the parties to the dispute and other registered holders of the lands the boundaries of which may be affected by the decision. While therefore notice is provided for the registered holders and other parties to the dispute, there is no notice provided generally for other persons affected. Under clause 13 all other persons to whom no notice has been served will still be bound by that decision, because notice has been served upon the registered holders. It may, therefore, happen that there are a number of persons who are affected by this decision to whom no notice is given. The clause says that the appeal should be filed within two months. What is to become of the persons to whom no notice is directly given and who are yet asked to file an appeal within the two months from the date of the service of notice? Service on whom? Service on the registered holder and not on the persons mentioned above. Registered holders may not include all the persons really affected. Therefore, Sir, in the case of persons to whom no notice has actually been given, it is necessary that, after they have come to a knowledge of it, they should be entitled to prefer an appeal.

"There is, no doubt, a proviso saying that the appellate authority may admit an appeal after the expiry of the prescribed period if he is satisfied that the appellant has good and sufficient cause for not preferring the appeal within such period. But as we have known very well from the administration of the Limitation Act that proviso is more honoured in its breach than in its observance. Even when such things are dealt with in court it is not very easy to persuade the judges to accept that there is a sufficient cause. More often than not we find that for statistical purposes it is thought easier to dismiss a petition than to allow it to pend. Such temptations can prevail in the case of the survey officers also, who, as the hon. the Revenue Member said, will have to be moving and may not bother themselves to hear a particular appeal, unless there is very meticulous care exhibited to prove that the appeal is in time. Therefore, Sir, my proviso will help such persons as come to know of the real fact after the expiry of the three months mentioned in the Bill. It is necessary to see that the interests of these people are not dependent upon the good will of the officers concerned by embodying the proviso I suggest in this Bill."

Mr. W. VIJAYARAGHAVA MUDALIYAR:—"I have already stated in the course of my remarks on the last amendment that notices are not generally served on those to whom notices are due. The case referred to by my hon. friend shows that there may be persons, other than those on whom notices are served, who are entitled to appeal. Therefore, Sir, if it satisfies the appellate authority that the person comes immediately after learning of the issue of the notice it must be considered a sufficient reason for excusing the delay in filing the appeal. Unless a statutory provision is made for making such allowances, I think the interests of such men will be greatly jeopardised. I therefore support this amendment."

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Clause 12—cont.

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"In supporting this amendment I shall only add this: All that is now sought to be introduced is a provision like the one which exists in the Civil Procedure Code. Ordinarily what is contained in this explanation will be a very good reason to set aside the order. It is only to prevent mistakes that this is sought to be introduced in the Bill. So, Sir, I hope the hon. the Revenue Member will accept the amendment."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"When I read this motion, it struck me that the absolute and unfettered discretion, which was going to be conferred on the appellate authority by the second proviso to admit appeals if he was satisfied that the appellant had good and sufficient cause for not preferring the appeal within the prescribed period, would be restricted by the addition of an explanation in which the appellate authority's discretion would be pointedly drawn to the fact that what was usually contemplated by the expression 'sufficient cause' was a case in which notice had not been personally served on the appellant or a case in which no notice was given to him. I was, therefore, afraid that the addition of this explanation might be to the prejudice of the appellant rather than to his advantage. Though no more a lawyer, I may say that we are all conversant with that usual expression *ejusdem generis* by which while construing an enactment you have to keep in mind the object to which the law makes reference. Now, if you were going to add this explanation and say that the species which are contemplated in the second proviso must be more or less of the nature specified in the explanation, it was possible, I thought, that the appellate authority might construe the second proviso rather to the disadvantage of the appellant. But, however, as the hon. the mover, the seconder and the supporter give me the assurance that this is going to be to the advantage of the parties, and if they have not any such misgivings themselves as I have in the interests of the appellants, I shall certainly not stand in the way of their having this explanation added in the body of the Bill."

"But one suggestion I shall make, and it is this: The words 'served personally' may lead to some complications on certain occasions. We are not dealing with courts of law where an identifiable A is the plaintiff and an identifiable B is the defendant and when the process-server has to go and serve the notice in person either by delivering it to the party or somebody else. In the case of lands we have unfortunately the absentee landlords also to take into consideration and probably the absentee landlords may have their agents who are the proper representatives, they may have given a power-of-attorney to some individual who is managing the affairs. The survey officers may consider that the service on any agent whether with or without the power-of-attorney is sufficient for purposes of appeal. But if the word 'personally' is put in, it may lead to complications, and the survey officer will have to serve the notice either personally or by registered post and so on. This will complicate things and lead to unnecessary delay. As we are now going to frame rules under clause 26 for the purpose of dealing with all matters, such as how notices should be served, in what form, etc., I think the hon. mover will do well to have the word 'personally' substituted by the words 'in the prescribed manner'. The explanation will then read as follows: 'The fact that notice under sections 8, 9, or 10 was

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Clause 12—cont.

not served in the prescribed manner on the appellant or that no notice was given to him shall be deemed to be good and sufficient causes within the meaning of the above proviso."

The hon. the PRESIDENT:—"I think it will be better if it is proposed as an amendment to the amendment. Then let it be decided by the House."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"So, with your permission, I propose the substitution of the words 'in the prescribed manner', for the word 'personally' in line 2 of the proposed explanation."

The hon. the RAJA OF PANAGAL:—"I second it."

MR. B. MUNISWAMI NAYUDU:—"Sir, I shall make my position clear. When I gave notice of my amendment what was in my mind was that there could be cases in which it might not be possible to serve notices even in the prescribed manner. It will be observed that in the Rent Recovery Act, the Civil Procedure Code and the Estates Land Act, although the statutes provide for personal service on the defendants, the notices are practically fixed on the house or something like that. It is because the rules provide for this indirect method of service that I say that, even when indirect methods are resorted to, it may be that the owner is not personally aware of all these things, and there may be a necessity for the owner, when he comes to know of the decision, to prefer an appeal. If the amendment is accepted it may be that the appellate authorities say: 'It cannot be served upon him personally and therefore it has been fixed on his house.' Then the object of my amendment will be practically lost. If the Council is prepared to show some concession wherever the notice has not been personally served and wherever the person concerned has not been given a sufficient chance to appeal within the three months' time, the appellate authorities should by the force of the statute say, 'here is an appeal which should be admitted'. Therefore the hon. Sir Habib-ul-lah's amendment nullifies my amendment. I would urge upon the House the necessity for accepting my amendment."

Diwan Bahadur Sir T. DESIKA ACHARIYAR:—"I do not think that the amendment proposed by the hon. Member will suit the requirements of the case. If you are going to have an explanation, the only way to have it is that suggested by my friend, Mr. Muniswami Nayudu. The clause, 'the fact that notice is not served on the appellant personally' in explanation, is taken from the Civil Procedure Code. 'Where notice is not served in the prescribed manner' is only an addition to that. Therefore I do not believe that the substitution of the words 'in the prescribed manner' will be of any use. If you are going to have the spirit of the explanation of Mr. Muniswami Nayudu, it is not correct to say that we should substitute the words 'prescribed manner'. Therefore I oppose the amendment of the hon. the Revenue Member."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I do not think the introduction of the words 'in the prescribed manner' will improve the situation at all. The explanation is intended as a safeguard against cases where the service has not been effected in the prescribed manner. If notice is not served in the prescribed manner there is no notice. Therefore the fact that it is stated in an explanation goes to show that where the notice has not been served personally on the man, the courts should set aside the order.

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Clause 12—cont.

That being the case I do not think my hon. friend's amendment will achieve anything except saying that the prescribed manner will be prescribed by the rules. If, after all, the notice is not served in the prescribed manner the court must come to the conclusion that it not has been served at all—a fact which need not be mentioned in an explanation. I therefore oppose the amendment of the hon. Member."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB 11-46 a.m. Bahadur:—"I merely wanted to point out the difficulties that arise if we insist on the notice being served personally in every case. I have already pointed out, Sir, that in several districts we have, what we call, absentee landlords. If it is stated that the notice should be served on the landholder—that is the only individual we have on record—and if the landholder happens to be absent, then difficulties will arise. I think that in such cases, for the sake of facility and expedition, the Survey officer may serve the notice on the authorized agent of the landholder concerned. The agent will at once communicate with his master and get instructions from him as to whether he should appeal, or the agent may himself prefer the appeal. Merely for the purpose of convenience and for the purpose of rendering the working of this explanation somewhat easy, I moved my amendment. But my hon. friends who are lawyers themselves quote certain provisions from the Civil Procedure Code and say that this explanation, as it is, is strictly in conformity with the provisions in the Civil Procedure Code and that my amendment is not worth the breath that I wasted on it. If this is their intention, I certainly do not press my amendment."

The amendment was by leave withdrawn.

The main amendment of Mr. B. Muniswami Nayudu was then put and passed. The explanation was added.

The following amendment was not moved and was therefore deemed to have been withdrawn:—

New sub-clause.

Mr. B. MUNISWAMI NAYUDU:—

27. Number the existing clause as sub-clause (1) and add the following as sub-clause (2):—

'The decision or order of the appellate authority shall be recorded in writing and the purport thereof communicated forthwith to the parties concerned, a copy of the order and the map regarding the boundaries as determined being furnished to them on their application and at their cost.'

Clause 12 as amended was put and passed and added to the Bill.

Clause 13.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I beg to move—

28. After the words 'district gazette' insert the words 'and a copy of such notification shall be published in the village chavadi of the village to which the survey relates.'

"The object of this amendment is to ensure the notification of the orders passed under sections 9, 10 and 11 being published in the village. I think that this notification should be published the district gazette and also in the village, so that the villagers concerned may know it."

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Clause 13—cont.

Mr. R. SRINIVASA AYYANGAR:—"I second the amendment."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I have certainly no objection, Sir, to the principle involved in this amendment. I am quite prepared, as I have said the whole of yesterday and to-day, to see that all these notifications reach the proper quarter so that no ryot or villager may say that he is not aware of such a notification. At the same time the House is probably aware that there are no chavadis in some of the villages. If by law I am required to affix a copy of the notification in every village chavadi, I must at once begin the construction of chavadis in villages where there are no chavadis. Therefore, if hon. Members will permit me to insert the words 'if any' after the word 'chavadi', I have no objection to accept the amendment. I move, Sir, that the words 'if any' be inserted after the word 'chavadi' in the amendment of Mr. Ramachandra Rao."

The hon. Sir CHARLES TODHUNTER:—"I second the amendment."

The motion was put and carried and the insertion made.

The amendment of Diwan Bahadur M. Ramachandra Rao Pantulu was put and carried.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I move, Sir, that a semicolon be substituted for the full stop after the word 'relates' in my amendment."

Mr. R. SRINIVASA AYYANGAR:—"I second it."

The motion was put and carried and the substitution made.

The following amendments were not moved and were therefore deemed to have been withdrawn:—

Mr. M. SURYANARAYANA:—

29. Put a full stop after the word 'gazette' in line 49 and omit all the words occurring after it.

Mr. B. MUNISWAMI NAYUDU:—

30. Omit the full stop at the end and add the following 'as against persons to whom notice under sections 8, 9 or 10 was given and as between the parties to the appeal preferred under section 12 including those to whom notice of such appeal has been given and those claiming under such person or parties or any of them.

'Explanation.—Where parties litigate bona fide in respect of boundaries of property claimed in common for themselves and others, all persons interested in such boundary dispute, shall for the purpose of this section be deemed to claim under parties so litigating.'

Clause 13, as amended, was put, and passed and added to the Bill.

Clause 14.

The following amendment was not moved and was therefore deemed to have been withdrawn:—

Mr. M. SURYANARAYANA:—

31. Omit the figure '9' in line 3.

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Clause 14—cont.

The following amendment was deemed to have been withdrawn, the Member not being in his place :—

Rai Bahadur T. M. NARASIMHAACHARLU :—

32. For the words 'one year' in line 6, substitute the words 'two years'.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I beg to move—

33. For the words 'one year' in line 6, substitute the words 'three years'.

"It will be found that in clause 13, which has just been passed, provision has been made for the survey of a land or boundary, notified under section 5, and completed in accordance with the orders passed under section 9, 10 or 11, being duly notified and

unless the survey so notified is modified by a decree of a civil court under the provisions of section 14, the records of the survey shall be conclusive proof that the boundaries determined and recorded therein have been correctly determined and recorded.

"Again it will be found that the time prescribed under clause 14 for instituting a suit in a civil court is only one year from the date of the notification under clause 13. I submit, Sir, that this period of one year which is prescribed is too short for the purpose. The reasons for my amendment may be clearly seen from the report of the Select Committee in dealing with clauses 13 and 14 of the Bill. This is what they state :

These sections have engaged our very careful attention and we have had presented to us very forcible objections against any attempt to declare the finality of the survey. These objections are briefly as follows :—

(i) The general law of limitation is twelve years for recovering possession of interest in immovable property.

(ii) Section 14 of the Bill would limit the period to one year from the date of the notification under section 13 for the institution of a suit to set aside or modify the survey officer's order.

(iii) It is urged that this is an unnecessary interference with the ordinary law and that it would work hardship in a number of cases :—

(a) because the notice under section 9 is only served on registered holders.

(b) because it is easily conceivable that the real owner is absent and receives no notice, and

(c) even if the disputes are settled between the parties the decision is made by an officer who is not qualified by training to adjudicate on questions of title.

"The reasons for my amendment are clearly set forth in these remarks of the Select Committee. It has been pointed out that the ordinary law applicable for establishing title to immovable property should not be curtailed in the manner suggested. Secondly, there are a number of cases in which the registered holder is served with the notice and the real owner is not in a position to take sufficient care of his rights to the property in proper time. Thirdly, there is also the probability that the officer may not be competent to deal with complicated questions. For these reasons, I think it absolutely essential that the period prescribed must be extended, and that a period of three years must be considered reasonable in a suit for determining the right to immovable property.

"What is the reason that is urged against this? This is 12 noon. what the members of the Select Committee say in dealing with the question :

We feel the weight of these objections, but it must be remembered that it was the intention of the original Act of 1897 to render the operations of the survey party final and it is only owing to the interpretation of that Act by the courts that the original intention has been frustrated. We are therefore restoring to the law the meaning which it was originally intended to convey.

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Clause 14—cont.

"Considering the weight of those objections they thought it necessary to prescribe a shorter period for the purpose of settling this matter. Any anxiety to cut short the period of limitation must not outweigh other important considerations, such as the interests of the landholders who will be affected by the decision. I therefore think that three years are a reasonable limit, and hope that the hon. the Revenue Member will accept it without raising any controversy as in the previous case."

Mr. P. SIVA RAO seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, I find this to be an attempt to allow three times more than the period permissible under the existing Act for the filing of suits. The existing Act allows only one year, and we have not at all interfered with the period allowed for suits, although, in the original Bill, we had interfered with the period of appeal. We had reduced the period of appeal from three to one month, but the Select Committee raised it to two months and now we have gone back to three. But in the case now before us, no attempt at a change was made by the Government, and the Select Committee, who paid the maximum attention they could to this matter, have come to the conclusion that the one year period is ample. Of course, the hon. the mover tries to point out that there should be sufficient time for the parties to go through the necessary processes before they can file a suit in a court. But I should like to draw the attention of the House to the fact that this is the last stage reached in the whole chain of processes which takes place under this Bill. In the first place, we have got the regular notification issued under clause 6 of the Bill. Then we have clause 9 under which, even in undisputed cases, notices are given to the parties affected. In clause 10, provision is made for giving similar notices to parties who have contested the claim. Clause 11 allows more than ample time for the purpose of preferring appeals. The decision of these appeals will necessarily take sufficiently long time. Then on top of it all, Sir, we have got under clause 13 an obligation to issue a notification finally informing the public that the records of survey have been completed. So, from practically the first stage mentioned in clause 6 down to the last stage referred to in clause 13, several years will intervene, I believe, by the time the party can make up its mind that there is a certain decision of the survey officer which he should challenge in a court of law. One year for this purpose is, I think, quite sufficient; and, I think, the sooner the party tries to challenge the decision of the survey officer in a court of law, the better it will be for him. For, if he is given a longer period, the chances are that the survey party which has been working in that district will have probably left it, some of the records which will be of some use or assistance to the party concerned will have been destroyed or lost, and the party will therefore be left in the unenviable position of having to prove his case without first-hand evidence which he will probably have been able to get if the survey party was still in the district and if the records which had been prepared at the earlier stage were still available.

"Then, we have to take into consideration not only the private individuals but also the local bodies on whose behalf we conduct the surveys. There are municipal towns which are surveyed, and there are unions which are surveyed. In these cases, is it right to ask that, after the local bodies have spent large sums of money for the purpose of securing an accurate survey, and after

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Clause 14—cont.

having known what their rights are, they should sit with hands folded for a long time before they can remove a single encroachment though it may only be in front of a dirty hut in a congested street? In view of all these circumstances, we considered that there was no reason whatsoever for increasing the period of one year which is laid down in this Bill and we left that period alone. As I have explained, there are sufficient grounds for having left it severely alone. The Select Committee did not consider that any case had been made out for the purpose of increasing the period to treble that now existing at one jump. I am, therefore, sorry that I cannot see my way to accept the amendment."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"The hon. the Revenue Member seems to be of opinion that because a certain number of suits will be pending the decisions of the survey officers the whole party should be held up and that this would mean a large expense. I am afraid I am not able to understand this argument. Hon. Members will notice that clause 13 makes a very radical departure from present practice. It declares for the first time that a record of survey shall be conclusive proof that the boundaries determined and recorded therein have been correctly done so. This provision will seriously affect titles hereafter. This is the most important change that has been made by this Bill, and the arguments for and against have been too fully set forth in the report of the Select Committee for me to repeat them.

"Under the ordinary law, any person has twelve years to decide to go to court and get a decision on a question of title. Now my hon. friend seriously proposes to insert a provision in clause 13 which will seriously affect titles. In view of the great illiteracy of the ryots of this country, I think that it will be perfectly reasonable to fix three years as the period of limitation. Personally I am not at all convinced that three years will be enough, and the amendment in my name suggests six years. But if this amendment is accepted, I shall not move my amendment. Under these circumstances, I am not at all convinced that the hon. Member is right in his contention that the period of three years will seriously inconvenience the parties. My hon. friend is keen on the question of retrenchment and economy and we are quite prepared to support him in that matter, but not on a question that will affect the inherent rights of the ryots. I hope the hon. Member will not speak of retrenchment in the case of survey."

Diwan Bahadur Sir T. DESIKA ACHARIYAR :—"Mr. President, Sir, the opposition, referred to in their report, during the discussion by the Select Committee was due to my view that the ordinary liberty of the subject should not be interfered with. The ordinary law of limitation is unjust enough. It gives twelve years within which time a person should establish his rights. Of course, as a matter of expediency and for the purpose of proper administration we have to enact certain laws of limitation; but there is absolutely no reason why the period of limitation which is ordinarily prescribed for establishing rights over immovable property should be curtailed. I am aware of the fact that in the case of many summary orders passed by civil courts one year is the time within which such orders have to be set aside. There are many cases in which a shorter period of limitation is prescribed even in the matter of immovable property. But the suggestion that is now put forward that it should be three years seems to be reasonable enough and I therefore beg to support the amendment. It is true that in the case of

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Clause 14—cont.

suits to set aside summary orders passed by civil courts a period of one year is prescribed. But as I did point out before and do still point out, the order of the survey officer has not got the same sanction, does not carry the same authority, as that of even a summary order of civil courts. Very often, a man about whose property an order is passed is not to be seen near his property or residence, and very rarely does he understand the significance of the order that is passed by a civil court much less that by a survey officer. In such circumstances, and considering especially the large amount of illiteracy that prevails among the masses, I think it is unnecessary to curtail the liberty of the subject in the matter of the vindication of his rights to immovable property by fixing so short a period as one year. Even about the three years, we do not know whether people will take advantage of the extended period of limitation. I do not believe that the number of suits instituted so far bear any very large percentage to the total number of cases decided by the survey parties. In these circumstances I think the hon. Member will do well to accept the period of three years as the period of limitation."

Mr. P. SIVA RAO :—"Sir, I want to support the amendment. The foremost objection of the hon. the Revenue Member to this amendment was that at one bound the period of limitation of one year was sought to be increased. Under the ordinary law, in similar circumstances, the period of limitation for declaratory suits is six years and for the recovery of possession of interest in immovable property twelve years. I would respectfully ask the hon. Member in charge whether he is prepared to reduce the ordinary period of limitation that is prescribed under the ordinary law. That is the standpoint from which the matter has to be looked at.

"There is one other point. The hon. Member in charge said that he would not attempt to introduce any innovation.

"Then, Sir, the reply to that would be that under the present Bill we are for the first time giving finality to the decisions of the survey officers even in ex parte cases. It is all the more reasonable that when finality is attempted to be given to summary decisions of survey officers who, after all, are not supposed to be well conversant with the law and who are not familiar with deciding disputes of the kind, that the period of limitation to be allowed should not be mercilessly and unreasonably cut short to one year.

"Before I close I wish to draw the attention of the hon. Members to the fact that this matter seems to have been keenly fought out in the Select Committee and more than one reason was given by members of that committee as to why the period should not be restricted to one year. It is also stated in the report of the Select Committee that the majority of that committee felt the weight of those reasons and objections. It has very often happened that the real owner did not know the decision of the survey officer, and it is but right that we should allow him a substantial period for getting information and filing a suit. It appears also to have been brought to the notice of the Select Committee that the survey officer, whose decisions are sought to be made final by the present Bill, is not familiar with law and is not qualified to adjudicate on matters like this. More than one reason has been given in the course of this debate also, and for these reasons I think that the period of three years will be a very fair period, and taking into consideration that

[Mr. P. Siva Rao]

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Clause 14—cont.

the ordinary law of limitation allows twelve years and six years, to reduce it all at once to one year is simply unreasonable. For these reasons I support the amendment."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I also support this amendment. When the Bill was originally introduced in this Council, I gave my reasons at considerable length against the period of one year provided for therein, and pleaded for twelve years. Without revealing the secrets of the Select Committee, I may be permitted to say that I strongly urged this objection, and insisted that the period should be twelve years. As the House will be pleased to see from the report of the Select Committee, there was no other point in the whole of this Bill which was so keenly contested as this provision about the period of one year, and the attention of the Select Committee was engaged on this point more than once. Practically a third of that committee's report is devoted to a consideration of this question, and though ultimately the Select Committee came to the conclusion that the period of one year provided in the Bill, as it was introduced in this Council, was adequate, I still adhere to my original opinion that the period should be twelve years and not one year. But as the amendment now before the House asks for three years and not twelve years, I heartily support this amendment."

Mr. R. SRINIVASA AYYANGAR:—"Mr. President, Sir, I beg leave to support the amendment before the House. The period of one year stated in clause 14 is too short, and, I fear, is not likely to meet the requirements of the case. Lawyer members of this House as well as lay members may be very well aware of the fact that there is an article in the Limitation Act, known as the residuary article, namely, article 120, which fixes a period of six years for suits in which people pray for a bare declaration. Under ordinary circumstances I would welcome a proposal to substitute six years for one year. But as it is by way of compromise that a period of three years has been suggested by the amendment, I think there should be absolutely no reason why that period should not be accepted by the House. If I understood the hon. the Revenue Member aright, he pointed out one or two difficulties that stood in the way of his accepting this amendment. What he said was this: 'If we raise the period from one to three years, we shall be overlooking the possibility of the survey officers leaving the station with all the records; and we shall also be overlooking the possibility of the party concerned being placed at a disadvantage by reason of the officers leaving the place with the records.' I should like to know from him as to whether the same contingency will not also arise if one year is fixed as the limit, for it is quite possible and conceivable that the survey parties may finish their operations and leave the stations within one year. Therefore viewing it from the standpoint of inconvenience or the balance of convenience, I do not think there is much force in the arguments advanced by the hon. the Revenue Member. I, therefore, venture to submit with confidence that three years would meet the requirements of the case."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I do not know if the hon. the Revenue Member will persist in opposing this reasonable amendment. But since he has not expressly given his assent to it, I am bound to make a few remarks in support of this amendment. He has told us in the course of his reply that so far as this provision of one year is concerned, no departure

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Clause 14—cont.

has been made and no justification can be made for increasing that period to three years. May I point out that we cannot draw the analogy of the existing Act in so far as the present Bill has created a departure by declaring that the decision of the survey officers is to be conclusive unless challenged in a civil court? That is the very object with which this Bill, as stated in the original Statement of Objects and Reasons, has been introduced. On account of the decision of the Madras High Court in S.A. No. 22 of 1915 it was found necessary to make the officer's order conclusive subject to reversal by the civil court. When a departure has thus been made from the original Act, we cannot draw any analogy from the period of one year found in the original Act. Therefore the question still remains whether in cases where it is necessary to challenge the order of the survey officer the period of one year is insufficient. Well, Sir, other hon. Members who have spoken on this motion have already expressed the opinion that the period of three years suggested in my amendment is too modest a figure, Mr. Krishnan Nayar has stated that it should be twelve years and Mr. Ramachandra Rao expressed his opinion that it should be six years. Such being the trend of opinion in this House, I do not think there need be any objection whatever to this modest amendment. With these remarks, Sir, I press the amendment."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, it has been said that the ordinary period of twelve years is being curtailed and therefore it is all the more necessary why the House should accept three instead of one year. But if the ordinary period of limitation is going to apply, I do not at all see why this piece of legislation should have entered this House. I hope hon. Members are aware that this is merely application of article 14 in the schedule to the Law of Limitation. In the article a period of one year only has been prescribed against all orders passed by a Government officer. There was some doubt expressed by the Madras High Court in a decision, passed in 1915, as to whether the decision of a survey officer could be construed as an order when an individual failed to appear and contest the survey made by him. I have already pointed out in my opening speech on this Bill that the Select Committee, which sat on the Bill of 1897, which is now law, definitely made a statement that they had so framed that Bill as to include within its purview all the cases of surveys, whether contested or non-contested. That view of the Select Committee prevailed until it was disturbed by the judicial pronouncement of the Madras High Court in 1915. The intention of the present Act, therefore, is found there; and it was stated by the then Select Committee that the intention of the present Act was that the period of one year for the purpose of contesting the decision of a survey officer, whether it was passed in a contested case or a non-contested case, should be made equally applicable. This was the impression under which we and the parties as well continued till the year 1915. But after the decision of the Madras High Court—of course we have to bow down to the decision of the High Court—we merely made an attempt to explain our position better in keeping with the intentions of the existing Act and the expressed intentions of the Select Committee that sat on the Bill of 1897. It is nothing new we have sought to introduce in the present Bill, and there is no anomaly that we wish to introduce. We do not wish to curb or curtail the powers of the ordinary individual or

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Clause 14—cont.

to withdraw the liberties of the public as has been pointed out. We merely wish to translate in clearer language the intentions of the existing legislation, intentions which have been forcibly expressed by the then Select Committee. There was therefore no reason for us to have allowed a longer period than one year in the present Bill. For, if I may repeat, we were not disturbing the rights of individuals which existed under the old Act, and we were not withdrawing at all any liberties which they possessed. We merely wanted to make legislation clearer so as to avoid the doubts expressed by the Madras High Court as to whether the intentions of the Select Committee could be said to have been fulfilled by the phraseology employed in the section. We have simply made the phraseology clearer. We never, at any moment, had the slightest intention of throwing outside the pale of this legislation individuals who have not contested the action of the survey officer. We have all along included them, and we have said so expressly. When we passed the legislation of 1897 we acted on that impression and it was only in 1915 that we were told that the phraseology of the enactment did not clearly convey that meaning, and we are now trying to make it clearer. There is therefore no reason to give a longer period than one year. When it is conceded that we are not at all disturbing the existing Act, I hardly see any justification for extending the period. If once we accept to extend the period, I do not know where we shall stop. We do not know if three years are going to be regarded as sufficient. From the standpoint of one hon. Member the period should be twelve years; it should be six years from the standpoint of another; and I hardly see where we can stop. What is the justification for doing so? I heard hardly any arguments for such justification except that we are trying to bring decisions under clause 9 also under clause 14 of the Bill.

“I have been warned already by my hon. friend opposite, Mr. Ramachandra Rao, that I should not at all allow the question of expenditure to interfere with the execution of the various processes under this Bill; ‘no matter what the expenditure may be, however prohibitive it may be, let all facilities be given to the landholders under the purview of this Bill.’ Well, Sir, I am quite willing. . . .”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—“May I say a word, Sir, by way of personal explanation? My objection was against trotting out ‘retrenchment’ on every occasion that reasonable proposals, such as this, are made. I never said that retrenchment should not be carried, nor did I say that reasonable expenses should not be incurred by the ryot. What I submitted was that the hon. the Revenue Member should not use the argument of retrenchment in legislation and in such reasonable proposals as affect the rights of the property and will go into permanent records.”

The hon. the PRESIDENT:—“So far as I can remember, the hon. Member objected to the very word ‘retrenchment’. He did not want to hear that word any further.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“Very well, Sir. As you remarked I have not used the word ‘retrenchment’ at all in connexion with clause 14. I shall merely say that to keep the door of litigation open for a much longer period than is permissible in this Bill would be very vexatious from the standpoint of

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Clause 14—cont.

the opposite party. The survey officer goes and decides the boundaries between two private individuals. Now if A, who is going to contest the legality of the order of the survey officer, is to be given the liberty to keep absolutely quiet for three years, his neighbour will all the time be in fear that any day within these three years there may be a suit filed by A contesting the correctness of the boundary that has been laid down. So in the interest of everybody concerned, no matter what the expenditure, it is absolutely essential that a decision on the correctness of the survey boundary had better be obtained as soon as possible. I have already stated, Sir, that I regard three years as too long a period, and I still hold that opinion. Let me not be understood as in any way trying to take away the liberties of the public or trying to thwart people from asserting their rights. On the other hand, I am as eager as any hon. Member of this House to try and help everybody as much as I possibly can, and in view of that fact, I think I can have no objection, if the House is so minded, if the period is raised from one year to three years.”

A poll was then taken with the following result:—

Ayes.

- | | |
|---|--|
| 1. Mr. K. Adinarayana Reddi. | 27. Mr. P. Siva Rao. |
| 2. S. R. Y. Ankineedu Prasad Bahadur. | 28. „ C. V. Venkataramana Ayyangar. |
| 3. Mr. M. Appalarasayya Nayudu. | 29. Diwan Bahadur Sir T. Desika Achariyar. |
| 4. „ R. Appaswami Nayudu. | 30. Rao Bahadur C. V. S. Narasimha Raju. |
| 5. Rao Bahadur P. C. Ethirajulu Nayudu. | 31. „ Dr. C. B. Rama Rao. |
| 6. Mr. W. Vijayaraghava Mudaliyar. | 32. Mr. A. Ranganatha Mudaliyar. |
| 7. Rao Bahadur K. Gopalakrishnayya. | 33. Sriman Sasibhushan Rath Mahasayo. |
| 8. Mr. B. Muniswami Nayudu. | 34. Diwan Bahadur D. Seahagiri Rao Pantulu. |
| 9. „ J. Kuppuswami. | 35. Mr. T. Sivasankaram Pillai. |
| 10. „ A. T. Muttakumaraswami Chettiyar. | 36. „ R. Srinivasa Ayyangar. |
| 11. „ M. Narayanaswami Reddi. | 37. „ M. Suryanarayana Pantulu. |
| 12. „ V. P. Pakkiriswami Pillai. | 38. „ S. Arpudaswami Udayar. |
| 13. „ C. Ponnuswami Nayudu. | 39. The Raja of Ramnad. |
| 14. „ P. T. Rajan. | 40. Sri Meka V. Apparao Bahadur. |
| 15. Rao Bahadur A. Ramayya Punja. | 41. Mr. K. Prabhakaran Tampan. |
| 16. Mr. K. Sarabha Reddi. | 42. Hamid Sultan Marakkayar Sahib Bahadur. |
| 17. „ T. Somaundara Mudaliyar. | 43. Mr. Saiyid Ibrahim Ravuttar. |
| 18. Diwan Bahadur K. Suryanarayanamurti Nayudu. | 44. Ahmad Miran Sahib Bahadur. |
| 19. Mr. A. Tangavelu Nayagar. | 45. Muhammad Abdur Rahim Khan Sahib Bahadur. |
| 20. „ C. Venkata Ranga Reddi. | 46. Khan Sahib Munehi Muhammad Abdur Rahman Sahib. |
| 21. „ P. Venkatasubba Rao. | 47. Saiyid Diwan Abdul-Razaak Sahib Bahadur. |
| 22. Diwan Bahadur P. Kesava Pillai. | 48. Khan Bahadur Muhammad Uman Sahib Bahadur. |
| 23. „ M. Ramachandra Rao Pantulu. | 49. Mr. G. Vandanam. |
| 24. „ L. A. Govindaraghava Ayyar. | |
| 25. „ M. Krishnan Nayar. | |
| 26. Rao Bahadur A. S. Krishna Rao Pantulu. | |

Noes.

- | | |
|--|---|
| 1. The hon. Sir Charles Toddhunter. | 6. Mr. E. F. Thomas. |
| 2. „ Khan Bahadur Sir Muhammad Habib-ul-lah Sahib Bahadur. | 7. „ T. C. Tangavelu Pillai. |
| 3. „ Mr. K. Srinivasa Ayyangar. | 8. „ A. Ramaswami Mudaliyar. |
| 4. „ the Raja of Panagal. | 9. Diwan Bahadur T. N. Sivagnanam Pillai. |
| 5. Mr. F. J. Richards. | 10. Mr. S. Somaundaram Pillai. |
| | 11. Rev. W. Meston. |

The amendment was carried, 49 voting for and 11 against it.

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Clause 14—cont.

The following amendments were not then moved :—

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

34. For the words ' one year ' in line 6, substitute the words ' six years '.

Mr. M. SURYANARAYANA :—

35. For the words ' notification under section 13 ' substitute the words ' service of notice under section 10 or 11 '.

Mr. M. SURYANARAYANA :—

36. (i) Number the first paragraph as sub-clause (1) and the second paragraph as sub-clause (2).

New sub-clause.

(ii) Add the following as sub-clause (3) :—

' Subject to the final result of such suit, the record of the survey shall be conclusive as between the parties to the dispute under section 10 or 11 above, and those claiming under or through them '.

Mr. K. PRABHAKARAN TAMPAN :—

37. Add the following as a proviso :—

' Provided that nothing contained in sections 13 and 14 shall preclude the operation of sections 6 and 9 of Act III of 1896, Malabar Land Registration Act.'

Clause 14, as amended, was then put, passed and added to the Bill.

Clause 15.

Rai Bahadur T. M. Narasimhaachari, against whose name the first amendment under this clause stood, not being in his place when called out by the President, Mr. P. Siva Rao sought the permission of the House to move the amendment, which was accordingly given.

Mr. P. SIVA RAO :—" Sir, the amendment I move is this :

38. After the word ' holder ' in line 20, insert the words ' owner or occupier '

" The present clause reads thus :

Subject to such conditions as may be prescribed in this behalf, every registered holder of Government land shall be bound to maintain, renew and repair . . .

" and so on. The proposed amendment seeks to insert the words ' owner or occupier ' before the words ' registered holder ', and so with this amendment the clause will read thus :

Subject to such conditions as may be prescribed in this behalf, every registered holder, owner or occupier of Government land shall be bound to maintain, renew and repair . . . etc.

" According to the existing clause in the Bill, the liability is on the registered holder and he alone will be bound to maintain, renew or repair the survey marks. Then, it may be that the registered holder of a Government land may happen to be somebody who does not own the land. It may be said that the registered holder is a person in whose name the land is registered. But such a man may have ceased to be the real owner of the land long ago. As a matter of fact, in such a case it is the present owner

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Clause 15—cont.

that ought to be made really liable for the maintenance, repairs and renewal of the survey marks. The registered holder may have died long ago. But yet, this section declares that the registered holder alone is responsible for this liability. I do not object to the registered holder being made liable; but the difficulty arises when the registered holder ceases to be the real owner of the land. Unless this clause declares also the owner or occupier to be responsible, there will be no way of recovering the charges except from some registered holder. Sir, it may so happen that the registered holder of Government land may be dead. Under such circumstances, the Government may have to look up to the owner or occupier for the collection of these charges under the general law. As the owner or occupier is generally the man who is actually interested in the land, he is really responsible for maintaining, renewing and repairing the survey marks. The amendment proposed is most unexceptionable, and I think it will at once commend itself to the hon. the Revenue Member.

" As I said at the outset, I have no objection to the Government turning to the registered holder; but I want the owner also to be added just as a safeguard against the registered holder ceasing to be the owner, so that the charges which should legitimately fall on the shoulders of the owner may not be collected from one who was once a registered holder but had subsequently ceased to be the owner of the land or is dead."

Mr. O. V. VENKATARAMANA AYYANGAR :—" I second the amendment."

The hon. Sir CHARLES TODHUNTER :—" Sir, I should be glad if the hon. Member would inform the House supposing this amendment is accepted, to which of the three persons, the word ' his ' in line 24 would apply."

Mr. P. SIVA RAO :—" It would apply to the occupier "

The hon. Sir CHARLES TODHUNTER :—" Am I to understand, Sir, that in the event of notice being given to the occupier and no action taken upon it, the cost of the survey may be recovered from the registered holder, although he has had no notice ?"

Mr. P. SIVA RAO :—" It is quite open to the Government to make either the registered holder or the owner responsible for it. I think sufficient provision should be made to safeguard the interests of the registered landholder when he does not happen to be the owner of the land."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, while the hon. mover of this amendment is trying to solve the difficulties of the registered holder, he is placing the Government in a worse difficulty. The hon. Member pointedly mentions that there may be cases in which a registered holder is no more the owner of the land; he may have parted with his land to A, B or C and that A, B or C may not have taken the trouble of intimating to the Government that he has become the purchaser of the land and got his name registered as the holder thereof. If he does not intimate this fact, the name of the original holder continues in the Government records. Instead of asking the vendor or the vendee to intimate to the Government of the transaction between them, this amendment imposes the obligation on the Government not merely to be satisfied with the correctness of their registers, but in each case to start a fresh inquiry as to

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Clause 15—cont.

whether the registered holder whose name is entered in their registers is really the owner of the property. In each case the Government will have to hold separate inquiries and for that purpose they will have to issue notice to the registered holder if he continues to be the owner of the property, to the owner if the ownership has passed to somebody else, and lastly to the occupier if either the registered holder or the real owner cannot be traced. These are the complications involved in the amendment which probably the hon. mover has never anticipated. All that the Government are maintaining is a list of registered holders. We leave it to the private individuals, who by their own individual transactions pass ownership from one to another, to make application in due time to the local authorities requesting that their own names be brought on record in lieu of the original holders. It may be that the names of individuals who are not the real owners find place in the list of registered holders. But it is none of the business of the Government to alter the names. It is the duty of the parties who have brought about the transaction to make application for the alteration of the register. When the names of all these three persons are embodied in the Bill, just consider what will be the position of the officer who issues notices. In respect of every notice, the officer has first of all to determine to whom the notice has to be issued. Should it go to the registered holder, or the owner or the occupier? In each case he has to conduct an independent inquiry and decide the person on whom he has to serve notice. Does the hon. mover of this amendment contemplate the trouble, the expense and the delay that will be involved? Does the hon. mover think that it is the duty of the Government to go from door to door and ascertain what transactions have been carried on between individuals? Why should the Government be asked to undertake this onerous task when the individuals themselves have not chosen to intimate to the Government that some transactions have taken place between themselves whereby the property entered in the Government registers against one name has been transferred to another name? If the Government is to be reduced to that position, I for one can hardly understand how any enactment can be worked successfully."

Mr. B. MUNISWAMI NAYUDU :—" Sir, I have great pleasure in supporting the amendment that is now before the House. I wish to bring to the notice of the Council that in the clause obligation is cast on the registered holder to maintain or repair the survey marks. If for any reason the registered holder is not the owner of the land, and if the cost for the maintenance of survey marks is recovered from the registered holder, provision should be made in the enactment to enable him to sue for contribution from the person who may be the ultimate owner. In the Government registers the name of a registered holder finds a place. If we take for instance a joint Hindu family, the name of the original owner will be entered in the Government registers. Afterwards the property may have been divided and it may have come to the possession of a number of his brothers or co-partners. In such a case, if the Government issues notice to the registered holder and recovers the cost for the maintenance of survey marks from him, he will not be able to sue for contribution of costs from the other owners. It is absolutely necessary that the amendment should be accepted in order to make owners and occupiers also liable. If this is not done the person in whose name the property is registered in the Government records will suffer, because when

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Clause 15—cont.

he calls upon the other owners to contribute their portion, they will say: 'the property stands in your name in the Government registers, you are bound to pay, not we.' In order to obviate this difficulty this amendment is necessary. The object of this amendment is not to impose upon the Government the task of finding out the real owner and then collecting the amount due to it. In passing this clause we should see that a person is not penalized merely because he happens to be one whose name is found in the register maintained by the Government. It is with this object that the amendment is moved. The Government will not be embarrassed in proceeding against the owner or the occupier; it can also proceed against the registered holder if it so pleases and recover the amount from him. If the amendment is accepted, it will be only providing additional security for the person from whom the amount is collected and will pave the way for avoiding litigation for contribution. It is a well known fact that we are all anxious to stop unnecessary litigation. If the Council thinks that merely by reason of being a registered holder, he alone ought not to be made liable though it may be that another man is the real owner of the property, then it is also the duty of the Council to provide some safeguards for the registered holder in order that he may recover the amount he is called on to pay from the person who is ultimately bound to pay. For these reasons I support the amendment now before the House."

Mr. T. SIVASANKARAM PILLAI :—" I wish to bring one point to the notice of the Council. What happens in villages generally is that when a registered holder dies, it takes a very long time for his successors to be brought on the revenue register. The interval is sometimes one year or even two years. There is no obligation on the part of the successor in title to apply to the Government within a fixed time to have the names recorded in the revenue registers. When the survey is made it has to be determined who the actual holder is. When the registered holder is in the other world, I do not know from whom the money has to be recovered. From this aspect of the question, I think the amendment is quite essential."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I think there is no difference of opinion as to the reasonableness of giving a right of recovery from the real person liable in case the money is recovered by the Government from the registered holder when he does not happen to be the real owner. If the present amendment is carried, I do not think it clears the doubt. The real difficulty is for the recovery of money. I think this difficulty will be conveniently solved if we add the words 'from the registered holder, or the owner or the occupier in the prescribed manner' at the end of line 29."

The hon. Mr. K. SRINIVASA AYYANGAR :—" I understand the object of the amendment is to make all of them liable so that there may be no difficulty in levying contribution from the person who is ultimately bound to pay. If that is the object, I beg to suggest a better form of wording. It is this:

After the word 'land' in line 20, insert the words 'as well as the owner or occupier if he is not the registered holder.'

"In this way the obligation will be imposed upon all the persons. So far as the Government is concerned they will be entitled to recover the amount from any one of them, but the joint liability will remain. If the

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Clause 15—cont.

question of contribution arises, then naturally the sum will have to be paid by the person who is ultimately liable to pay and that will be really the owner. If these words are added, I believe, it will be clearer and the object of the mover of the present amendment will be realized.

"In conformity with the above suggestion, a consequential amendment will be necessary later on, viz., with regard to the provision for the recovery of the arrears under the Revenue Recovery Act."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" May I know what the procedure is under the Revenue Recovery Act ? "

The hon. Mr. K. SRINIVASA AYYANGAR :—" Under that procedure it will be recovered from anybody who is liable. If my hon. friend refers to the provisions under the Revenue Recovery Act he will understand it."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" The hon. the Law Member merely says that the arrears will be recovered under the Revenue Recovery Act. He does not say what the provisions under that Act are."

The hon. Mr. K. SRINIVASA AYYANGAR :—" I presume that hon. Members know that there is a procedure under the Revenue Recovery Act for the purpose of recovering arrears of land revenue. That is the provision which is going to be applied here."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I think the hon. the Law Member is bringing considerable heat unnecessarily, quite unnecessarily, into the discussion. "

The hon. Mr. K. SRINIVASA AYYANGAR :—" I am sorry I am not at all bringing any heat. I merely answered my hon. friend opposite when he asked me what the procedure under the Revenue Recovery Act was."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, may I know what the amendment is, who moved it and who seconded it ? "

The DEPUTY PRESIDENT :—" There is only a suggestion from the hon. the Law Member. I think Mr. Siva Rao may have it in writing and see if he can accept it."

The hon. Mr. K. SRINIVASA AYYANGAR :—" Yes, Sir. I merely made a suggestion for the improvement of the language in order to make it clear and to carry out the intentions of the mover of this amendment. If he adopts it, I daresay my hon. colleague will consider it."

Mr. P. SIVA RAO :—" Sir, as one who has moved an amendment, I cannot move another. I have no objection to accept the wording of the hon. the Law Member, if I am allowed to do so."

Rao Bahadur K. GOPALAKRISHNAYYA :—" Sir, I move that the amendment suggested by the hon. the Law Member to the amendment proposed by Mr. Siva Rao be accepted."

The DEPUTY PRESIDENT :—" Will the hon. Member, Mr. Gopalakrishnayya, kindly put it in writing and move it as an amendment ? "

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Mr. A. RANGANATHA MUDALIYAR :—" May I say, Sir, that as the hon. the Law Member has suggested an amendment, it is his function to reduce it to writing and place it before the House, or the hon. the Revenue Member, in consultation with the hon. the Law Member, should put whatever amendment he has before the House. If instead of that between two hon. Members we are to be tossed to and fro, I do not think it is consistent with the dignity of the House. If there is any amendment, they should place it before the House. Now, Sir, we are simply being treated to a scene which is not very edifying."

The hon. Sir CHARLES TODHUNTER :—" I think, Sir, the hon. Member who has just spoken has misunderstood the position. The position, as I understand it, is this. An amendment has been moved which, owing to an unfortunate omission, leaves the clause unintelligible. My hon. colleague is endeavouring to assist the mover of the amendment by substituting another wording which will carry out his intention. This is not tossing the Members to and fro. The Government are endeavouring to assist the hon. Member who moved the amendment. I very much regret that it has been misunderstood."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Mr. President, the position seems to be this: Clause 15 throws the responsibility for the maintenance, renewal and repair of survey marks on the registered holder. This is in regard to ryotwari lands. So far as the registered holder is concerned, we have got accounts. The Government can look to him for land revenue and his liability rests on well recognized principles of land revenue administration in this Presidency."

The DEPUTY PRESIDENT :—" I think the hon. Member is going to accept one of the amendments."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" There is no amendment for acceptance. I am explaining what I feel on the amendment moved by Mr. Siva Rao. I shall examine also the suggestion made by the hon. the Law Member, but I am not prepared to incorporate it in this amendment. I shall point out my difficulties in accepting it. That is the reason why I wish to say at this stage what I feel on this matter."

The hon. Sir CHARLES TODHUNTER :—" Sir, may I know what the attitude of the hon. Member is to the amendment to the amendment? Is he opposing it ? "

The DEPUTY PRESIDENT :—" Will the House permit the hon. Member Mr. Gopalakrishnayya to move his amendment to this amendment of Mr. Siva Rao ? "

Rao Bahadur K. GOPALAKRISHNAYYA :—" Sir, I beg to move the following amendment :—

Instead of the words 'owner or occupier of the land' appearing in the amendment of Mr. Siva Rao, insert the words 'every registered holder of Government land, as well as the owner or the occupier if he is not the registered holder.'

"These words may be inserted."

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Clause 15—cont.

Mr. M. NARAYANASWAMI REDDI:—"I second it."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"There are two amendments before this House, one is that of Mr. Siva Rao and the other that of Mr. Gopalakrishnayya which is a further amendment to that of Mr. Siva Rao. The position is this: We know that, so far as the registered holder is concerned, there is a record as to who the registered holder is in the accounts of each village. His liability for land revenue is well recognized and known and if any person wishes to evade that liability by ceasing to be the owner the remedy is entirely in his own hands. Therefore the question of hardship arising by the owner (registered holder) being made to pay for the survey charges is one which the registered holder himself may remove by effecting the transfer of the holding from the occupier to the owner. Now as regards the word 'occupier' I do not know what my hon. friend means. Assuming that the land is leased for three years and if this survey is conducted during that period it is the object of my hon. friend that we should have only one person to look to. But we are now going to enable the Government to look to three distinct individuals and produce complications by allowing the Government to recover it from the owner or the occupier or the registered holder. I am afraid, Sir, the matter will be distinctly worse in the amendment of Mr. Siva Rao and more so in that of Mr. Gopalakrishnayya. Therefore, as I said, it is true that, in some cases land registry is not effected soon. But it is certainly open to a person who is the owner, not the real owner, to transfer his liability. Under those circumstances, I am afraid, Sir, there is some misconception as regards this matter. I think the best thing is to look only to one person and that person is the registered holder. And if the registered holder is not satisfied with his liability, he has the remedy in his own hands. He can apply for commutation of claims. For these reasons I would request my hon. friends not to complicate matters, but leave the clause as it is."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"I beg to oppose the amendment as well as the amendment to the amendment. My hon. friend Mr. Ramachandra Rao has given some reasons. I wish to supplement them. My submission is that the suggestion which has been made by the hon. the Law Member which has now come as an amendment to the amendment of Mr. Siva Rao is really a reproduction in perhaps somewhat fuller language of what is contained in the original amendment. I think that this amendment to the amendment is as obnoxious as the original amendment. The registered holder must either be the owner or the occupier or, if there is any other person than the registered holder who is the owner or the occupier, he must have become so only, except in cases wherein there is a sale of the property and somebody else has become the owner by an involuntary alienation, with the permission of the owner. In case of an involuntary alienation by execution sale or court sale, it is perfectly competent for the registered holder to insist upon the person, who has become the owner of the property, to be made the holder. In the case of other persons it is only a question of agreement between the holder and the other persons who become the owners or the occupiers. How exactly these charges are to be met and what should be the initial liability of the holder to the Government should be worked out in the terms of the contract that might have been entered into

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Clause 15—cont.

between the holder on the one hand and the owner or the occupier on the other. So that leaving the position as it is under the clause will not work any hardship to any person; if on the other hand you make three persons liable for one act, leaving it to Government to proceed against whomsoever they please, it will mean that it will be left to the sweet will and pleasure of the revenue authorities as to who shall be proceeded against in particular cases.

"And, as a matter of fact, it is not apprehended that there will be any difficulty for the Government to realize what might be due to them, if you leave the original provision as it stands. If it be stated for instance that there is an obligation which is cast upon the owner or the occupier which must be given effect to in clause 15, that again is not in any way provided for especially by this amendment except that you add a burden to the owner and the occupier. My point is this. It is perfectly competent for the registered holder of the land to enter into an agreement with the owner or the occupier as to what he should do, and in other cases, where another person becomes the owner otherwise than by the voluntary act of the holder, it is equally competent for him to have his liability transferred to another's shoulders as soon as he can. Here, as the clause stands as amended, you are simply enlarging the rights of the Government as against the holder, occupier or owner without giving any relief to the holder of the land. And it is capable of being worked so as to produce practical hardship. In these circumstances it appears to me that the amendment and the amendment to the amendment should be negatived. I am told that there would be a consequential amendment to omit the words 'in default of his doing so'. That stands to reason because we do not know to whom 'his' refers. We have also the expressions: 'and recover such costs as an arrear of land revenue'. It is left to the Government to decide from whom they shall recover. They will have nothing to do with the initial responsibilities of the holder, occupier or owner with reference to the repairing of the survey and boundary marks. It may be, as a matter of fact in a particular case, it is the registered holder that is really responsible for the maintenance of the boundary marks, but it is left to the Government to recover it from the occupier. It may be, for instance, that the repair of the survey mark was undertaken on the last day of the term of a lessee; notwithstanding that fact, it is competent, according to this amendment, for the Government to recover the amount from the lessee. I think therefore, Sir, that unless the hardship that is possible of being created by accepting this amendment is sought to be obviated by further rules, the amendment is much worse than the original proposition itself."

Rao Bahadur K. GOPALAKRISHNAYYA:—"My hon. friends, Mr. Govindaraghava Ayyar and Mr. Ramachandra Rao, dealt with the amendment from one point of view, that is, the Government point of view. The Government, they are afraid, would have greater facilities in applying this clause for recovering the amount either from the registered holder or the owner or the occupier when any of these did not happen to be the registered holder. No doubt there may be such a facility for the Government. But we shall have to look at the question from another point of view. We shall have to see whether the occupier, who is not the registered holder

[Mr. K. Gopalakrishnayya] [21st December 1922]

Clause 15—cont.

and who happens to be in possession of the land, is bound by any obligation to keep in order the survey marks. He may, in collusion with the neighbouring landowner, disturb the survey mark. As such it is necessary that either the occupier or the owner who happens to be the immediate purchaser of the land from the registered holder should be under an obligation to keep the survey marks in order. It is with the object of creating such a statutory liability to maintain the survey marks on the occupier and the owner of the land who is not a registered holder that this amendment is brought forward. No doubt there may be greater facilities thrown open to the Government to recover the amount from the occupier or the owner or the registered holder. But certainly it does not stand in the way of providing greater facilities to the registered holders of lands. In that view, the amendment is necessary."

The amendment of Mr. P. Siva Rao, as further amended by Mr. Gopalakrishnayya, was then put and a poll was taken with the following result:—

Ayes.

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|---|--|
| 1. S. R. Y. Ankinedu Prasad Bahadur. | 13. Mr. K. Sarabha Reddi. |
| 2. Mr. M. Appalarasayya Nayudu. | 14. " K. Sitarama Reddi. |
| 3. " R. Appaswami Nayudu. | 15. " P. Siva Rao. |
| 4. Rao Bahadur P. C. Ethirajulu Nayudu. | 16. " S. Muttumanikkachari. |
| 5. " T. Balaji Rao Nayudu. | 17. " T. Sivaseankaram Pillai. |
| 6. Mr. C. Ramalinga Reddi. | 18. Sri Meha V. Apparao Bahadur. |
| 7. " W. Vijayaraghava Mudaliyar. | 19. The Zamindar of Mandam. |
| 8. Rao Bahadur K. Gopalakrishnayya. | 20. Mr. K. Prabhakaran Tampar. |
| 9. Mr. B. Maniswami Nayudu. | 21. " A. P. I. Saivid Ibrahim Kavuttar. |
| 10. " A. T. Muttukumaraswami Chettiyar. | 22. Khan Bahadur Muhammad Usman Sahib Bahadur. |
| 11. " M. Narayanaswami Reddi. | |
| 12. " V. P. Pakkiriswami Pillai. | |

Noes.

- | | |
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| 1. Diwan Bahadur K. Suryanarayana Murthi Nayudu. | 6. Mr. K. Sadasiva Bhat. |
| 2. " M. Ramachandrarao Pantulu. | 6. Diwan Bahadur D. Seshagiri Rao Pantulu. |
| 3. " L. A. Govindaraghava Ayyar. | 7. Mr. S. Arpudaswami Udayar. |
| 4. " M. Krishnan Nayar. | 8. Rai Sahib K. C. M. Mascarenhas. |
| | 9. Khan Bahadur Muhammad Badulla Badsha Sahib Bahadur. |

Neutral.

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| 1. The hon. Sir Charles Todhunter. | 17. Mr. C. Venkata Ranga Reddi. |
| 2. " Khan Bahadur Sir Muhammad Habib-ud-din Sahib Bahadur. | 18. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 3. " Mr. K. Srinivasa Ayyangar. | 19. Mr. C. V. Venkataramana Ayyangar. |
| 4. " the Raja of Panagal. | 20. Rao Bahadur C. V. S. Narasimha Raja. |
| 5. " Rao Bahadur A. P. Patro. | 21. Dr. C. H. Rama Rao. |
| 6. " Mr. A. R. Knapp. | 22. Mr. A. Rangaswatha Mudaliyar. |
| 7. Mr. C. P. Ramaswami Ayyar. | 23. Sriman Swadishushan Rath Mahasaya. |
| 8. " T. C. Tangavelu Pillai. | 24. Mr. R. Srinivasa Ayyangar. |
| 9. " A. Ramaswami Mudaliyar. | 25. " T. C. Srinivasa Ayyangar. |
| 10. " K. Adinarayana Reddi. | 26. " M. Suryanarayana. |
| 11. Rao Sahib S. Ellappa Chettiyar. | 27. " M. Ratnaswami. |
| 12. Diwan Bahadur T. N. Sivagnanam Pillai. | 28. The Raja of Rannad. |
| 13. Mr. S. Somasundaram Pillai. | 29. Rev. W. Weston. |
| 14. Dr. P. Subbarayan. | 30. Khan Sahib Muhammad Atdar Rahim Sahib. |
| 15. Mr. A. Tangavelu Nayar. | 31. Khan Sahib Munshi Muhammad Abdur Rahman Sahib. |
| 16. " V. C. Vellingiri Goundar. | |

The amendment was carried: Ayes 22, noes 9, neutral 31.

At this stage the House rose for lunch.

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Clause 15—cont.

The Council re-assembled after lunch at 2-30 p.m. with the Deputy President in the Chair.

Mr. C. P. RAMASWAMI AYYAR:—"Consequent upon the amendment accepted by the House, this morning, I move that the words of *his doing so* in line 24 be omitted."

The hon. Mr. K. SRINIVASA AYYANGAR:—"I second it."

The amendment was put to the House and carried.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, the amendment which may be fitted into the one proposed by the Advocate-General is that the words of *his doing so* in lines 23 and 24 be omitted and the words *within a prescribed period* be inserted, and that the words *from the registered holder* be added after the words 'such cost' in line 29. My amendment, the House will be aware, is necessitated by the acceptance of the previous amendment moved by Mr. Gopalakrishnayya. According to the Bill originally introduced in this Council, as also that accepted by the Select Committee, the only person from whom this arrear is proposed to be recovered is the registered holder. But it has been made clear that the registered holder may reside at a distance and that the occupant will not probably look after the maintenance of the survey marks. The occupier or the owner has also been brought in along with him. But the amendment that has been passed has the effect of creating a declaration of right regarding the responsibility of the persons who are to maintain the survey marks. It is only the subsequent clauses which have not yet been touched that deal with the liability of the persons to pay the cost of repairs and the manner of recovering them when a contingency arises. While dealing with this, we ought to do nothing which will result in our making the position worse than what it is now. At present the Government are satisfied that they have the recovery of this amount as an arrear of land revenue from the registered landholder. When we say that in default of the survey marks being retained certain contingencies will arise, I think we must prescribe some time-limit. Therefore it is that I propose the insertion of the words 'within a prescribed period'. That appears to be absolutely necessary to carry out our object."

Mr. K. PRABHAKARAN TAMPAN:—"I second the amendment, Sir. There is an amendment similar to this and my hon. friend, Mr. Krishna Rao, has only anticipated me."

Mr. C. P. RAMASWAMI AYYAR:—"Sir, I would only invite the attention of the House to the consequences of our accepting this amendment. I cannot see how this will fit in with the amendment that has been accepted last by this House. It seems to me, Sir, that the first portion of the clause, as read with the amendment carried out this morning, imposes on the owner and the occupier, as well as on the registered holder, the responsibility of maintaining the survey marks, whereas the recovery of the arrear is only from the registered holder."

Diwan Bahadur M. KRISHNAN NAYAR:—"I was also going to say the same thing. The result of this amendment, after the acceptance of the previous amendment, is only to make the whole thing inconsistent. As the clause originally stood there was only one person the Government could look to so far as the liability of this cost was concerned; and it was laid down

[Mr. M. Krishnan Nayar] [21st December 1922]

Clause 15—cont.

as the duty of the registered holder to maintain the survey mark. Now, as a result of the amendment accepted this morning, the liability for maintaining the stones has been cast upon the owner or the occupant, if the registered holder is not the owner or the occupant. The result of the amendment proposed by my friend, Mr. Krishna Rao, will be that the obligation of maintaining the stones will fall on all these three persons, whereas the Government can recover the arrears only from one of them. This position, I submit, with all deference to my friend, Mr. Krishna Rao, is quite inconsistent. Rightly or wrongly, we have accepted the previous amendment and we cannot now go back upon what we have done. Even with reference to that amendment, the House will remember, there was a large number of neutrals, about 31. Therefore, if this Council is to accept the present amendment, it seems to me, Sir, that it will bring credit neither to the persons that drafted it nor to the House that accepts it. Of course, it is not my intention that the Government should have the power of recovering the amount from all the three persons: surely the Government will collect the cost from only one of them; but let them have the power of choosing that one person from among the three upon whom the responsibility of maintaining the stones falls."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, the clause consists of four separate items. The first portion deals with the obligations of the registered holder, or the owner or the occupier. The second portion says that in default of their carrying out their obligations, the Government officers should carry them out. The third portion deals with the apportionment of costs, and the fourth portion with the recovery thereof. Now I consider that each portion has nothing to do with the others. The fourth portion, as I said, deals with recovery of costs, and it clearly lays down that such costs shall be recovered as arrears of land revenue. This means that the costs will be recovered under the provisions of the Revenue Recovery Act. According to the provisions of the Revenue Recovery Act, the person who is liable to pay any dues is only the registered holder and the Government can recover their dues by proceeding against the land. It is nowhere laid down that Government have got a right under the provisions of the Revenue Recovery Act to proceed against the occupier or the owner. Similar difficulties were felt in the working of the Irrigation Cess Act and the High Court has held, in numerous decisions, that the Government have no right to proceed against any other person except the registered holder. In order to rectify this, an amending Bill was introduced specially with regard to the Irrigation Cess Act, and it is now law. Therefore, by merely creating an obligation on the part of the registered holder, the owner or the occupier to maintain the survey stones no provision is incorporated in the Revenue Recovery Act to recover the amount from either the owner or the occupier. As I have already submitted, according to the provisions of the Revenue Recovery Act, Government have got the right only to proceed against the registered holder, and they cannot proceed against any other person. That is the interpretation, if I remember aright, held by the High Court about the working of the Irrigation Cess Act, and, therefore, I do not think any trouble will arise if the remaining portion of the clause is left as it is. Even the clearing up of any doubts is unnecessary."

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Clause 15—cont.

Mr. B. MUNISWAMI NAYUDU:—"Mr. President, I rise to support the amendment. It has been stated that the passing of this amendment will make the latter portion of the clause inconsistent with the former portion. This clause consists of two parts, one imposing an obligation on the registered holder, and the other prescribing the method of procedure by which Government is to recover the cost in case of default by the former in maintaining the survey marks, etc. If the whole had been drafted in two different clauses, I do not think any objection would have been taken; but the fact that the two parts are incorporated in one and the same clause has given rise to all these objections. It has been explained from the very beginning that the object of bringing in the owner or the occupier in addition to the registered holder, who under the Revenue Recovery Act is the only person against whom action can be taken, is to enable the latter to proceed against those persons to recover the cost which he may have been unjustly called upon to pay. In fact that has been the main object in carrying that amendment. Now the question has arisen whether Government can proceed both against the registered holder and also against the owner or occupier and this has to be settled in the clause itself. No doubt Mr. Narasimha Raju said that under the Revenue Recovery Act the Government would not have any right to proceed against the owner or the occupier. At any rate the hon. the Law Member did not give us any definite answer regarding that. But now that differences have arisen, and seeing that we are not agreed as to the interpretation to be put upon the clause, it is better that we err on the side of being more explicit than leave the matter where it is so as to be taken to courts of law at considerable expense. Secondly, the Advocate-General said that it might be that the registered holder could not be traced and that at the same time they could not proceed against the owner or the occupier. If that were one of the contingencies which the Government wanted to provide against, they should have anticipated it long long ago. But I submit, Sir, that with regard to the new amendment, both as regards the first portion and the second portion of it, there does not seem to be really any objection in substance. Then, with regard to the other matter, viz., the amendment relating to 'in default of his doing so within the period,' I submit that this is an essential condition, because there is an amendment, later, from me, and it is only after notice is given that the repairs should be done and cost recovered. If this amendment 'within the prescribed period' is accepted, it will be open later on to fix a certain period within which it should be done and to impose penalties, etc., for default."

"In these circumstances, I strongly support the amendment."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I would only like to point out to my friend, Mr. Muniswami Nayudu, the significance of the words 'apportion the costs'. I take it that these words imply that the Government should apportion the cost of the survey between the three classes of persons mentioned in the preceding portion of this clause. Therefore, logically it will follow and it will be within the meaning of the clause, that, if the Government wish to apportion the cost between the registered holder and the owner and the occupier, it will be competent for them to do so under the clause. But if the amendment of my friend, Mr. Krishna Rao, is accepted, the cost should be recovered only from the registered holder, and that is the inconsistency of the present amendment apart from the merits of the previous

[Mr. M. Ramachandra Rao Pantulu] [21st December 1922]

Clause 15—cont.

amendment. Logically, the purpose with which my friend Mr. Krishna Rao proposes his amendment will be met by the exact wording of clause 15. I suggest, therefore, that my friends, Mr. Krishna Rao, Mr. Muniswami Nayudu and all the other gentlemen who are interested in seeing that the matter is properly settled, may talk it over with my friend, the hon. the Law Member. This clause may stand over till to-morrow, and I suggest that we should go on with the other amendments on the agenda. That will enable this clause to be properly settled and to be brought up to-morrow."

The hon. Mr. K. SRINIVASA AYYANGAR :—"I may say at once, Sir, that the Government had no desire to levy the cost on anybody except the registered holder. But as I understood from the amendment which was previously proposed by my friend, Mr. Siva Rao, it appeared to me that he was anxious that not merely the registered holder, but if the owner or the occupier happened not to be the registered holders, they also should be made liable. I could see no objection to it, so far as the Government is concerned. If, for instance, you now want to restrict the recovery only to the registered holder, then, as has been pointed out by my friend, Mr. Ramachandra Rao, it will certainly lead to inconsistency. If the idea in moving the original amendment was that there should be a right of contribution, or a right of recovery by subrogation from the person who is ultimately bound to pay, the easiest course would have been to propose a small amendment to clause 25. Under clause 25 which governs the survey both in Government land and in proprietary land,

a proprietor or registered holder of any estate or Government land under survey, who incurs any expenses or from whom any expenses are recovered under this Act in respect of such survey, shall . . . acquire a charge, etc.

"The expenses under clause 15 must come in under the expenses of survey, because a survey is finished as soon as we plant the stones. Now that the amendment to clause 15 has been passed, I think it is for the House to consider carefully what exactly they want to give to the Government or what exactly they do not want to give them.

"Again, Sir, I must say that when we are proposing really substantial amendments, and not merely verbal or consequential amendments, there must be some time given, not merely to the other members of the House, but also to the members on this side, or to the member in charge, to consider how the language can be made to tally with the existing clause. In these circumstances, I, personally, see no objection to taking up this clause to-morrow morning, and, in the meantime, a draft may be put in so as to bring it in conformity with the wishes of this House."

The motion to adjourn clause 15 till the next morning was then put and carried.

Clause 16.

Mr. S. ARPUDASWAMI UDAYAR :—"I move

42. After the word 'aware' in line 42, insert the words 'by personal inspection consequent upon the application in writing, or representation in person, by the proprietor or registered holder.'

3 p.m. "My object in moving this amendment is to make the operation of this clause beneficial to the ryots while promoting the objects of village administration. The ryots require protection against their powerful

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Clause 16—cont.

neighbours. Taking advantage of the poverty of some ryots and their lack of influence or a powerful following, their unscrupulous neighbours tamper with the survey stones, and their only recourse is the law courts with all the delays and cost of litigation and, especially in the case of the members of the depressed classes, they dare not take action for fear of being defeated or being molested. My only objection to this clause is that, though it provides a remedy for an evil, it may, at the same time, become an evil by itself. Of the two village officers, the village headman and the karnam, the latter is an important officer being a man with brain and accurate knowledge of the land in the village or villages within his jurisdiction. Very often he is an absentee accountant, who, to satisfy the regulations, owns his house or rents a house in the village and is present there only when his duties require him or when they duly announce the visits of revenue officers. Again, he is a very shrewd man. There is no village which has not two or three parties. He knows very well the party which has means, influence and power on its side and which has also the sympathy, support and at times the active leadership of the village headman. Generally he sides the party favoured by the headman. From this it follows that sometimes he may become aware of the situation and at other times he may act as if he is not aware of it. Sometimes he may have his eyes wide open and at other times he may act as if nothing had taken place. Therefore, the power with which he is armed by this clause may become in the natural course of things a source of trouble to the villagers. We are all aware of the extraordinary powers wielded by these officers who are to the ryots the district magistrate and even His Excellency. What can be done by a karnam cannot be done even by His Excellency the Governor. I think that personal inspection should be insisted upon as one of the duties of the village officer. In order to enable the ryot to take the initiative instead of allowing the matter to be reported by the village officer, I move this amendment. In order to ensure that the karnam will also see that the survey stones are not tampered with I wish, with your permission, to move the amendment in this way,

'when he becomes aware by personal inspection in the usual discharge of his duties or consequent upon the application in writing, or representation in person, by the proprietor or the registered holder.'

Mr. R. SRINIVASA AYYANGAR seconded the amendment.

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"I rise to a point of order. My hon. friend said in the amendment that he proposed,

'if he becomes aware by personal inspection in the ordinary discharge of his duties'

"That is not to be found in the notice of his amendment."

The DEPUTY PRESIDENT :—"He added it with my permission."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I am thankful to the hon. Member who has just spoken for giving me a really grand picture of the great powers, the intelligence and usefulness of the village officials. I am told that the village karnam is regarded in the village as a more important factor in the administration of the province than His Excellency himself, and that is news which I should

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Clause 16—cont.

certainly welcome for I take it as a compliment to the village headman himself that he is regarded as a useful and effective factor in the village organization."

Mr. T. SIVASANKARAM PILLAI:—"He meant to say that the karnam was capable of mischief which even the Governor cannot rectify."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I should have been glad if the hon. Member who spoke himself rose to a point of order. However, be that as it may.

"I may state that the first few words which the hon. Member wishes to add namely,

by personal inspection in the ordinary discharge of his duties or consequent upon the application in writing or representation in person by the proprietor or the registered holder

admits of three main divisions. In the first place, he allows the village officer to make a report more or less under the same conditions as are to be found in clause (b). When we are talking of an official and when we are talking of knowledge which that official is utilizing in the discharge of his duties, we should remember that the knowledge which he has derived has been derived in the discharge of his duties. Therefore, the new words which are proposed to be added are, to my mind, absolutely unnecessary. It is unnecessary to say that when he becomes aware of a particular fact in the discharge of his duties he must make a report. How else he may become aware of the fact I am at a loss to know. The second portion of his amendment is:—

Consequent upon the application in writing.

"Well, Sir, when I have cast a duty under law upon the village official to make a report of what comes to his knowledge as an official in that village, I cannot understand why it should be laid down in the same legislation that he must take great care to report even things which come to his knowledge on the application or report of a party. When the law places a duty upon him of making a report of everything which comes within his official knowledge it is assumed that that official knowledge may be derived either from what he has himself seen or from what another individual has brought to his notice or from other facts which have come to his knowledge. All these things, Sir, are absolutely understood and they may safely be said to be included in the word 'aware' which when translated only means 'aware in the discharge of his official duties'. Thirdly, the mover has put down that an application in writing should be made. Well, I am afraid that he is throwing much of the responsibility on the poor ryot who will probably very often find it impossible to make a written application. Then comes the representation in person by the proprietor or registered holder.

"All these things, I assume, are more or less matters which should be left to the rules which will be framed by Government about the manner in which the village officials should conduct their inspection, how they should make their report and how, before making such report, they should be satisfied with the particular matter which they bring to the notice of the Government. So, I think, it is not at all necessary to burden legislation with the meticulous manner in which a particular official should become aware of a certain

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Clause 16—cont.

fact in the discharge of his duties and teach him how, before making a report, he should make personal inspection, hear representations, receive written applications and so on and so forth. In view of these things I think the clause may be left as it is. It is not fair to regard the village official—seeing that a good deal of credit is given to his intelligence—as not being so intelligent as to find out the ways and means by which he can gain information on any particular matter before he makes any report to his superior officers. If you are going to lay down an order—'in no case except in matters in which applications or representations have been made to him'—the rule will become absolutely unworkable. But if we are going to give power to the village official not merely to rely upon these two methods of report but also use the personal knowledge he gets in the course of discharging his duties, the other two things become absolutely unnecessary. He will then be asked probably to maintain and submit to his superior officer a register in which he will have to note down cases which he himself notices without applications, cases which he inspects after written applications and cases which he inspects after oral applications. It will be making the thing rather difficult and unworkable."

Mr. T. SIVASANKARAM PILLAI:—"Though it is necessary to safeguard against all possible troubles to the ryot, I fear that the amendment that is proposed is unnecessary for two reasons. The first is that it is a matter, if at all it is important, which may be provided for by rules under clause 26. Sub-clause (a) of clause 26 prescribes the different localities, the subdivisions thereof and the description of the survey marks and provides for the maintenance, renewal and repair of such marks. In framing rules to regulate this part of the work of the Survey officer, effect may be given to the suggestion that is implied in this amendment. That is one reason. Reason No. 2 is that the village officer or the village accountant is not supposed to take action directly but only to report the fact to the prescribed officer. Probably rules will be framed requiring the ryot concerned to supply the stones and do the necessary things. In view of these two reasons, I should say that the amendment is unnecessary."

Mr. S. ARPUDASWAMI UDAYAR:—"I am sorry the hon. the Revenue Member has missed the point of my argument. I spoke of the shrewdness of the village officer; at the same time I made special mention of the injurious effect that the village officer could bring about by joining any one of the two or three rival parties in the village. This intelligence and shrewdness and other capabilities are very often diverted into channels not very healthy or desirable for the interests of the ryot. Consequently my only interest in proposing this amendment is to guard against all arbitrary and capricious exercise of powers in this particular case. Mr. Sivasankaram Pillai has just told us that in cases where survey stones are missing a mere report is made.

"From my own personal experience, Sir, I may tell you that, as I happen to be an absentee landlord, several of my survey stones have been removed or destroyed, and for the last three or four months I am trying to have this matter satisfactorily arranged. Thus, there are men who are mischievously inclined and give a lot of trouble to the poor ryot. I, therefore, insist on personal inspection by the village officers. I do not think that the village officers are aware of these things in the

3-15 p.m.

[Mr. S. Arpudaswami Udayar] [21st December 1922]

Clause 16—cont.

ordinary discharge of their duties. That is why I say 'by personal inspection in the ordinary discharge of their duties.' They have to go and examine the place instead of sending reports based on the information they receive from others. But it may be contended, Sir, that the officer will take due notice of the missing stones and in that way justice may be done. Yet it is better if the village headman or accountant makes a personal inspection of the place.

"As regards application in writing, I inserted this, because very often the villagers have to run after village officers and make repeated representations to them. Sometimes these representations are heeded, but often they are disregarded. A great deal of time and effort can be saved if we have such a provision as this, and this will also be a method of inviting the village officer to an important branch of his duty. Further the village officer will not afterwards say that he had no knowledge of the thing, and that no representation had been made to him. Again, I do not entirely insist on a written application. Representation in person may also be made. The hon. the Revenue Member spoke of certain rules which would be framed and said that in those rules provision might be inserted for these things being properly carried out. If he gives me an assurance that in the framing of these rules, everything will be done to safeguard the interests of the ryots, it will satisfy me. I should like to have such an assurance before I withdraw my amendment."

The hon. Khan Bahadur Sir MUHAMMAD HARIB-UL-LAH SAHIB Bahadur:—"I shall read very carefully the speeches that have been made both yesterday and to-day, digest them, and try as far as possible to give effect to the wishes of the House in framing the rules."

The amendment was by leave withdrawn.

The following amendment was not moved, and was therefore deemed to have been withdrawn:—

Mr. K. PRABHAKARAN TAMPAN:—

48. Before the word 'the' in line 45, insert the words 'the registered holder of Government land and to'.

The following amendment was deemed to have been withdrawn, the Member not being in his place:—

Rai Bahadur T. M. NARASIMHACHARLU:—

44. Omit the full stop at the end and add the words 'and to give notice in writing of the same to the registered holder, owner or occupier of the land'.

Clause 16 was put and passed and added to the Bill.

Clause 17.

Sub-clause (b).

The following amendments were not moved and were therefore deemed to have been withdrawn:—

Sri M. V. APPARAO Bahadur:—

45. Omit the words 'for the better or more convenient assessment or levy of irrigation cess'.

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Clause 17—cont.

Mr. K. PRABHAKARAN TAMPAN:—

46. After the word 'cess' at the end of clause 17 (b) (i), insert the words 'or land revenue'.

Proviso.

Sri M. V. APPARAO Bahadur:—

47. For all the words beginning with 'unless the' in line 19 substitute the words 'unless the Local Government sees reason to direct the continuance of survey at its own expense'.

Clause 17 was put and passed and added to the Bill.

Clause 18.

The following amendment was deemed to have been withdrawn, the Member not being in his place:—

Mr. K. PRABHAKARAN TAMPAN:—

48. Add the following as a proviso:—

'Provided that nothing contained in sections 13 and 14 shall preclude the operation of sections 6 and 19 of Act III of 1896, Malabar Land Registration Act.'

Clause 18 was put and passed and added to the Bill.

Clause 19.

S. R. Y. ANKINEDU PRASAD Bahadur:—"Mr. President, Sir, I beg to move the amendment standing in my name which runs as follows:—

49. For clause 19 substitute the following:—

'19. All costs incurred by the Local Government on account of a survey directed under clause (a) of section 17 shall be recoverable from the persons who have any interest in the estate, portion of estate or boundary of which the survey has been ordered as an arrear of land revenue; provided that the cost of a survey directed under clause (b) (i) and (ii) of section 17 shall be borne by the Local Government unless otherwise prescribed by any law for the time being in force.'

"The object of my amendment is only to retain the provisions under sections 17 and 19 of the existing Act. Section 17 of the existing Act gives power to the Government to direct the survey of an estate in two ways. First, the proprietor himself may apply for the survey of the estate. Secondly, even without the application of the proprietor, the Government may themselves direct the survey of an estate for reasons specified by them. Under section 19 of the existing Act, in the former case, the Government may recover the expense of the survey from the proprietor concerned and in the latter case the Government have to bear the expense of the survey. Now, under the proposed Bill, a new clause, 17 (b), has been introduced which runs as follows:—

Without such application whenever in the opinion of the Local Government such survey is necessary (i) for the better or more convenient assessment or levy or irrigation cess, (ii) for any other reason to be recorded prior to the issue of such notification.

[S. R. Y. Ankineedu Prasad Bahadur] [21st December 1922]

Clause 19—cont.

“ Clause 19 of the present Bill says :

All costs incurred by the Local Government on account of a survey directed under clause (a) of section 17 and such portion of the cost of the survey under clause (b) (i) of the section as the Local Government may prescribe shall be apportioned in the prescribed manner among the persons who have any interest in the estate, portion of estate or boundary of which the survey has been ordered and shall be recoverable from such persons in every case as an arrear of land revenue. The cost of a survey directed under clause (b) (ii) of section 17 shall be borne by the Local Government unless otherwise prescribed by any law for the time being in force.

“ It will be seen from these provisions in the present Bill that if the survey is to be conducted for the purpose of levying an irrigation cess, the cost of the survey is to be borne by the proprietor and not by the Government. This is quite an innovation which has been introduced in this Bill.

“ Now, the reasons that are urged by the hon. the Revenue Member for introducing these provisions in the Bill as set forth in the Statement of Objects and Reasons appended to the Bill are these: that by making a survey, the proprietor as well as the Government will be benefited alike, and that the survey in Government villages has been completed and the survey in zamindari villages is yet to take place. As regards the benefits to be derived by the proprietor, I do not see how any proprietor is to derive any benefit if the survey is to be conducted for the levying of irrigation cess. By introducing irrigation, it is only the Government and the ryots that are benefited. The Government is benefited because it realises Rs. 5 per acre by levying the irrigation cess; and the ryot is benefited because the fertility of his land is increased. On the other hand, under the provisions of the Madras Estates Land Act, the proprietor cannot enhance the rate of kist that is paid to him by the ryot even though the land is benefited by irrigation sources, unless the proprietor supplies water from his own sources. In these circumstances, I do not see how any proprietor can be benefited by the survey conducted for the purpose of levying irrigation cess. The introduction of this provision in this Bill is not at all necessary for the settlement of disputes between the proprietor and his tenants; for, under chapter 11 of the Madras Estates Land Act, the proprietor or the ryots may apply to the Government for conducting a survey, or the Government themselves may direct the conduct of a survey if any agrarian disputes arise between the proprietor and the ryots, and the cost will be borne by the persons concerned. So far as the agrarian disputes and the assessments are concerned, there is no necessity for introducing these provisions at all.

“ Then, it is said that the survey of Government villages has been completed and the survey of the zamindari villages is to be undertaken. According to my information, the cost of the Survey Department is now over six lakhs of rupees and if it has no work to do, the Government may as well abandon this costly department and have only such establishment as is necessary for their purpose. Further the cost of survey now is very prohibitive. According to the pre-war rates, the cost of surveying each square mile came to Rs. 1,000, but, now, as the cost of the establishment has considerably increased, the cost of survey per square mile has also considerably increased.

“ Most of the small estates will collapse if they are made to pay the expenses of survey by which only the Government or, at most, the ryots, will be benefited. If this provision is passed by the Council, it will create great hardship to the zamindars and will be levying a sort of

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Clause 19—cont.

unfair impost on them. It will be uncharitable on the part of the Government to burden them with this tax for the survey which will only benefit the Government. With these few words, I beg to move this amendment for the kind consideration of this Council.”

Mr. R. APPASWAMI NAYUDU:—“ Sir, I beg to second the motion. In doing so, I should like to point out some irregularities in clause 19. Clause 19, so far as 17 (a) is concerned, runs thus: ‘ All costs incurred by the Local Government on account of a survey directed under clause (a) of section 17 shall be apportioned, in the prescribed manner, among the persons who have any interest in the estate, etc.’

“ I do not see wherein lies the cause for apportionment in a case where each man has to bear his own cost. I find no justification for a man who is interested in the survey of a boundary to pay any cost to the proprietor any more than a proprietor can claim his cost from the man who is interested in the survey of a boundary. The interest of each man is quite distinct and separate and not in the least identical. On the other hand, if there are two proprietors or more concerned in the survey of an estate, or if there are two or more ryots who are interested in the survey of an estate, and who, in conjunction with the proprietor, require the survey, or in the case of a boundary, if more persons than one are interested, then I can understand the apportionments of costs among such men. The apportionment under clause 17 (a), as it is, is not justifiable. The relative position of individuals, sought to be created under this clause, seems to me quite anomalous. So the words ‘ shall be apportioned ’ should be deleted. With regard to section 17 (b) (i), it is clearly stated that ‘ such portion of the cost of survey shall be apportioned in the prescribed manner among the persons who have any interest in the estate.’ Sir, the interested party in the case is the Government. Neither the proprietor nor the ryot shares in the profit of the Government. On the other hand, the proprietor or the ryot will be the losers, and to make the losers bear the cost of the survey will, in my opinion, be unjustifiable. Since the interested party is the Government, they should bear the cost. So, clause 19 as amended by the hon. the mover, so far as 17 (a) and (b) are concerned, should be accepted. With these observations, I second the amendment.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“ Sir, I am very glad that our zamindar friends who have proposed and seconded the amendment, accept at least the provisions relating to the recovery of expenses under clause 17 (a). That ground being cleared, the only issue between the Government and the zamindar members of this House will be the proposed recovery under sub-clause (b) (i) and (ii). Even as regards (ii), it may at once be stated that according to the provisions contained in clause 19, the cost of a survey undertaken under (b) (ii) will be borne by the Local Government unless otherwise prescribed by any law for the time being in force. Then the only difference between us will be as regards the justification for the insertion of a provision in clause (b) (i). It is true that in this case there is no application from the proprietor. It is equally true that the Government derive some benefit from the survey, the nature of such benefits being specifically mentioned in the body of the clause itself. I am surprised to be told that, as the result of such a survey, the proprietors get no benefit whatsoever. The survey, as we all know, will at once

[S. R. Y. Ankineḍu Prasad Bahadur] [21st December 1922]

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Clause 19—cont.

Sri M. V. APPARAO Bahadur:—"Sir, I thank the hon. the Revenue Member for enumerating some of the benefits that will be, I may say, imposed upon us by this survey. It is really very good of him, but we do not want to take advantage of these benefits; we do not like to take the part of the unwilling bridegroom in a marriage (laughter). For myself, I do not think that there will be any benefits accruing to us. But even supposing that there are some benefits, I do not see why these benefits should be imposed upon us. After all, what are these benefits? As has been explained by the hon. the Revenue Member, one is that the zamindars may get some benefit at some future time or other from the survey and settlement records. Well, for the matter of that, any third party may get the benefit from these survey records, or have recourse to them.

"Then, Sir, Government have already surveyed the wet land in some of the estates in the delta districts of Godavari and Kistna. Supposing a resurvey is ordered, I do not see what benefit these estates will derive from the resurvey. I may submit, in supporting the amendment proposed by my hon. friend, Sri Raja Ankineedu Prasad Bahadur, that we, zamindars, strongly protest against these surveys being imposed upon us."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, Sir, the hon. the Revenue Member was pleased to observe that there was no substantial difference between him and the mover of this amendment as far as the provisions of clauses 17 (a) and 17 (b) (2) were concerned, and that the difference between him and the mover was regarding the recovery of cost when survey was made under section 17 (b) (1). He said that when a survey was made the zamindar also would be benefited. He mentioned that the zamindar would, first, have the satisfaction of having an accurate register of occupied land, secondly, he would know how the level of assessment stood in each zamindari, and, thirdly, he would know what chances there were for enhancing the assessment. Of course, the level of assessment and the enhancement of it are closely connected with one another, and we may take them together for all practical purposes. But I am afraid, in his enthusiasm, the hon. the Revenue Member forgot the provisions of the Estates Land Act. The limitations put upon the zamindar, under that Act, on the enhancement are very great and the chances are very problematical. Of course, if the zamindar feels that there is any such chance, he is the better judge of the circumstances and will certainly apply, under section 17 (a), to the Government, and will not like to take advantage of another survey made under the provisions of clause (b) (1). The real intention and the real purpose are mentioned in the clause itself. At the end of the clause we find that the survey is to be made for the better or more convenient assessment or levy of irrigation cess. Now we have to see who is benefited. As far as the levy of irrigation cess is concerned, not a single pie out of it goes into the pockets of the zamindar. The whole of it is levied in the interests of the provincial revenue. And when provincial revenue is benefited, it stands to reason that the whole cost of it must be borne from the provincial revenues. Then he advanced another argument that if the survey was, after all, at the expense of the State and subsequently, the zamindar wanted to have his estate surveyed, he would have the advantage of this survey unpaid for. I may tell the hon. the Revenue Member that when a subsequent survey is to be made, an application will be made to him,

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Clause 19—cont.

and on that application he can dictate his own terms to the zamindar and tell him: 'Here is a case in which we have to incur expenditure from the provincial revenues in resurveying a portion of the estate. If you pay the cost, we shall undertake the survey.' This is a matter more or less between the zamindar and the Government. It is like any transaction in which each party can examine and consult his own interests and enter into it. Therefore, I do not think that the argument that the zamindar will be benefited subsequently will stand any test. It has been further said that there is already provision in clause 19, as it stands, for apportioning the cost between the zamindar and the Government. If I understood the hon. Member aright, that was the argument he advanced, when he said that rules would be prescribed and the cost apportioned according to those rules, and when he said that we should not expect the Government to be so unreasonable as to recover the whole cost and that the provincial revenues would bear a proportion of it. But if we examine closely the wording of the clause, there is nothing in it to indicate that the cost will be borne between the zamindar and the Government when a survey is made under the provisions of sub-clause (b) (i)."

At this stage the House adjourned to meet again at 11 a.m. the next day (Friday, the 22nd December 1922).

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

APPENDIX D.

[Vide page 1108 supra.]

MADRAS LEGISLATIVE COUNCIL.

STUDY OF PARLIAMENTARY PROCEDURE BY THE SECRETARY,
LEGISLATIVE COUNCIL.

Letter from M.R.Ry. Diwan Bahadur L. D. SWAMIKANNU PILLAI Avargal, i.s.o., Secretary, Madras Legislative Council, to the Secretary to Government, Law (Legislative) Department, dated the 21st August 1922, No. 1669-1-L.C.

I have the honour to state that in pursuance of the orders of Government placing me on deputation in Europe for the purpose of studying parliamentary procedure, I sailed from Colombo on 8th April 1922 by the steamship *Andre Lebon* (Messageries Maritimes), arrived in London on 26th of the same month and, after getting introduced to the Clerk of the House of Commons and to the Speaker and his Secretary, began to attend the House of Commons from the 1st of May; and I continued to do so, generally on four days of the week, Monday, Tuesday, Wednesday and Thursday, and sometimes also on Friday, which is a short day in Parliament. I attended the House of Commons for the last time on the 7th July 1922 on

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which day the President of the Madras Legislative Council, the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar, was also with me, he having arrived in London on the 29th of June. Under the instructions of the President I did not attend the House again after 7th July and was permitted by him to leave England in time for the boat sailing from Marseilles on the 28th of July. While I was preparing to leave England in the week following Saturday 8th July, I received from the Lord Chamberlain Their Majesties' gracious command to attend a garden party at Buckingham Palace on the 21st July. I obeyed this command, left London on 22nd July and Marseilles on the 28th by the steamship *Angkor* (Messageries Maritimes) and returned to Colombo on Monday the 14th August and to Madras on the 16th idem, taking charge the same day afternoon. As soon as the President arrives, which should be in the first week of September, I hope to submit a report of the work done by me during the period of my special duty.

Report.

In accordance with G.O. No. 23, Law (Legislative), dated 27th January 1922, placing me on deputation in Europe from April to July 1922, during the recess of the Council, to study the procedure of the House of Commons, I handed over charge of the office of the Secretary, Madras Legislative Council, to M.R.Ry. C. Satagopa Achariyar on the afternoon of 31st March 1922 and embarked at Colombo on board the steamship *Andre Lebon* (Messageries Maritimes) on the 8th April 1922. I reached Marseilles on the 24th April and London on the 26th. As soon as practicable after I had settled down in London, I called on the Under Secretary of State for India (the Right Hon'ble the Earl of Winterton), who introduced me to Lieut.-Col. Verney, Secretary to the Speaker, and to Mr. (now Sir) Lonsdale Webster, Clerk of the House of Commons. Through the courtesy of the Speaker, the Right Hon'ble J. H. Whitley I was permitted to attend the gallery of the House of Commons practically on every day on which the House sat (except Fridays) from 1st May 1922 to 7th July 1922. Between the 22nd May and the 12th June I did not attend the House of Commons because on the 23rd May I was asked by the Hon'ble the President, who had just landed in France to meet him at Marseilles, and then at Royat, to report progress. As the Whitsuntide recess of the House of Commons was to commence at the end of May and to last till the 12th June, the Hon'ble the President permitted me, after my business with him at Royat was over, to travel on the Continent and to resume my attendance at the House of Commons on the reopening day, Monday 12th June, which I accordingly did. The Hon'ble the

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President himself arrived in London on the 27th June, and between that date and the 7th of July I attended the House of Commons several times along with him, and on two of these occasions we had also private interviews with the Speaker at his official residence.

2. On the first day of my attendance at the House of Commons, i.e., on 1st May 1922, I received a ticket from Lieut.-Col. Verney admitting me under the Speaker's orders to what is called the ordinary members' gallery which is the most crowded gallery in the House. I believe Mr. Speaker purposely gave me this opportunity of becoming acquainted with the rules and practice as to the admission of visitors to the ordinary gallery, because on all subsequent days I was accorded, through his kindness, the privilege of a seat in the Distinguished Strangers' gallery, where, I may add, I was often the sole occupant. I naturally resolved to take full advantage of so exceptional a privilege and I usually was in my place in the gallery from 10 minutes to 3 p.m. when the Speaker took the chair till 11 p.m., which is the ordinary hour at which all controversial business in the House of Commons is adjourned for the day. The House usually continues to sit for half an hour longer than 11 p.m. for non-contentious business; and on one or two occasions the Government obtained the leave of the House, in accordance with the Standing Orders, to prolong the sittings beyond midnight in order to expedite the transaction of Government business, and on one such occasion the House rose at 4 a.m.

3. Admission to the ordinary gallery is obtained upon a member's order, but the public may also secure admission by application to the Admission Office at 4-50 p.m. The ordinary members' gallery is capable of accommodating about 60 visitors, but the number applying every day for admission may be anything between 300 and 600. A staff of clerks is maintained for the purpose of regulating the admission of so many visitors; in the first place every visitor takes his or her seat in the Strangers' Entrance Hall (called St. Stephen's Hall, which is lined on both sides with statues of British statesmen) and the first 60 or so are admitted to the gallery after signing their names in a register kept outside the gallery. Whenever there are half a dozen vacancies in the gallery, the fact is telephoned by the clerk in the gallery to the policemen on duty in the waiting room, and out of the number of persons that are waiting, a sufficient number to fill the vacancies is then admitted. I have seen visitors waiting for admission at 10 p.m. and some of them had perhaps been on the waiting list since 3 or 4 p.m. As most visitors are content with a single visit to the House of Commons, the public do not seem to regard this inordinate waiting as an undue sacrifice of time, so long as it affords them an opportunity of witnessing a

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debate in the historic chamber where the process of legislation is actually carried on. No person can secure admission to any gallery, including the Distinguished Strangers' gallery, on the same ticket for a number of days; accordingly Col. Verney used to send to me (and to the Hon'ble the President during the time when he was a visitor to the gallery) four or five tickets for as many days in the week on the Friday preceding each week. I do not think I should have had so much indulgence but for the fact that the Government of Madras had requested the Right Hon'ble the Secretary of State for India and through him the officials of the House of Commons to give me every facility for studying parliamentary procedure.

4. Before dealing with what I was able to witness in regard to the debates actually carried on in the House of Commons, I may state that it was my wish from the beginning to acquaint myself not only with the procedure of the House during its sittings but also with the manner in which the various officials connected with the House of Commons divide among themselves those important duties on the exact fulfilment of which the smooth running of the parliamentary machine very largely depends. In this part of my work I derived every possible help from the frequent interviews I had with the Clerk of the House of Commons, Sir Lonsdale Webster, and the heads of departments under him, namely, (1) the principal clerk of the public bill office, (2) the clerk of the journals, (3) the clerk of the private bill office, (4) the librarian of the House of Commons and (5) chief of all, the editor of the official report of parliamentary debates. The gentleman last referred to, Mr. W. T. Perkins, was particularly kind in furnishing me every day with the printed report of the previous day's proceedings, whereby I was enabled to refresh my memory in regard to points which had escaped my attention while listening to the debates from the gallery. He also gave me full information in regard to the strength of the reporting staff, their duties, turns, salaries, prospects, etc. I am submitting with this report a copy of his memorandum on the subject (page 1 of Enclosure 5).

5. The Clerk of the House of Commons also took me round the various committees which sit upstairs, namely, the Standing Committees A and B (Enclosure 5), to which public bills are referred, and the Select Committees on private bills which take evidence and examine witnesses and hear counsel.

6. The printing of the debates of the House of Commons is done most expeditiously, and copies of the proceedings up to 11 p.m. are not only available to the members between 8 and 9 a.m. the next day, but they may be purchased by the public at any of the offices of His Majesty's Stationery for a shilling. The reporters work by turns as in Madras and they are twelve in number as here, but they

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work in shifts of 20 minutes each up to 8 p.m. and thereafter for 5 minutes each. I believe all the matter for the day's proceedings up to 11 p.m. is delivered to the printer, Mr. Nicholls (whose family I understand have been doing the work for the last 150 years) by 12 midnight. The reports are handed in to the printer without being revised by any one and without being shown to the members for revision of their speeches; but there is a note at the back of each day's official report that before it is included in the regular debates (commonly known as 'Hansard') five days are allowed to members for communicating verbal corrections. I understood that as a matter of fact very few verbal corrections were made or allowed. Owing to the fact that the House sits till at least 11 p.m. every day (except on Fridays), most of the work connected with the printing of the report as well as of the agenda for each day has to be done at night, but of course instalments are also sent to the press during the day as different portions of the matter get ready.

7. Besides the official report, the members also receive every day what is called the 'vote' (page 1 of Enclosure 4) which is an abstract in two or three pages of the proceedings of the previous day. I have appended to this note a copy of the 'vote' for Wednesday, 10th May 1922. The Clerk of the House compiles the 'vote' while he is seated at the table of the House and transmits it in instalments to the press; and the original notes kept by him are carefully bound and kept for reference. From the daily 'vote', which is treated as a proof, is composed the final record of the proceedings of the House called the 'Journal' which is printed at the end of every session. Sir Lonsdale Webster has kindly promised to send me the Journal of the House for each session as it is published. I was told that the 'Journal' and not 'Hansard' is the official record of the proceedings. In Madras also a manuscript journal was kept for many years in the Legislative Council and it used to be compiled from notes made by the Secretary at the meetings of the Council; but some eight years ago the journal was, by leave of the House (vide extract of Council Proceedings, dated 21st November 1914), discontinued since it was considered that the printed proceedings of the House were a sufficient record. I am not sure whether it may not be good to revive the journal and issue it in print every day to members.

8. While attending the debates in the House of Commons, my attention was mainly confined to that portion of the business which in the Standing Orders of the House is called 'public business', namely, Government business, including Government Bills, supply, ways and means, public Bills other than Government Bills, and motions by members, including motions for adjournment of the House on matters of urgent public importance. The private

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business of the House of Commons is very technical and moreover it has hardly any parallel in the legislatures of this country and no object would have been served by my attempting to study its numerous details. It will be seen from any volume of the official reports of the House that the House ordinarily meets, after prayers, at a quarter to 3 p.m. when the Speaker is generally in the chair and that the first few minutes are devoted to unopposed private business. Questions and answers take up from 3 o'clock till 4 p.m., which time is known as the commencement of public business. On Fridays as a rule no oral answers are delivered, but attempts are occasionally made to get the Speaker to alter the rule on this subject which allows only written answers on Fridays. On Fridays the House sits from 11 a.m. to 4 or 5 p.m.

9. I submit with this note a file of the agenda papers (Enclosure 4) of the House of Commons (commonly called 'Orders of the day') for most of the days when I attended the House, from the 3rd May to the 7th July. The questions for oral answers vary in number from day to day, but there were not many days on which they reached 100. Questions to which oral answers are required are starred by the members asking them and generally not more than two days' notice is given to the Minister who has to answer a question; but I must also say that as a very general rule the questions refer to matters within the immediate knowledge of the Minister questioned and a member is not allowed to ask more than eight questions for oral answer. Questions were asked occasionally about individual cases of hardship, but these cases apparently had been already brought to the notice of the Government; at any rate the Ministers did not seem to experience any difficulty in obtaining the necessary particulars before furnishing answers to such questions.

10. Questions in the House of Commons are arranged, not as in Madras in the alphabetical order of the names of the members asking them, but in the order of the subjects dealt with. The outer cover of each day's official report mentions as a rule only three or four heads under which all the questions fall; and it is thus a comparatively easy matter to trace any particular question in the official reports, whereas in Madras questions bearing on the same subject may be asked by five or six different members and may have to be looked up in five or six different parts of the same day's report. It would at the same time be more convenient to the Members of Government and to Ministers if questions in Madras were arranged in the order of the Ministers or Members of Government who have to answer them.

11. The Rules and Standing Orders of the Indian Legislatures on the subject of questions are presumably based on the practice of the House of Commons; but there are differences in practice between the system enforced by the Rules and Standing Orders obtaining in

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this Presidency and that which any one may witness in the House of Commons. For instance the rule that questions may be asked with a view to obtaining information is interpreted in Madras to mean that no questions should be asked containing a suggestion or a request that the Government should adopt a particular line of action. In the House of Commons, however, questions in one of the following forms are repeatedly asked:—

"Can any steps be taken to ensure that all money loans to the Indian Government are spent in English firms?"

"What steps are to be taken in India to repress the dissemination of seditious matter?"

"To ask the Secretary of State for India if he will, when apportioning the orders for locomotives for the Indian State Railways, take into consideration the products of the State Factory at Woolwich";

"To ask the Secretary of State for War whether he will see that all officers who are being compulsorily retired shall be given every possible chance of getting other employment";

"To ask the Secretary of State for War whether he can arrange for return passages to this country for the wives and children of the Second Battalion of Royal Highlanders", etc.

In fact Sir T. E. May himself lays down at page 221 of '*Parliamentary Practice*': "Within these lines an explanation can be sought regarding the intentions of the Government, but not an expression of their opinion upon matters of policy."

12. Another difference in practice between questions in the House of Commons and questions in the Madras Legislature is that considerable freedom is allowed to members in the House of Commons in framing supplemental questions; please see for instance question No. 59 regarding the British Cellulose Company—2nd May 1922, page 1171 of the Official Report (Enclosure 1); where six different members put supplemental questions and finally the Speaker refused to allow the debate to be carried on further.

13. The manner in which questions are taken up for answer in the House of Commons is different from that in use in Madras. The Speaker there calls on each member who has given notice of a question, by name and if the member is in his place he rises and reads out the number of his question thus "question No. 29 as printed on the paper", unless he wishes to change the question, which he is allowed to do, in regard to some matter of detail. This method of calling upon every member to read out the number of his question is adopted apparently to ensure that the member asking a question which is about to be answered is really in his place; if he is not in his place and fails to answer the Speaker's call, the Speaker passes on to the next member whose name is in the list of questions.

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If on the other hand a *Minister* is not in his place at the time when a question is called, and comes into the House later, the question is repeated, and the answer is given after question time, i.e., after a quarter to four. If the Minister who has to answer a question is in his place when it is called, he generally reads out the answer from a manuscript in his hand and then waits for supplemental questions which he proceeds to answer, of course without any assistance from his paper. Unstarred questions, to which oral answers are not required, are answered in writing and the answers are embodied in the official reports. Questions on urgent matters may be asked without notice after question time but always with the leave of the Speaker previously obtained, and then they are answered on the spot by the Minister responsible.

14. On most of the days when I attended the House of Commons the House was in 'Committee of Supply' or was engaged in 'ways and means' or was passing the several clauses of the Finance Bill. Twenty days are allotted every year for the discussion of the budget in Committee of Supply; and on these days the discussion goes on for practically the whole day, except once or twice a week when private business is taken up at 8 p.m. The points discussed in Committee of Supply were generally questions of policy which were raised nominally in connexion with some motion for the reduction of a vote by a trifling amount. The points were generally those agreed upon previously between the Whips of the opposite sides. On other occasions, when a member got up and wanted an opportunity to discuss a particular question, the Minister would say that an opportunity would be given when a particular vote in the budget to which the question was pertinent would come up for discussion. Matters corresponding to those discussed in resolutions of the Madras Legislative Council were brought up in the House of Commons in connexion with some vote or other in the budget and the waste of public time entailed in Madras by members raising an identical debate first in connexion with the budget and afterwards as a resolution was thus avoided.

15. Members speaking on motions, whether in the Committee of Supply or in a regular sitting of the House, are not subjected as a rule to limitations of time; and I noticed that most of the speeches rather exceeded than fell short of half an hour in length. It was very often the case that a single point raised in connexion with a vote was discussed from 4 o'clock in the afternoon till 11 p.m. but the number of speeches made did not perhaps exceed ten or twelve. Of course the Speaker has to exercise his discretion and tact to the fullest measure in giving an opportunity to all parts of the House to express their views upon every question in debate and I very seldom saw a closure applied except at the very end of the day, and

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then it was meant to bring on a division before the House was adjourned.

16. Examples of motions corresponding to what are called 'resolutions' in the Madras Legislative Council will be found at pages 23 to 27 of the agenda for 11th May (Enclosure 4). Very few of these motions, however, were actually taken up; and from time to time the members who had given notice of such motions used to ask for an opportunity and would be told that the Government would endeavour to find an opportunity in some other manner. When there is a chance of motions of this kind being taken up at the time appointed, the members generally ballot for priority of motions; but very often such motions had to give way to private business of a more urgent nature.

17. *Bills*.—The three readings of a Bill in the House of Commons are well known; but the chief point of difference in procedure between our Legislative Councils and the House of Commons is in references to committees. In the House of Commons a large Standing Committee of forty or fifty members takes the place of the 'Select Committee' which in India considers a Bill; while the Select Committee in the House of Commons is generally appointed only when it is necessary to take evidence or examine witnesses. The procedure in the Standing Committee is very much like the procedure in the House of Commons, as will be seen from the sample official report of the Standing Committee (one of the papers in Enclosure 2) which I have put up below. Owing to the fact that Bills are very carefully thrashed out 'upstairs', that is to say, in the Standing Committee, even very long Bills do not appear to take much time to pass through the House of Commons. I witnessed one such instance in regard to the very important and very complicated Law of Property Bill (Enclosure 3), a Bill which was more than 200 pages in length but which after consideration by the Standing Committee was disposed of by the House in the course of two or three sittings. The consideration of a Bill to which numerous amendments have been proposed is further expedited in the House of Commons in modern times by the power vested in the Speaker or Chairman to select the order in which the amendments are to be taken up for discussion.

18. In addition to the ordinary business of the House I had opportunities of witnessing certain ceremonies of historical interest, e.g., the summoning of the House by Black Rod, the procession of the Speaker to the House of Lords to receive the Royal assent to certain Bills, the ceremony of the swearing in of new members, the ceremony of a private member introducing a Bill, the familiar ceremony which is observed whenever the House divides upon a question, etc.

NOTE.—The enclosures to the report are not printed and can be had for reference from the office of the Secretary, Legislative Council.

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Friday, the 22nd December 1922, the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR 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.]

Repairs of tanks under minor irrigation.

638 Q.—Mr. A. M. AHMAD MIRAN SAHIB : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that a contribution from the ryots of the Tinnevely district for the repairs of tanks under minor irrigation are collected while such a system does not exist in any other district of the Presidency; and

(b) what the reasons are for the adoption of the system in the Tinnevely district?

A.—(a) & (b) No contributions are now being demanded, but where the ryots wish priority given to a particular work which would not otherwise be executed, they are allowed to secure it by a contribution subject to its payment before a given date.

The Five Falls road near Courtalam.

639 Q.—Mr. R. APPASWAMI NAYUDU : Will the hon. the Home Member be pleased to state—

(a) whether the Government have received any petition, dated 30th July 1921, from one Mr. I. S. Akilandam Pillai, landlord, Elanji, Tenkasi taluk, Tinnevely district, to the effect that the Five Falls road near Courtalam, Tenkasi taluk, Tinnevely district, is in such a deplorable state that the produce raised in the adjacent parts of the wet and dry lands cannot be carted through this road and consequently the cultivators are subjected to serious loss; and

(b) what steps the Government propose to take to redress the grievances of these ryots?

A.—(a) The Government received a petition from Akilandam Pillai and it was transferred to the Chief Conservator of Forests for disposal.

(b) The road was repaired last year at a cost of Rs. 330 and is now reported to be in good condition.

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Asylums for the poor and the disabled in the Presidency.

640 Q.—Mr. S. ARPUDASWAMI UDAYAR: Will the hon. the Law Member be pleased—

- (1) to place on the table a statement showing—
 - (a) the number of asylums in this province for the protection of disabled, neglected poor, with no home or relations,
 - (b) the places where they are situated,
 - (c) those under Government control and
 - (d) those under private management, and
- (2) to state whether Government have any scheme for opening beggar asylums or helping with suitable grants those already opened by private bodies or those which may be opened hereafter either in Madras or in mufassal towns where the need is felt?

A.—(1) The hon. Member is referred to the portion headed 'Charitable Institutions' in Part II of the annual report on the administration of the Madras Presidency. The Government have no further information than what is contained in the report.

(2) No.

Indian orphanages in the Presidency.

641 Q.—Mr. S. ARPUDASWAMI UDAYAR: Will the hon. the Minister for Education be pleased to place on the table a list showing—

- (a) the number of Indian orphanages in this province,
- (b) the places where they are situated,
- (c) those under Government direction,
- (d) those under private management, and
- (e) the amount and nature of the grants, if any, allotted to Indian orphanages under private management?

A.—The Government have no information but will call for it.

Retrenchment in the Public Works department.

642 Q.—Rao Bahadur T. BALAJI RAO NAYUDU: Will the hon. the Minister for Education and Public Works be pleased to state whether the Government are going to make any further retrenchments in the Public Works establishment?

A.—Proposals for further retrenchment are under consideration.

Remission of land revenue and water-tax in the Kistna and Godavari deltas.

643 Q.—Rao Bahadur T. BALAJI RAO NAYUDU: Will the hon. the Member for Revenue be pleased to state whether the Government are aware of the extent of the damage done to crops in the Kistna and Godavari deltas by the storm of 22nd November 1922?

A.—The Government await the Collector's detailed report regarding the extent of the damage.

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Inspection of private factories by the Superintendent of the Kerala soap factory.

644 Q.—Mr. A. D. M. BAVORTI SAHIB: Will the hon. the Minister for Development be pleased to state—

- (1) how many private factories were inspected by the Superintendent of the Kerala soap factory during 1920-21 and 1921-22;
- (2) how many factories had sought advice from the Superintendent during 1920-21 and 1921-22; and
- (3) which were those factories?

A.—(1) Factories inspected by the Superintendent during the 20 year 1920-21.

Factories inspected by the Superintendent during the 1 year 1921-22.

Factories inspected by his Assistants during the year 2 1921-22.

The Superintendent was absent in England on leave from 5th October 1921 to 4th September 1922.

- (2) Soap factories which sought advice during 1920-21 .. 7
- Soap factories which sought advice during 1921-22 .. 7
- Candle factories which sought advice during 1920-21. 1
- Candle factories which sought advice during 1921-22. 1

There were also several inquiries from private individuals and firms for information regarding soap and candle making.

(3) The names of factories inspected by the Superintendent are given below:—

1920-21.

- (1) Kerala Soap Works, Calicut.
- (2) Malabar Soap Factory, Calicut.
- (3) Solar Soap Works, Calicut.
- (4) Messrs. Bhanjee & Co., Calicut.
- (5) K. P. & Sons D. S. P. & Bros., Calicut.
- (6) Purushotham Leelakar, Calicut.
- (7) Nurania Soap Works, Calicut.
- (8) M. Kunhi Velu Soap Factory, Calicut.
- (9) Mamu & Abunhi, Calicut.
- (10) Union Soap Works, Calicut.
- (11) Abdul Lattief, Calicut.
- (12) K. M. Ramaswami Chetti & Bros., Calicut.
- (13) Ramakrishna Soap Factory, Calicut.
- (14) Ben & Co., Calicut.
- (15) Percha Kutti & Sons, Calicut.
- (16) Mr. Gabriel, Cannanore.
- (17) Kanakkil Velu, Cannanore.
- (18) Illath Velappil Chandukutti, Cannanore.
- (19) Parappurath Govindan, Cannanore.
- (20) Kalthottil Ramnni, Cannanore.

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1921-22.

- (1) Anjuman Muffeed Ai-Islam Soap Factory, Cuddapah (inspected by Assistant).
- (2) V. B. M. & Co., Coimbatore (inspected by Assistant).
- (3) Chennamangalam Soap Factory near Parur.

The names of factories which sought advice from the Superintendent in the year 1920-21 are given below :—

Soap Factories.

- (1) Calcutta Soap Works, Limited, Calcutta.
- (2) Mangola Product Trading Company, Bezwada.
- (3) Mangalore Fisheries Mart, Mangalore.
- (4) Crystal Works, Calcutta.
- (5) Joseph & Co., Coimbatore.
- (6) Vittala Soap Factory, Chittoor.
- (7) Sri Venkateswara Soap Factory, Chittoor.

Candle Factory.

Chandrasekara Candle Factory, Nellore.

The names of factories which sought advice from the Superintendent in 1921-22 are furnished below :—

Soap Factories.

- (1) Ameer Soap Works, Trichinopoly.
- (2) Anjuman Muffeed Ai-Islam Soap Factory, Cuddapah.
- (3) V. B. M. & Co., Coimbatore.
- (4) Kamala Soap Factory, Calcutta.
- (5) Mr. Phadk, Bellary.
- (6) R. Appaji & Co., Dindignl.
- (7) Muhammad Azizulla Sahib, Soap Maker, Cuddapah.

Candle Factory.

Candle Factory, Kumbakonam (owned by Mr. A. R. S. Pakiri Pillai).

Advice to other factories from the Superintendent, Kerala soap factory.

645 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Minister for Development be pleased to state—

(1) which were those private factories which asked for advice and to which advice was given by the Superintendent of the Kerala soap factory during 1920-21 in regard to improving their methods of manufacturing soaps and candles; and

(2) how many such factories are there in the Presidency and how many in Malabar?

A.—(1) Advice was given to all factories that asked for it. The names of factories have already been furnished under answer to question No. 644 (3).

(2) No exact information is available.

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Appointments in the subordinate and provincial services of the Fisheries department.

* 646 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Minister for Development be pleased to state the various grades of appointments in the subordinate and provincial services in the Fisheries department together with the scale of pay and qualifications and also the number of Muhammadans holding appointments in the department in the West and East Coast?

A.—The hon. Member is referred to the establishment list of the department and the abstract of the rules relating to Public Service Examinations in the Madras Presidency available in the library which contain information as to the various grades of appointments in the department with their scale of pay and qualifications. The number of Muhammadans holding appointments in the department in the West and East Coast is two and eight, respectively.

Mappilla rebels killed during the rebellion.

647 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Home Member be pleased to state—

(a) why the answer to my question No. 466 (c) (2) at the meeting of the Council held on 14th November 1922 that the number of Mappillas killed in the rebellion was roughly between 1,200 and 1,500 varies from the answer to the question No. 417 (c) put by Mr. C. Ramalinga Reddi at the meeting of the Council held on 13th November 1922 that the number of Mappilla rebels killed was three thousand approximately;

(b) which figure is correct; and

(c) who is responsible for these answers?

A.—The Government regret that an error was made in the answer to question No. 417. The figure 3,000 represented an approximate estimate of all field casualties sustained by the Mappillas including wounded as well as killed.

The answer to question No. 466 may be taken as correct, i.e., the number of Mappillas killed was between 1,200—1,500.

Quarters to Madras Lighthouse-keepers.

648 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Member for Finance be pleased to state—

(1) (a) the total amount of the house-rent allowance to light-keepers drawn from the Coast Light Fund during the years 1917, 1918, 1919, 1920 and 1921;

(b) whether it is a fact that all coast lighthouse-keepers in this Presidency have been provided with quarters and furniture, etc., except the Madras lighthouse-keepers; and

(2) whether it is a fact that the Head of the Presidency Port Authorities was pleased to transfer an experienced head light-keeper named A. Muhammad Ibrahim Lody from Port Light to Coast Light Service as an assistant light-keeper in consideration of his continuous good work in the Port Light Service?

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A.—(1) (a) The amount paid is as follows :—

	Rs.
Official year 1917-18	724
„ 1918-19	831
„ 1919-20	1,117
„ 1920-21	1,338
„ 1921-22	1,594

(b) Yes. Of the light-keepers in Madras only the head light-keeper is provided with free quarters, a house being leased in the near neighbourhood of the lighthouse for that purpose.

(2) The facts are as stated.

Surface drains in Negapatam.

649 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Negapatam Municipal Council have requested the Government in their resolution No. 4, dated 22nd May 1922, to sanction the construction of surface drains in the town and bear the entire cost of the scheme; and

(b) whether it is the intention of the Government to comply with the request of the municipal council?

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

(b) The Government have no such intention.

Adi-Dravida representation in the Negapatam taluk board.

650 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Minister for Local Self-Government be pleased to state why no Adi-Dravidas have been nominated to the Negapatam taluk board in spite of representations made?

A.—No Adi-Dravida was appointed to the Negapatam taluk board because no suitable candidate was available for nomination.

Europeans and Anglo-Indians in the Negapatam municipal council.

651 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government are aware that the Europeans and Anglo-Indians of Negapatam had till recently two members to represent them in the Negapatam municipal council; and

(b) why no Europeans have now been appointed to the Negapatam municipal council?

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

(b) An Anglo-Indian will be nominated to the council.

The new system of port lighting.

652 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Member for Finance be pleased to state, in view of the introduction of the new system of port lighting, what steps Government propose to take to provide employment for the light-keepers whose services are below ten years?

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A.—Officers whose posts have become superfluous will be provided for elsewhere, if possible. If not, they will be given compensation pensions in cases in which they have more than 10 years' service, and gratuities where they have less.

Presidentship of Landing and Shipping Fees Committees.

653 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Member for Finance be pleased to state the reason why deputy collectors and sub-collectors are preferred for the presidentship of the Landing and Shipping Fees Committees, when the Port officers who are in the know of the business proper are available?

A.—The Committees consist largely of merchants and of port officials whose views on questions raised may be widely divergent, and it is considered generally desirable therefore to have as President of the Committee a Revenue Officer who has no direct concern with the questions in issue.

Municipal elections in Negapatam.

654 Q.—Mr. V. P. PAKKIRISWAMI PILLAI: Will the hon. the Minister for Local Self-Government be pleased to state—

(1) the names of the polling officers appointed by the Chairman, Municipal Council, Negapatam, for elections in August 1922;

(2) whether any objections were taken to their appointment, if so, on what grounds;

(3) whether it is a fact that armed police had to patrol the streets on the election day, if so, what necessity there was for such a contingency; and

(4) whether the Government have received any reports from the Collector of Tanjore about irregularities in the election proceedings (especially about the postponement of the election on 8th August 1922 by the Chairman in spite of protest) and if so, whether any action has been taken thereon, and whether the Government will be pleased to lay all the papers on the table?

A.—(1) The following gentlemen were appointed by the Chairman as polling officers for the election held in August 1922 :—

(1) M.R.Ry. S. P. K. Somasundaram Pillai Avargal.

(2) „ E. T. S. Kothandapani Pillai Avargal.

(3) „ A. Solomon Royan Chettiyar.

(4) „ R. S. Srinivasalu Nayudu Garu.

(5) Janab V. Hamid Sultan Marakkayar Sahib Bahadur, M.L.C.

(2) One of the candidates for the election, Shaik Muhammad Malim alias Perianna, presented a petition to the Chairman on 3rd August 1922 objecting to the appointment of any of these gentlemen except M.R.Ry. A. Solomon Royan Chettiyar Avargal, as they were either canvassing for himself or for the rival candidate.

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- (3) The same candidate presented a petition to the Deputy Superintendent of Police, Negapatam, at 10 p.m. on 8th August 1922 stating that his rival candidate Mr. Singaravelu Chettiyar with the help of the Chairman and a party of 200 fishermen of Negapatam were trying to cause a breach of the peace and requested bandobasth. The Circle Inspector found a crowd loitering in the streets in front of Mr. Singaravelu Chettiyar's house. The Circle Inspector, a Sergeant and the sub-inspectors of Negapatam and Nagore patrolled the town with their men armed on the night of the 8th and unarmed on the morning of the 9th August. There was no disturbance.

- (4) The answer to the first part of the question is in the negative. The rest of the question does not arise.

Caste distinction in hostels maintained by Government.

655 Q.—Mr. A. T. PALMER: Will the hon. the Minister for Education be pleased to state whether caste distinction is observed in hostels maintained by the Government?

A.—Different classes of the community have different kitchens and dining rooms assigned to them. Otherwise there is no caste distinction.

Absence of district board presidents from India.

656 Q.—The RAJA OF PANAGAL: Will the hon. the Minister for Local Self-Government be pleased to state why orders have not been passed with reference to the absence of the President of the Kistna District Board while on deputation in England in connexion with the Indian Students' Advisory Committee and whether the Government have declared that he forfeited his appointment by absence outside the local area under the provisions of the new Local Boards Act; whether the Government have declared or propose to declare that Diwan Bahadur M. Ramachandra Rao forfeited his appointment and what the Government propose to do with regard to the absence on deputation to British Guiana of Diwan Bahadur P. Kesava Pillai, who is the President of the District Board, Anantapur?

A.—The Government are advised that M.R.Ry. Diwan Bahadur M. Ramachandra Rao Pantulu Garu ceased to be a member and President of the District Board of Kistna by his absence from the meetings of that Board for more than three consecutive months. M.R.Ry. Diwan Bahadur P. Kesava Pillai Avargal similarly ceased to be a member and President of the Anantapur District Board.

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Has not Mr. Kesava Pillai taken charge of the district board presidentship, Anantapur, immediately after he returned from British Guiana?"

The hon. the RAJA OF PANAGAL:—"There was some doubt as to whether the condonation of his continuance as a member of the District Board, subsequent to his return from British Guiana, was valid. He took charge thinking that the condonation by the District Board was valid."

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Rao Bahadur C. V. S. NARASIMHA RAJU:—"Has he been since gazetted as president of the District Board?"

The hon. the RAJA OF PANAGAL:—"Yes."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"When was it?"

The hon. the RAJA OF PANAGAL:—"It was notified in the last Gazette."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Is the Government going to validate all the acts done by him from the date of his taking charge to the date of his assumption of office under the Gazette notification?"

The hon. the RAJA OF PANAGAL:—"There is a provision in the Act under which the acts done by the president of the board are valid in such cases with retrospective effect."

The RAJA OF RAMNAD:—"May I ask whether he will continue to be president for three years from the date of this nomination?"

The hon. the RAJA OF PANAGAL:—"Yes, from the date of this nomination."

The president of the Ramachandrapuram taluk board.

657 Q.—Diwan Bahadur M. RAMACHANDRA RAO PANTULU: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the taluk board of Ramachandrapuram, Gōdāvari district, was accorded the privilege of electing its own president from among its members by G.O. No. 285, L. & M., dated 12th February 1921;

(b) whether the said taluk board elected one Mr. J. Ramachandra Rao as president, and that the Government in G.O. Mis. No. 1491, dated 1st August 1921, declared the said election invalid on the ground that the revenue divisional officer who was president of the taluk board on 1st April 1921, continued to be the president until the taluk board was reconstituted under rule 9 of Schedule X of the Madras Local Boards Act, 1920;

(c) the date on which the said taluk board was reconstituted under rule 9 of Schedule X of the Madras Local Boards Act, 1920;

(d) whether the president of the district board, Gōdāvari, fixed the 30th of June 1922 as the date for the election of the president of the taluk board of Ramachandrapuram and whether that date was postponed by him to the 29th of July 1922 and again to 29th of August 1922, and the reasons for these postponements; and

(e) the reason for the continued postponement of the election of the president of the taluk board, Ramachandrapuram, which was sanctioned so long ago as 12th February 1921, and when this election is likely to take place?

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

(c) The taluk board was reconstituted on the 5th May 1922.

(d) & (e) The President, District Board, Gōdāvari, fixed the 29th July 1922 as the date for the election of the president of the Ramachandrapuram Taluk Board. At that time the question of amalgamating the Ramachandrapuram and Peddapur Taluk Boards was under the consideration of Government. The President, District Board, Gōdāvari, was therefore asked to postpone the election of the taluk board president pending decision of the question of amalgamation.

[22nd December 1922]

Jail treatment of political offenders.

658 Q.—Mr. C. RAMALINGA REDDI: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the Government of India have recommended some changes in the rules relating to the treatment of political offenders in prison;

(b) if so, the date on which the views of that Government were received in Madras;

(c) whether the Madras Government propose to modify the jail rules accordingly; if so, whether the revision has been undertaken and when it will be completed and brought into force; and

(d) whether the revised rules will be laid on the table of the House?

A.—(a) The Government of India have recommended some changes in the Jail rules in regard to the treatment of prisoners selected for inclusion in a special division. 'Political offenders' as well as others will be eligible for this division.

(b) 28th August 1922.

(c) Yes. Details of the revision are now under consideration and the revised rules will shortly be issued.

(d) Yes, in due course.

Jail labour of political prisoners.

659 Q.—Mr. C. RAMALINGA REDDI: Will the hon. the Home Member be pleased to state what is the total number of political prisoners who have been set ragi-grinding or oil-mill turning as normal forms of jail labour?

A.—The jail classification does not distinguish between political and other prisoners and it has been found difficult to obtain the further information promised during the last month's session. According to reports received from the Superintendents of Jails, out of the prisoners whom by a rough calculation they would describe as 'political' 7 were put to labour at ragi-grinding and 16 at turning the oil-mill.

Committee to revise the scheme of Government technical examinations.

660 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Education be pleased to state—

(1) how often the committee appointed by Government in their Order No. 428, Home (Education), dated 19th March 1921, to revise the scheme of the Government technical examinations met after its appointment;

(2) how often each of the sub-committees into which the committee split itself up have met up to date;

(3) the total cost to the Government of the committee and the sub-committees in the form of travelling allowance to members and other expenses, if any; and

(4) when the committee is likely to complete its report?

A.—(1) Three times.

(2) The Government have no information.

(3) Rs. 386-11-0.

(4) The committee has sent in its report to the Government.

[22nd December 1922]

Ceded Districts' representation in the Madras Educational Service.

661 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Education be pleased to state the number of officers who are residents of the Ceded districts and are now working in them as sub-assistant inspectors of schools and are qualified for promotion to the Madras Educational Service?

A.—The Government have no information.

Muhammadans newly appointed in departments under the Minister for Development.

662 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the hon. the Minister for Development be pleased to state the number of Muhammadans excluding peons and attenders that have been newly appointed in different departments under his control, such as the Veterinary department, Agricultural and Industrial department, Co-operative department, Mining department in the Presidency town, in 1921-22?

A.—The hon. Member is furnished with a statement below showing the number of Muhammadans excluding peons and attenders appointed in the different departments under the control of the Development Minister in the Presidency town since 1st January 1921:—

Department.	Number of Muhammadans appointed since 1st January 1921.
Agricultural department	Nil.
Co-operative department	Nil.
Civil Veterinary department	1
Fisheries department	2
Industries department	6

The Mining department is not under the Development Minister.

The hon. Bai Bahadur K. VENKATAREDDI NAYUDU:—"Sir, there is some mistake in the printed answer to question 662. The number of Muhammadans appointed in the Co-operative department is there shown as nil. As a matter of fact, one Muhammadan officer, Mr. Yusuf Ali, a Tahsildar drawing Rs. 180, was given a Co-operative Assistant Registrar's place on Rs. 250, during the period specified in the question. Later on, that officer left us, because he got another appointment in the Income-tax department."

Salary of non-gazetted officers.

663 Q.—Mr. K. SARABHA REDDI: Will the hon. the Member for Finance be pleased to state why the proposed revision of salary of the non-gazetted officers has not yet been given effect to?

A.—There are very few cases in which the revision has not been given effect to. In such cases the reason for delay is either that changes in administrative policy are being considered or that detailed proposals for the application of general principles to particular establishments have not been received by the Government.

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Communal representation in the South Arcot taluk board.

664 Q.—Mr. R. SRINIVASA AYYANGAR: With reference to the answer, given to clauses (4), (5) and (6) of my question No. 260 on the 15th September last regarding communal representation in the taluk boards of South Arcot, will the hon. the Minister for Local Self-Government be pleased to lay on the table the information called for?

A.—The information is laid on the table.*

Nominations to the taluk boards of South Arcot.

665 Q.—Mr. R. SRINIVASA AYYANGAR: With reference to the answer given to my question No. 449 on the 13th November last regarding nominations to the taluk boards of South Arcot, will the hon. the Minister for Local Self-Government be pleased to lay on the table the information called for?

A.—The President's letter is laid on the table.†

Mr. R. SRINIVASA AYYANGAR:—"In the letter of the President, District Board, South Arcot, laid on the table, the President says that persons defeated at the polls are not disqualified. I should like to know whether it is usual to nominate persons defeated at the polls."

The hon. the RAJA OF PANAGAL:—"I cannot say that it is usual to nominate defeated candidates; but it is done sometimes."

Mr. R. SRINIVASA AYYANGAR:—"With reference to the same question, I should like to know from the hon. the Minister whether there were not other persons in the respective local areas who might have been nominated in the best interests of the administration."

The hon. the RAJA OF PANAGAL:—"That is a matter for the President of the District Board concerned."

Mr. R. SRINIVASA AYYANGAR:—"When representatives of a community had been returned in a sufficiently large number, I wish to know whether it was desirable to nominate more persons from the same community. Clause 3 of my original question which is answered here related to the fact that Mr. Venugopal Nayudu was nominated notwithstanding the fact that already four members of his community had been returned, and also to the fact that one Reddi gentleman was nominated when six Reddi gentlemen had been already returned."

The hon. the RAJA OF PANAGAL:—"The nomination of members to Taluk Boards is left to the discretion of the President of the District Board, and he is expected to exercise his discretion suitably. So my hon. friend will do well to put his interpellation in the District Board."

Mr. R. SRINIVASA AYYANGAR:—"I should like to know from the hon. the Minister whether these nominations satisfy the provisions contained in section 9 of the Madras Local Boards Act which deals with the representation of Muhammadans, minorities and backward classes."

The hon. the RAJA OF PANAGAL:—"It is a matter of opinion, Sir. I do not think the hon. Member is entitled to ask questions about matters of opinion."

* Vide Appendix A on page 1172 infra.

† Vide Appendix B on page 1172 infra.

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Nominations to the Cuddalore taluk board.

666 Q.—Mr. R. SRINIVASA AYYANGAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(1) the reason for not nominating an Adi-Dravida to the taluk board of Cuddalore in the vacancy recently caused by the resignation of a member, especially in view of the fact that there is no member of that community on that board;

(2) the reason for nominating to the said taluk board Mr. S. Palaniyandi Chetti, a nominated municipal councillor, in preference to an Adi-Dravida;

(3) the reason for nominating four out of five members from the headquarters (Cuddalore) instead of from the taluk generally; and

(4) whether there is any reason to believe that there is not a single Adi-Dravida in the Cuddalore taluk fit for nomination to the said board?

A.—The Government have no information. The attention of the hon. Member is invited to clause (b) of sub-section (4) of section 9 of the Madras Local Boards Act, 1920, under which the president of the district board appoints members to nominated seats on the taluk boards.

Representation of depressed classes in taluk boards of North Arcot.

667 Q.—Mr. A. TANGAVELU NAYAKAR: Will the hon. the Minister for Local Self-Government be pleased—

(a) to furnish information as to the number of taluk boards in the North Arcot district, and to state whether it is not the intention of the Government in having increased the number of elective seats on local bodies, that nominations should, as far as practicable, be made from the depressed and backward communities;

(b) to state the number and names of such nominations in the respective taluk boards in the district; and

(c) to state whether it is a fact that in the Ranipet taluk board a member of the Vellala community who is a village monigar and an influential citizen and was also the president of a union board has been nominated as a member; and whether the Government will be pleased to ascertain what necessitated the taking of such a course by the district board, North Arcot, thus frustrating the object of reserving the nomination seats?

A.—(a) There are six taluk boards in the district. The hon. Member's attention is invited to sub-section (5) of section 9 of the Madras Local Boards Act, 1920.

(b) Taluk Board.	Number.	Names.
Vellore ..	1	M.R.Ry. A. Ramaswami Avargal.
Ranipet ..	1	" M. Tanikachalam Pillai Avargal.
Cheyar ..	1	" V. Muniswami Pandaram.
Tiruvanna-malai.	..	Nil.
Polur ..	..	Nil.
Tirupattur ..	1	M.R.Ry. S. M. Muniswami Pillai Avargal.

(c) The Government have no information.

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APPENDIX A.

[Vide answer to question No. 664 asked by Mr. R. Srinivasa Ayyangar at the meeting of the Legislative Council held on the 22nd December 1922, page 1170 supra]

Report.

Clause 4.—The Government understand that the Adi-Dravida who was formerly in the Cuddalore taluk board is now a nominated member of the district board and that no other suitable member of that community is available. An Adi-Dravida could not be appointed to the Chidambaram taluk board as the owner of the rented house in which the taluk board office is located has objected to the Adi-Dravida entering the premises. To get over this difficulty, steps are being taken to construct a building for the taluk board office.

A Vania (oil-monger) M.R.Ry. V. Rajagopala Chettiyar Avargal, B.A., Pleader, has been appointed to the Cuddalore taluk board and a fisherman M.R.Ry. K. Ramaswami Nattar to the Chidambaram taluk board.

Clause 5.—M.B.Ry. D. J. Rajanayakam Avargal, B.A., L.T., a member of the Chidambaram taluk board, is a Protestant.

Clauses 6 and 7.—It is not possible to appoint members to represent the various innumerable communities as the number of seats for nomination is very limited and the communities referred to in section 9 (5) of the Act have to be given preference.

APPENDIX B.

[Vide answer to question No. 665 asked by Mr. R. Srinivasa Ayyangar at the meeting of the Legislative Council held on the 22nd December 1922, page 1170 supra.]

President's letter.

I have the honour to furnish answers to the question referred to in Government Memorandum No. 17203-1, L. & M., dated 24th November 1922:—

Clause 1.—The answer is in the affirmative.

Clause 2.—Persons defeated at the polls are not disqualified under the Madras Local Boards Act for being appointed to local boards.

Clause 3.—All the gentlemen referred to in this clause were nominated in the best interests of administration of the taluk boards to which they were respectively nominated.

II

FLOODS IN THE VAIGAI.

The RAJA OF RAMNAD:—"May I crave your permission, Sir, to ask the hon. the Revenue Member to give us some particulars about the damages done to property and life in the two districts of Madura and Ramnad by the recent floods in the Vaigai and in other rivers? I have already given private notice of this to the hon. Member."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I am sorry I have not got at the present moment a detailed or complete report about the extent of the damages caused by the recent floods. But as there is a great desire on the part of the hon. Members who represent

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the southern districts for some official information about the extent of damage, I have certainly no objection to tell the House the exact position of affairs as far as it is now known. The first information which was received by us about Madura was by means of a telegram from the Collector of that district in which he says:

Heavy floods in the Vaigai from the first damage reported Tiruppuvanam. Other reports not received owing interruption post, telegraph. Railway breach on all lines Madura. Ramnad reports no floods damage.

"He followed up this telegram by another, on the 3rd December, in which he merely stated:

Railway breached many places. Madura to Ramnad damage crops. Tanks flood now abating.

"This was again followed by another telegram on the 4th December in which he informed the Government that there were unprecedented floods throughout the Madura district from the 1st instant, that in the Madura town 900 houses had collapsed, that the damage in the town was estimated at two lakhs, that the river was running almost touching the railway bridge girders, that the railway and the road bridges were safe, and that two men were drowned; 'All railway lines breached. For one week communications Madura-Kodaikanal Road by road and thence by railway possible. Periyakulam town suspension bridge washed away. Many houses damaged. Roads and bridges damaged throughout district. Estimated damage forty thousand rupees. Known casualties two. Many tanks breached. Periyar lake rose one foot in four hours and reached one foot above F.T.L. Lake escape fully open for first time in history. Periyar main canal badly breached involving probably three weeks closure for repairs, affecting whole delta. Fine weather since Saturday. River steadily falling.'

"I may at once tell the House that this is all the information we have 11-16 a.m. and this is being placed before the public. It is now in print and copies will be laid on the Editors' Table as well as communicated to hon. Members of this House.

"So far as Madura is concerned, we have not yet received any further report. As the damage reported in these telegrams seems to be widespread, I assume that the officers concerned are making fuller enquiries to furnish the Government with accurate information, and, when it is received, I shall consider whether that too should be communicated to everybody concerned.

"As regards Ramnad, Sir, the first information we had was by means of a demi-official from the Collector of Ramnad. In it he told us:

The Vaigai came down in heavy freshes on the night of the 30th November and on 1st December. The flood reached Ramnad district on the early morning of the 1st December and Ramnad itself only on the 2nd evening. Hence no damage on the Ramnad side was reported in my telegram to the Government on the 2nd. I have not been able to get communication with Ramnad to know whether the big tank there has breached across the railway; but I understand that it has done so; at any rate, the railway is breached there, and at numerous places between Ramnad and Madura. So far as I have heard, the towns on the bank of the river are safe, with, of course, damage to houses. The road from Madura along the river is impassable, the first breach being beyond the Madura toll-gate. The country affected is the part of Sivaganga and Ramnad samindaries, lying south of the river, and this is, for the most part, sparsely inhabited and sparsely cultivated. Being permanently settled estates, they are not entitled to any remission of revenue. The Sub-Collector and the Executive Engineer are at Ramnad, which is the town most in danger, and there is still railway communication with Mantapam from there. The Tahsildar at Paramakudi reported all safe. As at Sivaganga, tahsildar will be unable to reach the area beyond the river. I have deputed my sarishtadar to the charge of that

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section. The floods have now abated considerably and it should be possible to start repairing the damage. Rail communication with Dhanushkodi will be interrupted for some time. The Railway line between Madura and Pasumalai breached, cutting communication with the Sivakasi Division. Transshipment is possible here, and the line is almost restored. There were floods in the Sattur taluk also, I am informed, but not of importance.

"This demi-official of the Collector of Ramnad is dated 4th December and a copy of it has been sent to the Board of Revenue also. The Board of Revenue had on the 6th December asked the Collector to send a detailed report officially on the subject and that report is yet awaited."

Mr. T. C. SRINIVASA AYYANGAR:—"Has no information been received about the damage done to the town of Ramnad, to a portion of the town of Tirupuvanam, and also to the town of Tirupallani?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"All the information I have been able to get, I have already placed before the House."

Mr. T. C. SRINIVASA AYYANGAR:—"Has no information been received about the breach of railway line between Madura and Ramnad? I believe breaches occurred in as many as fourteen places on the railway line between the two places."

Mr. SAIVID IBRAHIM RAVUTTAR:—"I wish to know whether there are any Muhammadans among the casualties that occurred during the floods."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"We have not yet started a census of casualties on communal lines" (Laughter).

Mr. T. C. SRINIVASA AYYANGAR:—"I wish to know whether the hon. the Revenue Member will call for a detailed report about the extent of damages done to house property in villages as also to crops and to tanks."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I have only to repeat that I am awaiting a detailed report from the Collectors of the two districts. With regard to the extent of damages to railway lines, I do not know whether the hon. the Home Member has got any further information."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I wish to ask whether in view of the fact that some accounts of the damages caused by the flood have been appearing in the Press for over a fortnight, the Government did not think it necessary on their part to call for a more detailed report than what is contained in the two brief telegrams and the demi-official just now read by the hon. the Revenue Member. I understand that the hon. the Revenue Member is waiting for the Board of Revenue and the Collectors to make a detailed report. I am afraid that they will take a long time to send a fuller report. In view of the responsibility of the Government to this House, I think the Government should have already obtained a detailed report regarding this widespread calamity and placed it before the House. The Government were aware in the beginning of this month that this House would shortly assemble and therefore they should have, of their own motion, placed fuller information before the House. Such a long interval ought not to have been allowed to lapse. Urgent orders may have to be passed to repair immediately the damages caused and for this purpose the Public Works Department may have to be strengthened temporarily. I am afraid that by the time the fuller report is received the necessity for repair

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will disappear and damages may occur which can have been prevented by prompt action on the part of local officers. I wish to observe that the Government also have a certain amount of responsibility to see that action is initiated promptly especially in the case of a calamity of such a widespread nature."

Mr. C. RAMALINGA REDDI:—"May I know, Sir, what steps have been taken to repair damages caused to railway lines by the floods?"

The hon. Mr. A. R. KNAPP:—"With regard to the breaches on the railway lines, we have, of course, received reports that all of them have been repaired and therefore I think it is not necessary for my hon. friend to pursue that matter further."

The hon. Mr. K. SRINIVASA AYYANGAR:—"Sir, I had a report on the breaches in the Periyar channel, and, by the kindness of the Kallar officer who had sent us nearly 4,000 Kallars, the breaches have all been completely repaired, or they have all been very nearly completely repaired."

The RAJA OF RAMNAD:—"Am I to understand that since the railway line has been restored, there is nothing more to be done in that matter? May I bring to the notice of the hon. the Home Member and of this House that all these calamities were solely due to the inadequate openings in the railway line for the passage of drainage water? If sufficient culverts and bridges had been constructed on the railway lines, all these damages to house and property could have been avoided and the floods would have easily drained. It is owing to the inadequacy of culverts and bridges that the water spread into the villages."

Mr. T. C. SRINIVASA AYYANGAR:—"May I request the hon. the Home Member to call for information regarding the number of tanks over which the railway line from Madura to Rameswaram passes, the number of bridges which are constructed on the line abutting the big tanks which exist to the northern side of the line?"

The hon. Mr. A. R. KNAPP:—"On the question of the number of bridges between Madura and Rameswaram, I am afraid I have not got information at present. After what has been stated on the subject, I can only undertake to bring these comments to the notice of the railway authorities."

The RAJA OF RAMNAD:—"That will really satisfy us, because we only want an investigation on the adequacy or otherwise of the railway culverts and bridges."

III

ANNOUNCEMENT REGARDING GOVERNMENT BUSINESS DURING THE JANUARY MEETING.

The hon. Sir CHARLES TODHUNTER:—"Mr. President, in accordance with the undertaking given on the 19th instant, I submit to the Council the following statement of Government business which is likely to be taken up during the January meeting. It is expected that the report of the Select Committee on the Madras University Bill will be taken into consideration. It is not yet known whether the similar report on the Hindu Religious Endowments Bill will be ready for that meeting or will have to wait till the next. It is expected that the Irrigation Bill will be introduced. In addition to this there will be three minor Bills: a Bill to amend the District Municipalities Act, a Bill to amend the Local Boards Act and a Bill to

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make certain small amendments in the Stamp Act. These are the legislative measures which the Government have in contemplation, and they have not, at present, before them any other Government business which is likely to be ready in January with the exception of one or two supplementary demands."

IV

COMMITTEE TO SUGGEST WAYS TO EXPEDITE THE DISPOSAL OF NON-OFFICIAL BUSINESS.

The hon. the PRESIDENT:—"With reference to the complaint made the day before yesterday about the congestion of non-official business by the hon. the Deputy President and others, and my remarks on the subject, and with reference also to the motion tabled by the hon. Member Mr. P. T. Rajan, I have decided to appoint a committee of the House to consider the whole question and report how far the congestion can be avoided and what changes, if any, can, in their opinion, be made to ensure that object.

"I request the following hon. Members to be so good as to serve on the Committee:—

- | | |
|---|-----------------------------------|
| 1. Diwan Bahadur P. Kesava Pillai (Deputy President). | 8 Mr. C. Ramalinga Reddi. |
| 2. Mr. B. Venkataratnam Nayudu. | 9. " O. Tanikachala Chettiyar. |
| 3. Sir T. Desika Achariyar. | 10. " P. T. Rajan. |
| 4. The Rev. W. Weston. | 11. " M. Ramachandra Rao Pantulu. |
| 5. Mr. M. Ratnaswami. | 12. " M. Krishnan Nayar. |
| 6. The hon. the Raja of Panagal. | 13. " Muhammad Usman. |
| 7. Mr. T. A. Ramalinga Chettiyar. | 14. " T. Arumainatha Pillai. |

"Should the Committee consider any amendment to the Standing Orders necessary to give effect to their recommendations, they are requested to be so good as to state what those amendments are. The Deputy President will preside over the deliberations of the Committee and the Secretary to the Council will be the Secretary to the Committee.

"In view of the appointment of the Committee, I trust that the hon. Member Mr. P. T. Rajan will not consider it necessary to make his motion."

The following motion was withdrawn:—

Mr. P. T. RAJAN:—

That this Council resolves to request the hon. the President to appoint a committee of the House to consider and report on suitable methods for the quick disposal of non-official business, chiefly resolutions.

Mr. C. RAMALINGA REDDI:—"May I ask the hon. the Leader of the House whether it will not be possible to allot some time for the discussion of the various resolutions which have been tabled. At the rate at which we are progressing, I am afraid that not a single resolution will be discussed till the 31st March 1923, when the Council will be prorogued. The only influence that this mode of transacting business has on the hon. Members is that when once they send notice of a resolution, they feel that nothing more is left for them to be done because the resolution is not at all likely to be discussed in the Council."

The hon. the PRESIDENT:—"As the hon. Member Mr. C. Ramalinga Reddi is on the Committee, I have no doubt that he will make his influence felt. If he is able to convince the members of the Committee that he is in the right, the Committee may embody his views in its report."

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Mr. C. RAMALINGA REDDI:—"My submission to the hon. the President is that the Committee will take some time to submit its report; such being the case, will it not be possible to allot some time for the discussion of resolutions either at this meeting or at the January meeting? I am not sure when the report of the Committee will be ready and until then the resolutions cannot be taken up for discussion. Some of the resolutions deal with matters of importance and they are badly affected by the way in which we are proceeding now."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"From the statement of the hon. Sir Charles Todhunter as regards Government business for the next meeting, it is quite clear that all the five days will be taken up in the discussion of the University Bill, the Irrigation Bill, etc. In view of that fact may I suggest, as it is the wish of the House that non-official business should also be taken up at that meeting, that we may consider the advisability of extending the period to some more days?

"I have to offer one other remark. As regards non-official business of an urgent character, viz., resolutions included in the agenda, if the House unanimously desires you to depart from the existing practice, I would suggest for your consideration whether you may not, in the exercise of your discretion and with the full approval of the House, allow precedence to such resolutions as you consider to be of urgent importance. If these suggestions are adopted I should think that the end in view of hon. Members will be attained. I only submit it to you for your consideration. With the approval of the House you may suggest any suitable course for its adoption."

The hon. Sir CHARLES TODHUNTER:—"May I say on behalf of the Government that the Government are perfectly willing to continue to sit for as many days as you may prescribe? We have no wish to shut out any non-official business. So far as we are concerned, we are ready to sit as long as you think fit, Sir. As regards the second suggestion, I am afraid it involves a departure from the Legislative Council instructions contained in the Standing Orders. I leave it to you Sir, to say whether such a departure may be made with or without the consent of the House. I venture to think that we are bound by the rules until we alter them."

The hon. the PRESIDENT:—"The duration of the next meeting is entirely a matter for us to decide, and it is not a matter in which the Government have any voice. I would let the House have as many days as they may want in January. What does Mr. M. Ramachandra Rao propose as regards the duration of the next meeting?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I would suggest two more days in addition to the five days which will be taken up by Government business, altogether seven days, excluding Sundays and holidays."

This suggestion was put to the House and it was decided that the Council should sit for seven working days from January 29."

The hon. the PRESIDENT:—"As regards the other proposal, if it is the wish that I should discriminate between urgent and non-urgent matters, I would rather deprecate it. Because, hon. Members may remember that when we began two years ago, we for some time worked in that way, leaving it to the Secretary to arrange the business according to the order of

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Clause 19—cont.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“ Sir, I entirely support the principle of the amendment of my hon. friend, 11-46 a.m. Mr. Ankineedu Prasad Bahadur. The question is this. Up to the present day, taking the districts with which I am familiar, the question of the collection of the irrigation cess in the zamindari areas has been a matter of a certain amount of controversy. For some years, the Government employed revenue inspectors to measure the extent of irrigation with Government water in the zamindari areas. The Government found that in some years there were considerable frauds practised by the subordinate officials. In order to prevent these frauds, the Government ordered a survey of these areas, and the surveys have been conducted, and the costs thereof have been entirely borne by the Government from the provincial funds, the reason being that it was a legitimate expenditure of land revenue collection. So that hon. Members will see that neither the zamindar nor the ryot contributed anything for the water-cess survey which was mainly intended for the purpose of land revenue collection and not for the benefit of the zamindar or the ryot. Hon. Members can very well apprehend that by the next session a portion of the survey charges may be sought by the Government to be levied from the ryots also. It is clear that the ryot and the zamindar may be saddled, if the provision is allowed to exist, with the costs of the survey which up to the present moment come entirely from the provincial revenues. On the injustice of the proposal I am absolutely clear, and this is really a deliberate attempt on the part of my hon. friend to impose a liability on persons who have not paid hitherto a single pie for these surveys as they were mainly intended for Government purposes. The best way of carrying out this intention will be to *strike out* the words :

and such portion of the cost of the survey under clause (b) (i) of the section as the Local Government may prescribe

and leave the rest of the clause as it is. That will best carry out the intention underlying this amendment and will also be in accordance with the other amendment standing against the name of my hon. friend, Sri Mekha Apparao Bahadur, to omit the words ‘*and such portion of the cost of the survey under clause (b) (i) of the section as the Local Government may prescribe.*’ That is in fact the request made by the amendment of my hon. friend, Mr. Ankineedu Prasad Bahadur. I give my support to it not necessarily for the reasons adduced by the hon. Members representing the zamindars in this House but for this reason, viz., that the survey is entirely a Government measure intended to facilitate the levy of irrigation cess and that up to now neither the zamindar nor the ryots have been paying towards the costs of the survey. I support the amendment and I suggest that the idea may be carried out by the omission of the words mentioned above.”

The RAJA OF RAMNAD :—“ I support this amendment. I find, Sir, from the proceedings of yesterday that the hon. the Revenue Member said that the zamindar should pay for the costs of the survey as he derived some benefit from it even when the survey was made for the benefit of the Government. But when the survey is made at the request of the zamindar, I do not find a similar provision requiring the Government to pay a portion of the costs though they also derive considerable benefit from the survey. I think that in a matter like this there should be reciprocity. Further, as one who has

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[The Raja of Ramnad]

Clause 19—cont.

had bitter experience of the matter, I can safely assert that the disadvantages to the zamindar from the survey far outweigh the resulting benefits. As a matter of fact, private lands belonging to the zamindars are included in the lands of the ryot; and, when objection is taken, we are asked to wait till the final stage when under section 11 or so we are required to file a land complaint. So we lose our rights over the land and the land is registered in the name of the ryot. The zamindar is required to file a land complaint and prove that the land was his. We have been asked to do so at considerable inconvenience and therefore I may assure the hon. the Revenue Member that even though the zamindar gets some benefits the disadvantages that result from the survey are considerable. But in a case like this, where the survey is made for the purpose of levying the irrigation cess, I think, the Government ought to bear the entire cost, and not ask for any contribution from the zamindar, unless it be that the Government are equally prepared to contribute towards the cost, when the survey is made at the instance of the proprietor. This amendment is very opportune inasmuch as the zamindars are threatened with an Irrigation Bill. I heartily support the amendment.”

The hon. Sir CHARLES TODHUNTER :—“ Sir, as I had something to do with the origin of the sub-clause in question, I should like to say a few words at this stage. I should like to start with the proposition that no rational estate management, especially of an estate involving valuable irrigated land, is possible without a survey. I would urge that as an axiom. A zamindar who has valuable irrigated land and does not have it surveyed is not doing his duty to his estate or to his tenants. I have nothing to do with the question whether a particular zamindar is satisfied with the way in which a particular survey is carried out. I am dealing with the question of the proper estate management of valuable irrigated land owned by a zamindar. The only question is whether the zamindar shall be in a position to compel the general taxpayer to pay towards the cost of the survey. Here is a zamindar whose land has been enhanced in value because of the irrigation thereon, and, instead of his paying something more, he is going to compel the general taxpayer—for, that is the same thing as compelling the Government—to pay the cost of the survey. He compels the taxpayer to survey his land in order that the Government may levy the very moderate water-rate that is imposed upon it, and he is thereby enabled to secure the making of this very costly survey, which otherwise he would have to pay for himself, in order to regulate the relations between himself and his tenants. He fails to do his duty, but gets a big gift in the shape of the water and he also gets the benefit of a survey at the expense of the general taxpayer. That is the claim underlying this amendment and I hope the House as representing the taxpayer will repudiate it unanimously.”

Rao Bahadur T. BALAJI RAO NAYUDU :—“ Sir, I beg to say, with reference to the hon. the Finance Member's speech, that the zamindar gets no benefit at all as a result of the survey. The land assessment remains as it was before, but the water-tax is increased. The zamindar cannot, on account of the increase, enhance the rent that he charges from the ryot. So, practically, the zamindar gets no benefit. I do not think that the survey made for purposes of levying irrigation cess is any justification for the Government to levy the charges from the zamindar. As regards the proposal that when the survey

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Clause 19—cont.

is made at the instance of the zamindar or one-fourth of the ryots of a particular estate, a portion of the costs must be paid by the Government, the question does not arise. Where the Government have undertaken to pay the costs of the survey, I think, in practice, in none of the kinds of surveys do the Government pay. The only few kinds of survey which are known to us in these parts are the survey in cases of disputes between the zamindar and the ryots and the water-tax survey. The third kind is not practically given effect to in these districts. If item 2 is removed, I think it will be a step in the right direction. I therefore support the amendment."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I am in sympathy with this amendment. To my mind, there is no reason why the zamindar should be made to pay for the costs of the survey which is undertaken by Government for the levy of the irrigation cess. The hon. the Revenue Member said yesterday that after the survey was undertaken the zamindar might derive a benefit. He concluded therefore that it was reasonable that the zamindar should be made to pay the cost of it. I submit that the reasoning is not convincing. There is no reason why for a possible future benefit which the zamindar is not willing to have and which is sought to be enforced upon him, he should be made to pay immediately the cost of the survey undertaken under sub-sections (a) and (b). It seems to me that the position taken by this amendment is a reasonable one, and I think it should be supported by this House. My hon. friend, Sir Charles Todhunter, said that this amendment would throw the additional burden upon the general taxpayer and added that the representatives of the taxpayers should see that this additional burden did not fall upon them. We should look at the question from the point of view of justice and it seems to me that, even if it becomes necessary that the general taxpayer should pay, it should be distributed over the whole Presidency. I think it is reasonable that the person, who, at best, derives a possible benefit on a future occasion, should not be made to pay the costs."

Dr. P. SUBBARAYAN:—"I rise to support the amendment. The hon. the Finance Member said that it was the duty of the proprietor to have his estate surveyed for the benefit of himself and of his tenants. I demur to the proposition for the simple reason that the Government have at their disposal the whole survey staff to keep the records and everything connected with the survey of lands in order. If any record or plan is missing, the proprietor cannot himself make the plan but will have to apply to the Land Records Tahsildar who gets the plan ready or if any survey stone is missing places the stone in its right place and recovers the cost from the proprietor who, in turn, has to recover it from the ryot. The benefits which accrue to the zamindar or the ryot from the survey are not so very much to be glorified as the hon. the Finance Member did. I have personally experienced many difficulties and I know of many instances where, in spite of the survey, much trouble is felt in locating the boundary stones. The hon. the Finance Member then said that, for the purpose of levying the irrigation cess, the Government have a right to have the estate surveyed. In the first place, it is admitted by many decisions of the High Court, as well as of the Privy Council, that all water running through an estate belongs to the estate, and now the Government very likely want to

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Clause 19—cont.

get behind the decision by means of a clause like this. Very likely the hon. the Revenue Member will have the support of the hon. the Law Member who has a similar provision in his Irrigation Bill which was hanging over our head but which fortunately has been postponed for the time being. The sword, however, is still hanging over our head and may fall on us the next session probably.

"The amendment suggested by my hon. friend, the Raja of Chelapalli, is very reasonable. As the Government have all the benefit of the survey of an estate for the purpose of levying the irrigation cess, the amendment should be accepted. All that talk of money coming from the general tax-payer is more chimera. No doubt the Government get money from the general tax-payer, and, if the Government are going to have any benefit, the general tax-payer is going to get the benefit also. In such a case the general tax-payer should pay as he benefits by the Government levying the irrigation cess. If the Government are not prepared to pay for such a survey, I think it will be better for the hon. the Revenue Member to delete clause b (ii) from this Bill and leave it as it was before. They could have power to survey the estate even for the purpose of levying the irrigation cess by stating the reasons for it. I hope the House will not be carried away by the peroration of the hon. the Finance Member but will accept the amendment of my hon. friend."

Mr. S. ARPUDASWAMI UDAYAR:—"Sir, the point raised by my hon. friend, the Finance Member, has not been well answered. I do not know why they are so very eager to release the zamindars and make the cost fall upon the general tax-payer. I know that the usual practice is for the zamindars to share it with them. I should certainly oppose the amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, the apprehensions of my hon. friend, Dr. Subbarayan, have proved true, for the previous speaker has been carried away by the remarks of the hon. the Finance Member. I believe the tax-payer is very anxious that there should be no unnecessary burden added. But in this particular case, can any one contend that the zamindar should be called upon to pay the cost of the survey when the survey is undertaken not at his instance but 'for the better or more convenient assessment or levy of irrigation cess'? If that is so, then I submit there is no ground for that position. And the possible advantage the zamindar may derive is not a circumstance which should be taken into account. I therefore support the amendment."

Mr. S. SOMASUNDARAM PILLAI:—"Mr. President, it is well known that whoever derives the benefit of a particular action must pay for the benefit. Now, the question is whether the Government derive the benefit or whether the zamindar derives the benefit. In clause b (i) it is said:

Without such application whenever, in the opinion of the local Government, such survey is necessary for the better or more convenient assessment or levy of irrigation cess, etc.

"The question is, is it convenient for the zamindar or for the Government? If it is for the zamindar, he must be compelled to pay, and if it is for the Government, certainly they must pay for it. If the land is surveyed on the application of the zamindar, he must be asked to pay, and if in the absence

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Clause 19—cont.

of an application the Government think there is a necessity for survey for the purpose of better or more convenient assessment, for whose benefit is it done? Certainly it is for the benefit of the Government and I do not see any reason why they should not pay for it inasmuch as the zamindar is in no way benefited by it. Such being the case, there is no rhyme or reason in proposing that these expenses should be paid by the zamindar. Of course, each one tries to throw the burden on the other; the Government wish to put it on the zamindar and the zamindar in his turn asks the Government to pay. But the balance hangs heavily against the Government in this case, and Government must pay in all justice. With these few words, I feel bound to support the amendment."

Rao Bahadur K. GOPALAKRISHNAYYA :—" I rise to support the amendment moved by my hon. friend, the Raja of Chelapalli. This clause lays an obligation on the landlord that he should pay all the expenses incurred in connexion with the survey, including the expenses of the notification in the Gazette, if the Government thinks that a survey is necessary and that it will be beneficial to the landlord. Let us examine the circumstances under which the Government may be under the impression that the so-called survey will be useful and beneficial to the zamindar. Even for the purpose of irrigation cess, it is not a very difficult matter; for there is the survey party always ready to do some survey business. If the survey marks are disturbed, then we have the penalising provisions in the Penal Code under which any one should be afraid to touch these survey marks. Only yesterday, we made a provision that not only the *pattadar* but also the owner or occupier should be under an obligation to maintain the survey mark. When there are so many obligations upon the owner and occupier, it cannot be said that they will not be in good order. And I do not see any reason why the Government should apprehend any other difficulty necessitating the survey of the land except on its own initiative. In these circumstances it will be a great hardship on the landlord to bear this burden of the survey expenses for purposes which are necessary only for the benefit of the Government. And, as such, Government should bear the expenses because the survey is intended to be started on its own initiative. It is only just that the landholder should under the circumstances be disburdened of this additional expense."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, I was somewhat surprised at two of the members of the Select Committee, who sat round me for the purpose of discussing the provisions of this Bill, and who signed the report of the committee unanimously without any minute of dissent, expressing to-day their opinion against it; at any rate, so far as the report is concerned. I fully recognize that my hon. friend, Dr. Subbarayan, made a feeble attempt in the Select Committee to try and introduce some improvement in the existing Bill. But, if I remember things aright, I think, I was able to convince him of the indirect benefit . . ."

Dr. P. SUBBARAYAN :—" I do not think that the hon. the Revenue Member succeeded in convincing me. I stood alone, and I then thought there was no use of breaking my head against a stone wall, and I was content to leave things as they were. Now that there is an amendment tabled, I am expressing my views on the matter."

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Clause 19—cont.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" At any rate, I assumed that I was able to convince him inasmuch as I found that he had signed the report. Probably, when he now tells me that he found himself almost against a stone-wall, and that stone-wall on that occasion being myself, I do not know how the value then attached and the difficulties then experienced have now disappeared."

Dr. P. SUBBARAYAN :—" As a point of personal explanation I may say that Mr. Balaji Rao Nayudu and Mr. Krishnan Nayar were among the stone-wall; but now I find that they have fallen off like bricks and they are not the stones that I took them to be" (laughter).

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, I can only emphasise what I said yesterday, and I want the zamindars to realize that they should not put any burden on the general tax-payer more than what they are willing to bear."

" In the case of the ryotwari lands we conduct the surveys, in the first place for the purpose of determining the extent of a particular holding; we do it also for the purpose of ascertaining whether the assessment that is being paid into the public coffers is correct, or whether it should be enhanced in proportion to the extent of the holding and other circumstances which might have arisen. Therefore, the Government get a benefit from such survey. But the tenant also gets the benefit of the knowledge that his holding is of a particular extent, so as to prevent the adjacent landholders from encroaching on his own land which it will be perfectly easy for them to do if the ryot has not any definite idea as to the metes and bounds of his own particular holding. In these cases also, it is true that the Government initiate the proposal for conducting the survey; but I shall contend, and I shall continue to contend, that while the Government does derive a benefit from such survey, I cannot persuade myself to believe that the zamindar in turn (or the proprietor) does not get any benefit at all. I think I have enumerated a few of the benefits which accrue to the proprietor as well, and I do not think that argument has been logically contradicted. In the case of ryotwari landholders, all that makes the ryotwari holder responsible for is the cost of the stone and of labour. As I said yesterday, when the Government makes rules for the purpose of determining the proportion which should be borne by the Government and the proprietor, the Government will certainly keep in mind the merits of the case, and determine what reasonable proportion of expenditure incurred in connexion with the survey conducted under (b) (i), should be borne by themselves and what by the proprietor keeping in mind the relative advantages to be derived by both."

" Then, Sir, I think hon. Members, are not aware of the fact that, even in Bengal, where there is the benefit of the permanent settlement, the Government now and again order the survey of particular holdings with a view to keep accurate and correct records of them. Even there, the cost of the survey is shared in certain proportion between the Government and the proprietors. This provision, therefore, in clause 19, whereby Government wish to take power to levy a proportionate cost of expenditure incurred, is nothing new; nor is it the creation of the imagination of the Madras Government alone. Then, Sir, my hon. colleague,

12-15 p.m.

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Clause 19—cont.

the Finance Member, who is certainly the vigilant guardian of the interests of the general tax-payer, has clearly pointed out that it will be rather hard for this House to hold that the tax-payer should be made responsible for things from which he does not derive a direct benefit. To that an answer was made that, inasmuch as Government derive their water-rate by the process of the survey which is conducted under clause 17 (1), the general tax-payer should be content with that result and regard the expenditure of money as productive. But, as I have already stated, Sir, if we are going to regard this as a sufficient justification for the expenditure of money, and are, therefore, going to exempt the proprietors, in general, from sharing a portion of that expenditure themselves, I am not quite sure whether the general tax-payer may not in return ask why he should not be exempted likewise, in future, from shouldering the responsibility of bearing a portion of the expenditure of the survey as he has been doing until now, on the plea that the survey invariably results in adding to the general revenues of the province. If that is the argument which is going to be adopted in this House for exempting the proprietors from the payment of any share of the cost of the survey, I am afraid the general tax-payer also will be entitled to utilize that argument in his own favour. Then the result will be that every survey, which is conducted in this province, will have to be wholly conducted at the expense of the general tax-payer, merely on the ground that every survey results in some increase of revenue to him. Viewed from any standpoint, I fail to see what justification there is to accept the amendment which I see the House—in a large majority I think—seems to be in favour of. So far as the attitude of the Government is concerned, I think I must only say, Sir, that Government will be glad if clause 19, as drafted by them, is accepted by the House. Of course, I have no reason to force my views on the House; they are at liberty to vote as they like; but all the same I wish to remind them of the fact that they should keep the general tax-payer more largely in their mind than a particular class of the tax-payer."

Amendment No. 49 was then put and declared carried.

The following amendments were not moved:—

Mr. M. SURYANARAYANA PANTULU:—

50. Delete the words 'and such portion of the cost of the survey under clause (b) (i) of the section as the Local Government may prescribe'.

Sri M. V. APPARAO Bahadur:—

51. Omit the words 'and such portion of the cost of the survey under clause (b) (i) of the section as the Local Government may prescribe'.

Sri M. V. APPARAO Bahadur:—

52. For the words 'recoverable from such persons' in lines 51 and 52 substitute the words 'recoverable directly from such persons'.

Amendment No. 53.

Mr. M. SURYANARAYANA PANTULU:—"Sir, the amendment standing against my name reads as follows:—

53. Delete the words 'unless otherwise prescribed by the law for the time being in force'.

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Clause 19—cont.

"The original clause 19, as it stands, has the words

unless otherwise prescribed by any law for the time being in force.

"The amendment of S. R. Y. Ankineedu Prasad Bahadur also has the words unless otherwise prescribed by any law for the time being in force.

"There is no law already in force in regard to this matter and if in future any law is going to be made, I really do not see any reason why."

Rao Bahadur K. GOPALAKRISHNAYYA:—"I really do not see, Sir, how the amendment is in order, as the idea contained in the original clause is also contained in the new clause which we have just now passed."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Clause 19 of the Bill has been replaced by a new clause which has just been passed by the Council. The words

unless otherwise prescribed by any law for the time being in force

"which form amendment No. 53, are part of the original clause which has been replaced by this new clause. Therefore, it seems to me, Sir, that this amendment cannot be moved: it is an amendment to the original clause which has been replaced by the new clause."

Mr. M. Suryanarayana withdrew his amendment and the new clause 19 was declared to stand part of the Bill.

Clause 20.

The following amendments were not moved:—

Sub-clause (1).

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—

54. For the words 'no tenant under a proprietor' in line 11, substitute the words 'no ryot in an estate'.

Sub-clause (3).

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—

55. For the words 'tenants of a proprietor', substitute the words 'ryots in an estate'.

Amendment No. 56.

Sri M. V. APPARAO Bahadur:—"Mr. President, the amendment standing against my name is as follows:—

56. For all the words beginning with 'shall be recoverable' in line 21 substitute the words 'shall be recoverable directly by the Government from the tenants.'

"Sir, in the clause there are three parties concerned—first, the zamindar; second, the zamindari tenant; and third, the Government. So far as the zamindars are concerned, I submit, Sir, that they can have no objection to pay their portion of the cost. But when it comes to a question of recovering it from the tenants, the zamindars cannot do it as easily as the Government. Therefore, Sir, if the costs are to be collected through the zamindars, there is sure to be a lot of litigation between the zamindars and the tenants. Government have already got enough of establishment for collecting kist, etc., and they are collecting in this way even the present irrigation cess. So, I submit, Sir, that this amendment may be accepted."

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Clause 20—cont.

The ZAMINDAR OF MANDASA :—“ Sir, when a survey is carried on, it is not fair that the whole of the cost should first be realized from the zamindar alone, and that the zamindar should be left to collect detailed charges from the ryots. Most often we are driven to law courts to realize these amounts from the ryots. It is unnecessary for me to say that the ryots under the Estates Land Act have gone so far as to deny even the zamindar's authority in the matter. In such a state of things, it is unfair that the whole cost should be realized from the zamindar, and the zamindar be driven to the necessity of going to law courts to realize the amounts from the ryots. Government has the machinery to make the collections directly from the ryots, and, as arrears of land revenue, these expenses can be collected very easily through the Revenue department. It will be very difficult for us to collect these amounts. If they do not give, we shall have to go to the law courts. The weapon of Government is sharper than that of the Estates Land Act, which is a blunt one. The deputy tahsildar can go and distrain the property. So, it is very easy for the Government to collect the charges. Now that the permanent settlement is going on in my estate, the Government are able to collect from my ryots very easily. If they do not pay us, we shall have to go to law courts, and there will be the delay, the question of limitation, and all that. So I second this amendment.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“ Sir, I am afraid the hon. the mover of this amendment has not realized the legal difficulties which the acceptance of this amendment will involve. He assumes, I suppose, that a zamindari tenant is as well a ryotwari tenant. But I wish to repeat that the zamindari ryot is no more than a zamindari ryot, and that the collections which will be made from the zamindari ryot will be made only under the provisions of the Estates Land Act. He is not at all governed by the laws which govern the ryotwari ryot. Inasmuch as he does not happen to be a tenant under the Government, Government cannot recover from him anything directly. It is the proprietor who is responsible to the Government for the payment of certain sums of money. Government has in the first instance to collect it from the proprietor, and, inasmuch as the law gives power to the proprietor to recover either the whole or a portion of that expenditure from his tenant, it is up to the zamindar to claim and recover that sum from him through certain processes that have been specifically laid down in the Estates Land Act. The procedure laid down in the Estates Land Act is, I believe, well known to every proprietor in this House. I am not quite sure whether it is the intention of the hon. the mover of this amendment that the Government, whenever they want to collect a sum of eight annas from a particular tenant in the zamindari on account of survey, should at once send an application to the Revenue Divisional Officer and request him to collect the money on behalf of the Government. The law that will be applicable to sums due by the ryots in the ryotwari lands is the Revenue Recovery Act. I think the hon. mover does not in the least contemplate that the Revenue Recovery Act can have the least application in this case; for the Revenue Recovery Act will be applicable only to ryotwari tenants and not to the proprietary tenants. Thus, it will be seen, Sir, that it will not at all be possible for the Government to recover this money from the proprietary tenants.”

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Clause 20—cont.

I think I heard the hon. the Raja of Mandasa say that, in connexion with the survey and settlement of lands that is now taking place in his zamindari, Government are collecting the money from the ryots directly. I may at once tell him, Sir, that it cannot be so under the Estates Land Act. I am therefore unable, Sir, to accept this amendment.”

Mr. B. MUNISWAMI NAYUDU :—“ When an application is made in pursuance of clause 17 (a), the survey is undertaken at the instance of the proprietor and not at the instance of the tenant. When the proprietor chooses to burden the ryot with the survey, Government has to charge the proprietor and it is improper for the Government to go against the tenant. This is a point which the mover of the amendment has not taken notice of. The proprietor wants the survey. Government undertakes it. The survey is made. Government has to be reimbursed. The ryot has absolutely no voice in the matter except to submit. In these circumstances, Sir, I do not see any fairness at all in saying that the ryot should pay in the first instance. Moreover, the ryot should welcome the change in the amendment for another reason. Whether he pays to the proprietor or not, the amount will be the same anywhere; but there is an advantage when the ryot deals direct with the Government. The Government will separately collect the money, whereas the proprietor will include it in the general amount. Then, Sir, it has been said by the Revenue Member that the Revenue Recovery Act does not apply to ryots in estates. May I point out that section 21 says that repairs can be made in an estate, and that if the survey marks are not maintained, the Government may do it and recover the cost from the tenants though it was an arrear of land revenue? Similarly, there will be absolutely no difficulty at all in Government proceeding directly in the case of surveys against tenants. But all the same I want that the proprietor should, in the first instance, be asked to pay and then collect from the tenants.”

Rao Bahadur C. V. S. NARASIMHA RAJU :—“ Mr. President, as the clause now stands, the Government will have the duty of apportioning the cost of survey among the zamindar, the ryot, the inamdar and even the unenfranchised inamdar. The only question is how the amount is to be recovered. As the provision now stands the method adopted is rather a circuitous one. The zamindar will have to pay in the first instance and then recover it from the ryot. We know what will be the case if the zamindar were to recover it from the ryot. He will have to resort to the provisions of the Estates Land Act. If the Government were to recover it, they are to proceed under the Revenue Recovery Act. The machinery of the Estates Land Act is not as expeditious as the other, and is every expensive. It has been said that in the case of the zamindari ryot no proceedings can be taken against him under the Revenue Recovery Act. I am rather surprised to hear this from the hon. the Revenue Member. We are aware that a provision is made in the Revenue Cess Act whereby the cess payable by the ryot can be recovered from him directly by the Government under the provisions of the Revenue Recovery Act. I know, as a matter of fact, that it is the first direct dealing between the Government and the zamindari ryot in this province. When that principle has already been introduced and when the Government has got its own machinery for the collection of its dues through the village officials, who

[Mr. C. V. S. Narasimha Raju] [22nd December 1922]

Clause 20—cont.

are their subordinates, I do not see any reason why Government should complain of the inexpediency of collecting it directly from the ryot. You will by adopting this amendment avoid the circuitous way of collecting the amount which has ultimately to be paid by the ryot, and you will directly collect the dues under the Revenue Recovery Act, which is a more convenient and expeditious measure than the Estates Land Act."

Mr. M. SURYANARAYANA PANTULU:—"Mr. President, Sir, I cannot agree with Mr. Narasimha Raju in regard to the acceptance of this amendment. Hon. Members will find that clause 17 specially requires a survey of estates, at the instance of the zamindar, either for more convenient assessment or for levy of irrigation cess. In cases of sub-clauses (1) and (2) of clause 17 the question of apportionment does not arise. Clause 20 speaks of the apportionment of the cost of survey between the proprietor and the tenant. You will find that this survey is specially for the convenience and not for the benefit of the zamindar. It is the zamindar that has made the application for the survey of his estate, and it is at the instance of the zamindar the survey has been made. The cost of the survey has been deposited by him, and Government says that, although the proprietor has paid the cost of survey in the first instance, we should allow him to collect a portion of the cost from the tenant."

12-45 p.m. "Therefore, it is but reasonable that the proprietor should realize this money from the tenant. It is not part of the duty of the Government to take it from the tenant. I submit, therefore, that the clause, as it stands, ought to be allowed and I oppose the amendment."

The hon. Mr. K. SRINIVASA AYYANGAR:—"Sir, I want to say a few words to clear the ground. Clause 19, as now amended, reads thus:

All costs incurred by the Local Government on account of a survey directed under clause (a) of section 17.

"That is, where a survey is applied for by the proprietor or proprietors, the costs

shall be recoverable from the persons who have any interest in the estate, portion of estate or boundary of which the survey has been ordered, as an arrear of land revenue.

"This provides for the recovery of the cost of the survey due to the Government from the proprietor or the proprietors or persons interested in the estate. Clause 20 provides for the recovery of the cost of survey due to the proprietor from his tenants. It does not provide for the recovery of the cost due to the Government from any person. It is for the purpose of providing a machinery to enable the proprietor to recover the cost of survey which may have to be borne by the tenant, that this clause is introduced. Clause 20 reads thus:

On the application of the proprietor of an estate in which any survey has been made the Local Government or any officer, or authority to whom this power may be delegated by it, may direct the survey officer to apportion among the holders of the lands or persons interested in the boundaries which have been surveyed the whole or a specified portion of the cost of such survey.

"That is, the amount which the proprietor, or the proprietors, or those who are interested in the zamindari property or the proprietary estate will have paid to the Government under clause 19 will, on the application of the

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Clause 20—cont.

proprietor concerned, be apportioned among the tenants, and the tenants will have to pay the amount thus apportioned to the proprietor. On the proprietor making the application, the Government will direct their survey officer to apportion the cost of the survey, which, under clause 19, will be payable to the Government by the proprietor, among the holders of the lands. When once it is apportioned, the tenant has to pay it to the proprietor and the proprietor is entitled to recover the amount as if it were an arrear of rent due to him from the tenant. Thus, clause 20 does not provide for the recovery of any money due to the Government from the proprietor to be levied directly from the tenant. There is no question of direct or indirect recovery from the tenant. Provision is made here for the recovery of the amount from the tenant by the landlord, the amount having already been levied from the landlord by the Government under clause 19."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I am afraid there is some amount of misunderstanding of the position, as has been pointed out by my friend, the hon. the Law Member. Under clause 19—the amended clause—the proprietor pays all the charges in the first instance to the Government. That liability has already been established by the amendment of my friend Mr. Ankineedu Prasad Bahadur. The only question that we have to decide is whether, having paid the whole amount to the Government, the zamindar wants that the tenant should pay his proportionate amount to the Government and then the zamindar should recover it from the Government. I do not know what is exactly the position which my hon. friend wants to take in this matter. For, under clause 19, the proprietor has to pay the whole cost of the survey in the first instance, and there is no getting over that. The amended clause has been passed and is part of the Bill. Clause 20 only enables the proprietor to recover the amount from his tenants. If he says that the Government should recover that amount for him, he has no means to recover it from the tenants. If the hon. mover has any objection to pay the whole cost of survey, he should have framed or amended clause 19 in a different manner. Having accepted clause 19 as amended, it is a mistake to say 'we do not want the amount; let the Government recover it'. I am perfectly aware of what Mr. Narasimha Raju has said with reference to water cess. The payment of this by the tenant directly to the Government has been established by practice and also by the Water Cess Act of 1913. On account of difficulties and inconvenience in the payment of the cess by the tenants to the zamindars, the zamindars gave up their 10 per cent commission which they were getting for the collection of the water cess, and they asked the Government to collect the cess directly from the tenant. It is true. But having now got the present clause—clause 19—in the Bill, I think it is inadvisable to accept this amendment."

Mr. R. SRINIVASA AYYANGAR:—"It seems to me that there is neither substance nor merit in the proposed amendment. As the hon. the Law Member has said, the proprietor has to make the deposit in the first instance. Instead of leaving the question of apportionment to be dealt with by the proprietor on the one hand and the tenants on the other, the Government have taken upon themselves the responsibility of apportioning the amount payable by the tenants to the proprietor. The Government are prepared to take this responsibility so as to avoid any conflict that may arise between

[Mr. R. Srinivasa Ayyangar] [22nd December 1922]

Clause 20—cont.

the proprietor and the tenant in settling the apportionment, and the Government can be expected to afford help to the proprietor only to this extent, leaving it to the proprietor to recover the apportioned amount from his tenants as though it is an arrear of land revenue. To throw upon the Government two obligations, viz., the obligation of apportioning the liability of the tenant to the proprietor and the obligation of going to the rescue of the proprietor in the matter of realizing it, is to ask the Government to do too much and will be really throwing on the Government obligations which they need not bear; and in view of the fact that already substantial help is given to the proprietor in the direction of apportionment so as to avoid any possible conflict between the proprietor and his tenants, the matter ought to rest here, and I submit that this amendment should be rejected."

Sri M. V. APPARAO Bahadur:—"Sir, the most important point is this. As regards the payment from the tenants, the Government are now recovering it from the tenant and refunding the amount to the zamindar. They are making a paper adjustment. Anyhow, to get over the difficulty now, I propose, Sir, to move, with your permission, another amendment to clause 20."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I object to the amendment being moved, Sir."

The amendment was therefore not moved. The original amendment (No. 56) was put and lost.

The following amendments were not moved and were therefore deemed to have been withdrawn:—

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—

57. For the words 'a tenant' in line 22, substitute the words 'a ryot'.
Sub-clause (4).

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—

58. For the word 'tenant' substitute the word 'ryot'.

Mr. M. SURYANARAYANA:—"Sir, I beg to move—

59. After the word 'of' in line 27 insert the words 'an enfranchised or'.

"We know as a matter of fact that there are not only rent-free *inams* but also enfranchised *inams* which pay a certain amount of *kattubadi* to the zamindar and quit-rent to the Government. I do not know whether an *inamdar* who pays *kattubadi* for the *inam* created prior to the permanent settlement and enfranchised at the *inam* enquiry of 1862, comes under the definition of a rent-free *inamdar*. If he does not, there is no reason why such a person should be excluded from this provision. Such an *inamdar* will certainly not thank me for this amendment. But there is absolutely no reason why a rent-free *inamdar* should be included here and not an *inamdar* who pays *kattubadi* to the zamindar and quit-rent to the Government. I therefore move this amendment, Sir."

Mr. R. SRINIVASA AYYANGAR:—"I second it."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, the answer to the argument of the hon. the mover of this amendment lies in the next amendment which I am myself going to move."

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Clause 20—cont.

The word '*inam*' will disappear from this sub-clause if my amendment is carried, and the word '*grant*' will be substituted. It will be within the recollection of the House that this clause has been inserted in pursuance of a decision of the Madras High Court which recently held that a rent-free grant in a proprietary estate was not liable to bear the expense of survey. Therefore, inasmuch as the High Court have denied the proprietors the right to claim the expenses of a survey from all such tenants under them and have merely restricted that right to tenants who are ryottee or who pay rents, the Government feel that there is no reason whatsoever why the zamindar should be precluded from recovering the proportionate expenses of the survey of a land merely by reason of the fact that that land is exempt from payment of rent. Although they are exempt from the payment of rent, the benefit which a tenant who pays will derive from survey will also equally accrue in the case of one who holds land under the proprietor but pays no rent for some reasons. The word '*inam*' as appearing there is somewhat jarring, which I shall explain when the next amendment, amendment No. 60, is taken up. So, in view of that, I think this amendment need not be pressed."

Mr. M. SURYANARAYANA:—"The hon. the Revenue Member wants to substitute the word '*grant*' for the word '*inam*' and not for 1 p.m. '*rent-free inam*'. So my objection holds. If it is the intention of Government that grants, which were made by the zamindar prior to the permanent settlement fixing a certain amount of *kattubadi*, should be exempted from the operation of this clause, I have no objection. I do not really see how the grantees of *inams*, which were given prior to the permanent settlement subject to the payment of a small rent in the form of *kattubadi* to the zamindar, can be exempted from paying this contribution to the zamindar for the survey, and why an apportionment should be made only for the rent-free *inam*dar."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"As regards the liability for the expenses incidental to a survey, the High Court have held that a rent-free grant is exempt; but we want to make it appear that even the holder of a rent-free grant is not exempt. When even he is not exempt, it will be too much to ask that others should be exempted from this liability."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I do not think there is any difference of opinion so far as the intention in this case is concerned. The only question is whether the intention is expressed by the clause as we have it now or by the clause as amended by the hon. the Revenue Member. What we generally have in a zamindari village are ryotwari lands and *inams* granted by the zamindars subsequent to the permanent settlement either entirely free from rent or partly free from rent and *inams* held under service tenure; and, when a zamindar's village is surveyed, all these classes will be benefited. Now what is generally done is this. When a zamindar's village is ordered to be surveyed, the order will be for the survey of the zamindari village and there will be no mention of the Government lands or settlement service *inams* which are also situated within the village. Whether these zamindars will be called upon to pay the proportionate cost is one question;

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Clause 20—cont.

and the second question is whether the holders of inams granted subsequent to the permanent settlement by the zamindars, whether wholly free from rent or partly free from rent, will also be called upon to pay."

The hon. Mr. K. SRINIVASA AYYANGAR:—"I want to say a few words. Under clause 20, the cost is to be apportioned between the estate owners and the persons holding lands in the estate under them. In the case of a presettlement inam, if it is a whole village it is an estate; if it is a minor inam it is excluded from the estate. There is no question of holding lands under the proprietor. Clause 20 (1) says:

provided that no tenant under a proprietor shall be called upon to pay a larger sum.

"With regard to the presettlement inam, the inamdar is not the person who is holding under a proprietor. So that class of cases in which there is a boundary fixed between the inamdar and the proprietor will come in under clause 19 and the Government will be entitled to recover the cost from the inamdar directly. Then they levy a certain sum from the big estate holder. You have to apportion it between the estate holder and persons who are holding the lands under him. Sub-clause (1) of this clause 20 makes a provision that the tenant will not be liable to pay more than if he had held directly under the Government as a ryotwari tenant

"A question arose in the High Court about the boundary of the so-called darimla inams, which are not inams in the technical sense of the term, taken out of the estate, but all forming part of the estate itself. The so-called darimla holder holds his land under the estate holder on a favourable rent. In cases where a person holds it under the zamindar or proprietor on a favourable rent he is called tenant. The word ryot is not used. There happen to be cases, where there have been grants made by the zamindar or proprietor subsequent to the permanent settlement free of rent. In such cases, whether the term tenant in the Original Survey and Boundary Marks Act would include a person of that sort or whether that person would altogether escape, was the question before the High Court, and the High Court held that inasmuch as he was paying no rent at all he would escape. Not only had he a free grant from the zamindar but he was also not liable to pay a portion of the survey charges, though other tenants who held under the zamindar and were paying rent to him had to pay the charges. This clause therefore has been added for the purpose of including such persons also as have got inams from the zamindars subsequent to the permanent settlement but who do not pay any rent to the zamindars. The word inam may cause confusion because technically it is used only with regard to grants which were made before the permanent settlement. Therefore it is that the word 'grant' is sought to be substituted for the word 'inam' in the amendment which the hon. the Revenue Member is moving."

The amendment was by leave withdrawn.

Amendment No. 60.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—

60. For the word 'inam' substitute the word 'grant'.

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Clause 20—cont.

"I now formally move the amendment in my name. The whys and the wherefores of this amendment have been already discussed and I do not want to inflict another speech on the House."

The hon. Mr. K. SRINIVASA AYYANGAR seconded the motion.

The amendment was put and carried.

Clause 20 as amended was put, passed and added to the Bill

Clause 21.

The following amendment standing against the name of Mr. K. Prabhakaran Tampan was not moved and was therefore deemed to have been withdrawn:—

61. After the word 'so' in line 43, insert the words 'within the prescribed time'.

Amendment No. 62.

Mr. B. MUNISWAMI NAYUDU:—

62. After the words 'the Collector may' in line 43, insert the following:—
'After giving notice to the tenant or proprietor in the manner provided in sub-sections (2) and (3) of section 15.'

"Sir, I request that this amendment be taken up after the disposal of clause 15. For, if my amendment thereunder is accepted there will be no necessity for me to move this amendment. If that is not accepted, then I shall move this."

The amendment was allowed to stand over.

The following amendment standing against the name of Mr. S. Arpudawami Udayar was not moved, and was therefore deemed to have been withdrawn:—

63. In the item (ii) (b) after the word 'aware' in line 1 insert the words 'by personal inspection consequent upon the application in writing or representation in person, by the proprietor or registered holder', and after the word 'fact' in line 3 insert the words 'in official form'.

Clause 22.

Amendment No. 64.

Mr. M. SURYANARAYANA:—

64. For the full stop at the end substitute a comma and add the words 'if the registered proprietor omits to comply with the requisition made under section 6 of this Act.'

"Sir, I propose to move this amendment with some modification. This is consequent on the withdrawal of my amendment under clause 3, which I did on the assurance given by the hon. the Revenue Member that he would remember this matter at the time when he would frame rules under section 26 of this Bill. This amendment was put in on the assumption that my amendment under clause 3 would be accepted. But as I have withdrawn it, I propose to move an amendment to the present amendment. The amendment is to add the words under any of the rules framed in this behalf. The hon. the Revenue Member is prepared to make rules under clause 26 requiring the landholder to provide labour in the first instance. In regard to estate surveys

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Clause 22—cont.

also, there is no reason why the landholder should not be asked, in the first instance, to renew, repair or maintain the survey marks and why, if he omits to do it, the Collector should not be entitled to get the work done and recover the cost from the proprietor. This seems to be reasonable, and I do not see any reason why this amendment should not be allowed to go in. If the hon. the Revenue Member is going to attend to this question at the time of framing rules, there is no reason why the rule should not be framed under clause 22, in such a manner as to enable the landholder or the registered proprietor to do the work in the first instance and make the Collector get it done and recover the cost from the landholder or the registered proprietor only if they fail to do it within the time prescribed."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I certainly object to any further amendment."

Mr. M. SURYANARAYANA:—"The amendment, as it is, will have no meaning. Therefore, I beg leave to move the amended amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU: "Sir, I second the amendment moved by Mr. Suryanarayana. No doubt the hon. the mover has pointed out the difficulty which arises from the omission of his previous amendment to clause 6. Clause 6 is not capable of any further improvement as it has already been passed. I do not think, however, that the present amendment should be shut out, or that the Revenue Member should hesitate to discuss it. So long as my hon. friend Mr. Suryanarayana wishes that there should be a provision in the Bill to the effect that the provisions of clause 22 should come into operation only when a registered proprietor omits to comply with the requisition made to him, I think it is due to this House to discuss that matter and come to an understanding about it. Rules are proposed to be framed under clause 26, but so long as the powers to enter upon, examine and measure any land under survey and to clear by cutting down or removing any trees, etc., are proposed to be conferred by this clause 22, such powers should come into operation only if the registered proprietor omits to comply with the requisition made to him within the prescribed time. For these reasons I second this amendment."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I understood, Sir, that we had reached a stage at which we had come to an understanding that wherever there was any clause in this Bill which required some rules of procedure to be framed for its working it would be unnecessary that this House should add to the existing provisions of the clause in any manner, and that it would content itself with a reference to clause 26 in which the varieties of matters on which rules have to be framed are distinctly specified. We had the same species of clauses in regard to lands in the Government area. Attempts were then made for the purpose of incorporating amendments identical with that which we are now considering in the general provisions of the Bill. I then drew the attention of the House to clause 26 (f) which satisfied the House, and all the amendments which had been tabled were withdrawn. The clause (f) reads:

'to regulate the furnishing of survey marks, labour and other matters necessary to surveys notified under this Act and the recovery of charges incidental thereto where they are recoverable.'

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Clause 22—cont.

"Now clause 22 belongs to the same species. Clause 22 deals with one of the matters which specifically refer to certain circumstances incidental to the carrying out of the survey, and this I say is necessarily one of the species to which the other two types which we have dealt with belong. As there would be a rule-making power, I begged the House not to burden legislation with amendments which would by themselves convey no more than what clause 26 was intended for, and my suggestion was accepted by the House, and all such amendments were withdrawn. I think item No. 12 in the agenda which stood in the name of the hon. the mover of this amendment contained more or less the same idea. In that amendment he wanted that very clear, elaborate and distinct rules should be framed for guiding Government in the matter of clearance within a specified period by cutting down or removing any trees, jungle fences, standing crops, of providing labour and of providing suitable survey marks, etc.; and he intended to add it as a sub-clause. But when it was explained to him that clause 26, as now drafted in the Bill, contained provisions under which all these matters would be provided for by rules, his proposal to add that as a sub-clause was withdrawn by him. And now, when we come to clause 22, this amendment again forms one of the species I mentioned. I would submit that even here, the question that he has raised is one to be considered and decided at the time when rules are made. When rules are framed, as indeed they will be framed under clause 26 (f), all the matters which are referred to in clause 22 will be sufficiently provided for, and it will be laid down what should be done when such duties have to be carried out by a survey officer—the sort of notice to be given to the party, the period of such notice, and what should happen if the landholder fails to do as required. All this is matter for the rules and not for legislation."

Mr. M. SURYANARAYANA PANTULU:—"I submit, Sir, that when we discussed the amendment to clause 6, the hon. the Revenue Member gave us an assurance and the amendment was withdrawn. While moving the present amendment I submitted that if the hon. the Revenue Member would be pleased to extend the same assurance to this matter and promise to consider it when framing the rules, I would not press this amendment. I beg leave to withdraw it."

The amendment was by leave withdrawn.

The following amendment which stood in the name of Mr. S. Arpudawami Udayar was not moved:—

65. For the full stop at the end substitute a comma and add the following:—
'and to that extent only to which such clearing may be necessary.'

Clause 22 was put and passed, and allowed to stand as part of the Bill.

*Clause 23.**Amendment No. 66.*

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I move, Sir:—

66. In clause 23, after the word 'may' in line 24, for the words 'for the purposes of any survey . . . in which he has an interest', substitute 'for the purpose of rendering assistance in the survey of any land summon and enforce the attendance of any person who has an interest therein and may for

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Clause 23—cont.

the purposes of any survey, inquiry or other proceedings under this Act, summon and enforce the attendance of any person for giving evidence and for the production of documents.

"I may at once remark, Sir, that this makes no material alteration in the clause. It is merely a transposition of words to follow the sequence of events. No more change is made in the clause."

The hon. Mr. K. SRINIVASA AYYANGAR seconded the amendment.

The amendment was put and carried.

Amendment No. 67.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, the amendment I move runs as follows:—

67. *Omit the words 'as far as it can be made applicable' in lines 35 and 36.*

"My reasons are these: I have known a number of these survey inquiries. The survey officers are a law unto themselves, though the clause says that for the purpose of summoning witnesses, enforcing their attendance and recording of evidence the provisions of the Code of Civil Procedure apply. The effect of these words '*as far as it can be made applicable*' is that they will summon any witnesses who, in their discretion, are supposed to know the facts of the case. The evidence in many of the survey cases is very defective and the result is that, from the character of the inquiry, suit in a civil court is found absolutely necessary. When the inquiry is so defective, and when the evidence is not properly recorded, the parties naturally go to the courts. I have seen a number of these cases, and it seems to me that as regards these three matters, namely, summoning of witnesses, enforcing their attendance and the recording of evidence, it is necessary to follow the provisions of the Civil Procedure Code, and I do not see any other course. If you allow the Survey Officer to set his own procedure according to his own ideas of what is practicable and what is not, it seems to me, Sir, there is no need at all for an enquiry before the Survey Officer. The provisions of some clauses, as, for instance, clause 10, say—

After making such an inquiry as he considers necessary.

"Therefore what I propose is that the words '*as far as it can be made applicable*' should be deleted, and the exact procedure that should be followed in the enquires should be settled by rules which should be framed in such a way that there will be a certain amount of fullness in the record which will induce the parties to accept these decisions, and not go to civil courts unnecessarily. Therefore, if the Survey Officer's inquiry is to be satisfactory to every party, the procedure should be prescribed by rules and the officer should be made to accept generally the procedure prescribed by the Code of Civil Procedure. I do not understand why these inquiries should be regarded as summary inquiries, especially when some amount of finality is to be given to the decisions of the survey officers. I trust that my hon. friend will not oppose this amendment except on the assumption that this is somewhat of a summary business; but the survey officers sitting under trees may record evidence as they like—sometimes they may be sitting under the canopy of heaven. I hold therefore very strongly that unless the Survey Officer realizes that this is a quasi-judicial inquiry, in which evidence should be recorded with a certain amount of formality and completeness and

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Clause 23—cont.

with all the witnesses of a party, the inquiry will not at all be satisfactory. I have known a case in connexion with a zamindari, where only one witness was examined when 55 were cited, where a lot of documents produced were not looked into, and where the Survey Officer galloped to the boundary and wrote his decision after seeing the place. I think therefore that there should be no hesitation in accepting this amendment."

The House then adjourned for lunch and re-assembled at 2-30 p.m.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, in seconding this amendment I wish to point out that the principle underlying this is that in recording evidence the procedure prescribed in the Code of Civil Procedure ought to be followed. The fear is that by the retention of the words '*as far as it can be made applicable*,' the officer concerned may ignore the salutary provisions in the Code and fail to record evidence in as satisfactory a manner as he should. It is to guard against this event that the amendment has been moved. I am alive to the fact that the carrying out of this amendment will also necessitate some consequential amendments. For, if the words '*as far as it can be made applicable*' are removed and the rest is allowed to stand as it is, it will become necessary to ascertain what sections or rules under the Civil Procedure Code should be observed. In taking evidence in enquiries under the various rules specified in the schedule of the Civil Procedure Code different forms of procedure are prescribed: there is one procedure for negotiable instruments, another for original suits, and another in the case of small causes and so forth. It will therefore become necessary to follow up the present amendment and specify which of the methods laid down in the Code of Civil Procedure ought to be adopted in enquiries by survey officers. In this way, the amendment will become the subject matter of other consequential amendments. If these words '*as far as it can be made applicable*' are allowed to remain, my fear is, Sir, that the survey officer may easily ignore these provisions which meet the wishes, the requirements and the convenience of the parties concerned. I therefore support this amendment, pointing out at the same time the need for the consequential amendments."

Mr. C. P. RAMASWAMI AYYAR:—"The words '*as far as it can be made applicable*' must, I think, stand for these reasons: Hon. Members will observe that in the Civil Procedure Code to which reference has been made, two ways of recording evidence are prescribed under order 18: one way for recording evidence in cases where appeals are allowed, and another way where appeals are not allowed. It seems to me that '*as prescribed in the Civil Procedure Code*' will not meet the difficulties of the case, but give rise to confusion. I appreciate the desire of the hon. Members who have spoken that rules should be framed prescribing the exact manner in which evidence should be recorded, and suggest that an amendment may be moved to enable this to be done under clause 26. If this is done, Government can prescribe rules for the recording of evidence and the Legislative Council may then see that all the formalities of the law are properly complied with and that due regard is paid to the considerations referred to. For these reasons, I submit that the words '*as far as it can be made applicable*' ought to stand."

Mr. R. SRINIVASA AYYANGAR:—"Mr. President, it seems to me that the elusive words '*as far as it can be made applicable*' may go out, and if the House is agreeable I may suggest a small verbal amendment, namely to

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Clause 23—cont.

substitute the words 'in the manner prescribed.' For the House will notice that under clause 26 (d) the Local Government has to make rules to regulate the procedure to be followed by the survey officers, and so if we say 'in the prescribed manner' or 'in the manner prescribed' the officer will be bound by the rules. Therefore, it seems to me that in the place of the words 'as far as it can be made applicable' the words 'in the manner prescribed' may be substituted."

Mr. T. C. SRINIVASA AYYANGAR :—"I second this amendment."

Mr. C. P. RAMASWAMI AYYAR :—"May I point out that it will not relieve the trouble, for then it will read

the procedure prescribed in the Code of Civil Procedure for summoning and enforcing the attendance of witnesses and for the recording of evidence shall be followed in the manner prescribed.

"But, as I said, the rules should prescribe the mode of taking the evidence. I think there should be some elasticity in the clause for the bodily embodiment of the Civil Procedure Code."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I think, Sir, that the substitution of the words 'in the manner prescribed' will make matters worse. For, the clause, as it is, says that the provisions of the Civil Procedure Code shall be followed as far as they are applicable, and it will be incumbent upon the officer concerned to follow the provisions of the Civil Procedure Code. I think we shall be giving a very big order to the Government by asking them to frame the rules under this clause and by leaving such instructions to be carried out by the officers. My own fear is that if my hon. friend Mr. Srinivasa Ayyangar's amendment is accepted the object of this clause will be defeated and it will be worse than allowing those words 'as far as it can be made applicable' to remain."

Mr. R. SRINIVASA AYYANGAR :—"Then, I had better not press my amendment, Sir."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I only wish to point out this with reference to the observations of the Advocate-General. The difficulty in the words 'as far as it can be made applicable' is the question by whom it is to be made applicable. It is by the officer himself."

Mr. C. P. RAMASWAMI AYYAR :—"It is quite possible, Mr. President, to say that in framing the rules the clause will enable the Government to make rules under clause 26 for the recording of evidence. It seems to me that the word 'applicable' can be considered in that sense."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I withdraw my amendment."

The amendment was by leave withdrawn.

Clause 23 as amended was then put, passed and added to the Bill.

Clause 24.

Clause 24 was also then put, passed and added to the Bill.

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Clause 25.

The following amendment standing in the name of Mr. K. Prabhakaran Tampian was not moved, the hon. Member not being in his place, and was therefore deemed to have been withdrawn :—

Sub-clause (1).

68. *After the word 'acquire' in line 53 insert the words 'where there is an express or implied undertaking that such expenses shall be borne by the owner thereof.'*

Clause 25 was therefore put, passed and added to the Bill.

Clause 26.

The following amendments were not moved :—

Sub-clause (1).

Rai Bahadur T. M. NARASIMHACHARIU :—

69. *After the word 'may' in line 28 insert a comma and the words 'subject to the approval of the Legislative Council.'*

Sub-clause (2).

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

70. *Insert the following as sub-clause (2) (a) :—*

'Prescribe the procedure to be followed in inquiries by survey officers' and re-letter the remaining sections.

Mr. C. V. VENKATARAMANA AYYANGAR :—

71. *After the word 'unit' in sub-clause (2) (a) insert the words 'and the method'.*

Amendments Nos. 72 and 73.

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, the next two amendments, Nos. 72 and 73, may be taken together, for without the amendment No. 73 No. 72 will be useless. And, in amendment No. 73, it is better that I move the several sub-clauses one by one, and so I move.

72. *Delete the word 'and', at the end of sub-clause (2) (h).*

73. *Add the following after sub-clause (2) (i) :—*

"(j) provide for an agreement book for each village for recording amicable settlements of disputes and awards of all arbitration with signatures of all interested parties."

"I move this amendment as all the orders under the Bill will have the force of law hereafter. It is better that the parties come to some arrangement among themselves and that there should be some record of it. It may be that the record may be somewhere and not available to the public. It is therefore necessary to provide that there should be an agreement book for each village for recording amicable settlements of disputes. When disputes arise, the parties may be agreeable to some award by arbitration, and the survey officer may say that the parties are agreed. Unless this is recorded in a book, there will be no records available when the dispute is

[Mr. C. V. Venkataramana Ayyangar] [22nd December 1922]

Clause 26—cont.

taken to a court of law. So I suggest in this amendment that there should be an agreement book wherein the signatures of all the interested parties may be taken."

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

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"We have considered very carefully, Sir, the suggestion which has been made by the hon. the mover, but I am afraid that the matter he wishes to add for the purpose of making rules is of such a meticulous nature that it need not at all be provided for. In the first instance, as the very clauses (j) to (n) will show, the rules should provide for an agreement book, provide for the approval of the departmental rules, describe the records or statements to be granted. . . ."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I moved only the amendment (j), Sir."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Then Sir, according to this, the rules should provide for an agreement book for each village for recording amicable settlements of disputes and awards of all arbitration with signatures of all interested parties." I do not see why you should tie down the officer as to the particular manner in which he should bind the parties to the decisions which may be reached in an arbitration. If there is to be anything like an agreement book, I am afraid that it will have to be in the custody of some definite officer. Of what rank I do not know. Then again the parties are expected to put their signatures in that agreement book. I think in olden days records of even letters received and letters despatched used to be kept in bound books. Those days are happily gone. In modern days we have separate files dealing with each case; in each the whole history relating to that particular case is had. Now, if a matter is referred to arbitration, probably the recommendations made by the arbitrators, the inquiries and the awards made by them, may become such a bulky document that it may necessitate its being maintained as a separate file in itself. The whole thing will become something like an agreement book, and one such book will have to be maintained for each village. I assume that the book will have to be kept in the custody of a village karnam or a village headman. If we entrust the agreements to the custody of village officers, I am afraid there will not be the same sacredness for those documents as we should like to attach to them. I have consulted some of the expert survey officers on this point and they assure me that this rule will neither be practicable nor advantageous to any party."

The amendment was by leave withdrawn.

In consequence of the withdrawal of the above amendment the following amendments were considered unnecessary and were not moved. They were therefore deemed to have been withdrawn:

(k) provide for the approval of the departmental rules by a committee consisting of a few experienced officers, present and retired, of the Survey, Revenue and Settlement departments before final publication.

(l) describe the records or statements to be granted to parties at their costs and the parties entitled for the same.

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Clause 26—cont.

(m) provide for the exemption in special cases of proprietors from the payment of costs for any work done at their cost under the provisions of this Act; and

(n) prescribe the penalties for infringements of any of the rules made under this section'.

Sub-clause (3).

Amendment No. 74.

Mr. B. MUNISWAMI NAYUDU:—"Sir, I beg to move the following amendment:—

74. For this sub-clause substitute the following:—

'A draft of the rules proposed to be made under this section shall be laid on the table of the Legislative Council and the rules shall not be made unless the Legislative Council by resolution approves the draft either without modification or addition or with modifications or additions; but upon such approval being given, the rules may be made in the form in which they have been approved and such rules, on being so made, shall be notified and thereafter be of full force and effect.'

"Sir, in clause 26 (3) of the Bill, it is stated that all the rules framed under the Madras Survey and Boundaries Act will be laid before the Legislative Council for a period of not less than two months while the Council is in session. No provision is made in the Bill that the Legislative Council should approve of the rules; nor is the Council empowered to modify, or alter or even to suggest any alteration for the consideration of the Government. I presume the rules will be placed here on the table in a printed form, and if we table resolutions on them probably the resolutions will not come up for discussion until a whole session has elapsed. We shall have no chance of making our opinion felt by the Government. The other object that I have in moving this amendment is that the Council should be given an opportunity to discuss the rules and suggest such alterations or modifications as they may consider to be absolutely necessary before the rules finally come into operation. The wording of this clause has been taken from section 203 of the Local Boards Act where a similar provision is made with regard to the rules under that Act. It has been practically accepted now that, where the rule-making power is given to the Government in a statute, there must be some control by the legislature. So that before the rules actually become law—the rules once made have the same force of law, the same force as if they were incorporated in the original Act itself—it is absolutely necessary that they should be approved and sanctioned by the Council. In these circumstances, I think that if my amendment is accepted, it will empower the Council to discuss the rules and suggest modifications or alterations which may be necessary. Otherwise the rules will be published in the Gazette, and, if nobody comes forward with any objections to them within six weeks, the rules will have the force of law. Even if objections are raised by somebody, the answer will be—as it is usual with such objections—that they have all been very carefully considered by the Government and that they see no reason to modify or alter any of the rules published by them. We have practical experience of cases in which objections had been taken, and how they were disposed of by the Government. As an instance I may state that, in a particular municipality, the

[Mr. B. Muniswami Nayudn]

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Government proposed to replace one committee by another under the Local Boards Act. There was a protest from the Municipal Council and also from the Municipal Conference, but the Government replied that they carefully considered the protest and saw no reason to reverse their former decision.

"Under these circumstances I submit that the amendment should be accepted by the House."

Mr. M. SURYANARYANA seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I may at once inform the House that the power given to the Government to make rules is what we call the residue of legislation. All principal provisions which ought to go into the body of the Act are embodied in the Act itself. But where it is a question of giving effect to the intentions of legislation, the legislature does not bother itself. It is left to the executive to carry out the intentions of the legislature, as contained in the legislation itself, by means of rules. While legislation is unalterable without the specific sanction of the legislature, the rules are framed, modified, altered, or rescinded by the orders of the executive. That, Sir, is the general principle on which legislation is framed and power is given to the Government to frame rules thereunder. But if it is now sought to bring the rules also on the same level and under the same category as legislation, then one may wonder why the legislature does not assume to itself the function of framing the rules in the Bill itself. At that rate, I am afraid the whole of the Survey Manual, itself a bulky book, as hon. Members may know, will have to be edited in the legislature and form the Survey Act. I would therefore appeal to hon. Members to decide whether a procedure like this is possible. What after all is the nature of the rules that are expected to be framed under clause 26 of the Bill? I would request the House to remember that having disposed of the main issues which legislation and legislation alone can specify, we have come to clause 26 which empowers the Local Government to make rules. The House will see that some of the matters referred to in clause 26 are such as the House, I am sure, cannot very much be interested in. Nor do I think it will be to the advantage of the House to waste its time in going through the rules carefully, table resolutions, or make alterations or suggest amendments thereto. Will the House consider it worth its while to prescribe for each locality the unit of survey, the subdivisions thereof and the descriptions of the survey marks? I wonder whether when the Government make rules on this matter it will be to the advantage of the House to know what are the rules that the Government have made in regard to different localities, the unit of survey to be conducted thereunder and the subdivisions thereof. Will the House trouble itself to know how a survey field should be surveyed, how a revenue field should be surveyed, how many survey fields must constitute one *khandam* and into how many *khandams* a village has to be subdivided? All these meticulous details will be found in the rules made under clause 26 (a). Will it be to the advantage of the House to be bothered with all the elaborate rules which will necessarily have to be framed under clause 26 (a)? There is another rule under which the Government will have to define the classes of officers to be appointed under this Bill and the powers to be exercised by such officers. All this will depend upon what staff is available, the

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Clause 26—cont.

number of gazetted officers and the non-gazetted officers that may be available for a party, and various other factors. I expect the Council will not bother itself with all these details but will leave them to the executive Government. You have also to provide for the publication of all notifications issued under this Act, for the form, issue and service of all orders, communications, notices, etc. These are all matters which, I suppose, every one is familiar with. The House has already given me additional instructions in the matter of publication, namely that besides being published in the *Fort St. George Gazette* and in the *District Gazette*, the notifications should also be published in the village *chavadi* wherever there is one. As regards the form of notice to be issued, they can be best determined only by the officers of the Survey Department. What information should be given in a particular notice, what information should be given to a party—all these are matters which the survey officers alone will be in a position to decide. That all such rules should be laid before the House so that it may get a general idea as to how the administration of the Survey Department is being conducted, I can understand; but I confess I do not see why it should be said that these rules should not be given effect to unless they have been approved, modified or altered previously by the Council. To say that only such approved, altered or modified rules shall come into force, is, I am afraid, asking a bit too much. For, as soon as the Government see the necessity for survey in a particular district, they issue a notification at once; and I may also inform the House in this connexion that what may be quite applicable in the case of the survey of the Tanjore district may not be applicable in the case of the survey of the Anantapur district.

"So, the rules will have to be varied from time to time according to the conditions of each locality. As soon as a notification is issued 3 p.m. the whole party must start its operations; but if I have to wait for an indefinite period to learn the pleasure of the House as regards the sufficiency or otherwise of the rules which I am going to frame for the conduct of the survey either in Tanjore or Anantapur, what is the survey party going to do in the meantime? We have been told that there is much congestion of work in this Council already, and, I believe, as we go on from month to month, the congestion will go on increasing. Now, under such circumstances, if I lay the rules on the table of the House in the month of March to enable me to begin the survey in the particular locality in the month of April,—April to September or August, as the case may be, is the recess of the House and it will not be until September or October that this House will meet again—where is the guarantee that these rules will be taken up for discussion at the very first meeting that is held immediately after the rules are so laid? It may be that these rules will have to abide their own time or it may be that they may not come at all in the course of a session. Therefore I shall have to be indefinitely waiting for the pleasure of the House before effect can be given to these rules; because the House had no time to consider them the survey party shall have to be given 'French leave' as it were with nothing to do but to draw its pay all the same, for wherever else I may employ them I must give them the rules. It may be that there are some rules of common application, but again there are rules which will vary from locality to locality and if the hands of Government are tied down, as indeed they are proposed to be tied down by

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Clause 26—cont.

this amendment, that not a single rule be altered or amended unless that amendment is placed before the House and the House accepts it, I am afraid, Sir, that the execution of the work will be considerably retarded. Let it not be understood that I am not willing to consult the House on these matters. I may assure them, that, whenever new rules are framed, I shall summon to my aid non-official brethren of mine and consult them as indeed I did just the other day. I had a conference of my non-official brethren and asked them to advise me as to how I must conduct my future survey and settlement parties in this province. I am thankful to them. They gave me their advice. Now, in similar matters, so long as I have the benefit of non-official assistance available, I shall surely consult them whenever there is a necessity. But to tie down the hands not only of the present Revenue Member but of his successors, by a statutory rule like this, is aiming not at an expeditious disposal of work, but lengthening the process of work. In the present sub-clause, I have made it sufficiently clear that I shall not absolve myself of my responsibility by placing these rules before the Legislative Council for two months, whether it is in session or not, and then say I have done my duty. It is obligatory to place these rules only when the House is in session. After they have been laid on the table, I shall not give effect to them for a period of two months. If in the meantime any hon. Member has got any sound advice to give me or valuable suggestions to offer, nothing prevents him—as indeed he does in every other matter—from tabling a resolution or communicating to me demi-officially that such and such a thing is necessary in the interests of the ryots. I am as much interested in the welfare of the ryots as anybody else. In view of all this, I think that this long-winded procedure that is suggested by the amendment will rather retard work than help it.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ Sir, after hearing the considerably long remarks of the hon. the Revenue Member on this motion, I wish to know whether even if he is not prepared to accept this amendment to the full length to which it goes, he will be in a position to accept the motion ‘that it will come into force after a particular period unless it is amended at a meeting of the Council which may be held later on’. If the hon. the Revenue Member will accept this, it will be possible for us to come to an understanding. Merely placing the rules before the Legislative Council will not satisfy any purpose. Unless there is a definite provision to the effect that they will not come into force before a certain period specified therein, unless they are modified at a meeting of the Council, as in the case of the Industries Bill, this question cannot be solved in a satisfactory manner. If the hon. the Revenue Member is not prepared to concede this, I should request the hon. mover to press his motion.”

Rao Bahadur K. GOPALAKRISHNAYYA :—“ No doubt there is considerable force in the argument of the hon. the Revenue Member. But as the clause stands at present, no purpose will be served by merely placing the rules before the Legislative Council. It is necessary that the rules that are to be laid before the Legislative Council should be subjected to modification or alteration. If it will be acceptable to the hon. the Revenue Member I may add the following words here: ‘Not less than two months for modification, if necessary.’ ”

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Clause 26—cont.

The hon. Sir CHARLES TODHUNTER :—“ Mr. President, I really do not know why the last speaker should presume that any rule that the Government makes must necessarily need modification. Government have made a great many rules on a great many subjects for a great many years and they make them with the greatest care they can. Again, supposing these rules do need modification, I don't understand why he should say that no purpose is served by placing them before the House without the power to modify them. The House can express their opinion. They can move resolutions suggesting changes and every attention will be paid to those resolutions. So it cannot be said that placing the rules before the Council serves no useful purpose. The only question is whether every little detail should be placed upon the legislative anvil. If anybody will examine the Survey Manual he will find what a mass of technical detail there is. On these matters you must trust the experts. There are different systems of survey and elaborate rules as to their working. Are we to submit all these rules for criticism to the Legislative Council, who, I respectfully submit, are not experts in the matter? I submit that what the Bill provides is ample for the purpose.”

Mr. V. PAKKIRISWAMI PILLAI :—“ Mr. President, the clause says that all such rules shall be laid before the Legislative Council for a period of not less than two months while the Council is in session. The Council must have power to modify such rules or pass resolutions on them and then only they can have the force of law. I think the principle of laying them before the Council is intended for that purpose. With these words I support the amendment.”

Mr. B. MUNISWAMI NAYUDU :—“ There are certain modifications which may become necessary in any Bill for which provision ought to be made. Under the clause, the Council has not got power to so modify the rules. This system has not worked satisfactorily. This will impede work. I understood the hon. the Revenue Member finally saying that he will lay the rules before the Council before giving effect to them. As such, there is certainly no reason why this amendment should not be accepted. By framing the rules and merely publishing them in the Gazette, they should not become law. They can become law only after objections have been considered by the Government. The Government can confirm the rules after they are placed before the Council for their criticism. Under the circumstances, I think, there will be no serious hardship in accepting the amendment which merely says that the rules should come into force as soon as they are confirmed, but should be subject to the approval or modification by the Council at any meeting. If the hon. the Revenue Member is willing to accept the amendment I shall be glad. Otherwise I press the amendment.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“ Whatever I said in my previous remarks, I stand by them to every word. I did say that I would consult some of my non-official brethren before framing the rules; I did say that the rules would be laid on the table for a period of two months, and that it would be absolutely open to any Member of the House to table any resolution in case any one of the rules did not meet with his entire approval or in case he intended to make any suggestion. But, Sir, I certainly demur to the consequences which will naturally arise by the acceptance of the amendment

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Clause 26—cont.

tabled by my hon. friend. For, I shall be precluded from taking any action even on such rules as are of a non-controversial nature. For, if I should appoint an officer and give him certain functions under the rules which I am entitled to frame under sub-clause (c), I am precluded even from notifying his appointment in the Gazette; I am precluded from issuing an order giving him certain specific duties unless and until these rules have been placed before the House, and a formal approval of these rules has been expressed by the House. There are, as I said, certain matters in clause 26 which will require immediate action. There are matters which I am sure the Council will not care to consider. There may be some other matters in which their advice may be necessary. In these matters, as I said, if any hon. Member tables any resolution and draws the attention of the Government, the Government will indeed be only too glad to take advantage of the suggestion and will try to see how far it is practicable. There may be cases in which probably an advice may be tendered by the House on a purely technical matter which may be regarded as impossible to accept. To be sure, the House will not expect that we who are employing so many expert officers at such considerable expense should relegate their views to the limbo of oblivion and be guided by the advice of the House even on technical matters. As I said, the acceptance of the amendment will lead to numerous complications and numerous difficulties.

"Then, I may probably draw the attention of the House to section 23 of the General Clauses Act, Act X of 1897. The clause reads:

Where a power to make rules or by-laws is expressed to be given subject to the condition of the rules or by-laws being made after previous publication, then the following provisions shall apply, namely:—

(1) the authority having power to make the rules or by-laws shall, before making them, publish a draft of the proposed rules or by-laws for the information of persons likely to be affected thereby;

(2) the publication shall be made in such manner as that authority deems to be sufficient or if the condition with respect to previous publication so requires, in such manner as the Governor-General in Council or the Local Government prescribes;

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(4) the authority having power to make the rules or by-laws, and where the rules or by-laws are to be made with the sanction, approval or concurrence of another authority, that authority also shall consider any objection or suggestion which may be received by the authority having power to make the rules or by-laws from any person with respect to the draft before the date so specified;

(5) the publication in the Gazette of a rule or by-law purporting to have been made in exercise of a power to make rules or by-laws after previous publication shall be conclusive proof that the rule or by-law has been duly made.

"These are the provisions which we have strictly kept in mind and it is in conformity with these that we have made the provision that these rules should be laid before the Legislative Council for a period of no less than two months when the Council is in session. And over and above that we know our duty. We shall publish them in the local Gazette or the District Gazette as the case may be, invite criticisms and objections. We shall not only be benefited by the criticisms of this House, but also by those of the public. When I quote the General Clauses Act, some of my hon. friends who are lawyers may think that I am quoting from an Imperial enactment which perhaps has not much force in the Madras Province. But, Sir, I may say that section 7 of the Madras General Clauses Act has bodily incorporated the section which finds a place in the all-India General Clauses Act. I shall

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Clause 26—cont.

not weary the House by reading the same provision in the Madras Act. However, if the House thinks that there had better be as much opportunity given to the public at large, as is indeed the intention of the Government to do, and if they insist that I should publish these rules in the Gazette before I lay them on the table of this House, I am quite prepared to do it. If this suggestion of mine that all such rules shall be published before they are laid before the House meets with the wishes of the House, I am quite amenable."

Diwan Bahadur M. Ramachandra Rao Pantulu (rising to speak.)

The hon. the DEPUTY PRESIDENT (from the Chair):—"Is the hon. Member Mr. Ramachandra Rao going to correct any statement of the hon. Member for Revenue?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"No, Sir, I cannot say I rise to correct the hon. Member's statement. But in justification of the position taken up by my hon. friend the Revenue Member, I wish to make a suggestion to the mover of the amendment."

The hon. the DEPUTY PRESIDENT (from the Chair):—"Then, I am afraid, I cannot allow the hon. Member to speak for the simple reason that we have practically wound up the debate with the hon. the Revenue Member's reply. If I am to allow a speech from the hon. Member Mr. Ramachandra Rao, the hon. Member for Government and the mover of the amendment will have their right of reply. That will prolong the debate. I shall therefore now put the amendment to the vote."

The amendment was put to the vote and a poll was taken. The House divided as follows:—

Ayes.

- | | |
|---|--|
| 1. Rao Bahadur T. A. Kamalinga Chettiyar. | 8. Mr. V. P. Pakkiriswami Pillai. |
| 2. Mr. K. Adinarayana Reddi. | 9. " P. T. Rajan. |
| 3. Rao Sahib S. Ellappa Chettiyar. | 10. " W. P. A. Nondarapandiya Nadar. |
| 4. Rao Bahadur K. Gopalakrishnaiah. | 11. Dr. P. Subbarayan. |
| 5. Mr. K. A. Kandaswami Kandar. | 12. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 6. " J. Koppaswami. | 13. Mr. M. Suryanarayana. |
| 7. " B. Muniswami Nayudu. | |

Noes.

- | | |
|--|--|
| 1. The hon. Sir Charles Todhunter. | 18. Mr. S. Somasundaram Pillai. |
| 2. " Khan Bahadur Sir Muhammad Habib-ul-lah Sahib Bahadur. | 19. Diwan Bahadur M. Ramachandra Rao Pantulu. |
| 3. " Mr. K. Srinivasa Ayyangar. | 20. Diwan Bahadur M. Krishnan Nayar. |
| 4. " the Raja of Panagal. | 21. Mr. C. V. Venkataramana Ayyangar. |
| 5. " Rai Bahadur K. Venkatarreddi Nayudu. | 22. Sir T. Desika Achariyar. |
| 6. " Rao Bahadur A. P. Patro. | 23. Mr. S. Muttumanikkaachari. |
| 7. " Mr. A. R. Knapp. | 24. Diwan Bahadur D. Seshagiri Rao Pantulu. |
| 8. Mr. C. P. Ramaswami Ayyar. | 25. Mr. T. C. Srinivasa Ayyangar. |
| 9. " F. J. Richards. | 26. " M. Ratnaswami. |
| 10. " E. Periyaswami. | 27. Rev. W. Meeton. |
| 11. " T. C. Tangavelu Pillai. | 28. Mr. Ahmad Miran Sahib. |
| 12. " A. Ramaswami Mudaliyar. | 29. Muhammad Abdur Rahim Khan Sahib. |
| 13. H. R. Y. Ankinadu Prasad Bahadur. | 30. Khan Bahadur Munshi Muhammad Abdur Rahman Sahib. |
| 14. Mr. M. Appalarasayya Nayudu. | 31. Saiyid Diwan Abdul Razaq Sahib. |
| 15. " K. Appaswami Nayudu. | 32. Khan Bahadur Muhammad Sadulla Badsha Sahib. |
| 16. " R. Sitarama Reddi. | 33. Khan Bahadur Muhammad Usman Sahib. |
| 17. Diwan Bahadur T. N. Sivagnanam Pillai. | 34. Mr. A. M. MacDougall. |

The amendment was lost: ayes 13, noes 34.

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Clause 26—cont.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“Although the amendment of Mr. B. Muniswami Nayudu has been lost I feel that I owe it to the House that I should myself move the amendment which I had offered to the hon. Member who has lost his amendment; and, I think, the offer I made must have influenced the hon. Members who voted against it. I formally move that:

After the word ‘may’ in line 28 of clause 25, sub-clause (1), the words ‘after previous publication’ be inserted.”

The hon. Mr. K. SRINIVASA AYYANGAR:—“I second it.”

The amendment was put to the House and carried.

The following amendment standing in the name of Rai Bahadur T. M. Narasimhaiah was considered to have been withdrawn, the hon. Member not being in his place:—

75. For this sub-clause substitute the following:—

‘A draft of such rules shall be laid before the Legislative Council for its approval, with or without modification, by a resolution of the Council. On such approval, the rules so approved shall be notified in the prescribed manner and shall thereafter have the force of law under this Act.’

The following amendment standing in the name of Rao Bahadur A. S. Krishna Rao was not moved and was therefore deemed to have been withdrawn:—

76. Omit the words ‘while the Council is in session.’

Clause 26, as amended, was then put to the House and carried and added to the Bill.

Clause 27.

Clause 27 was put to the House and carried and added to the Bill.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—“Sir, may I make a statement? I understand from the hon. the Revenue Member that he has no intention to move that the Bill be passed into law at this meeting; and in view of the various amendments passed in the Bill he proposes to bring the Bill forward at the next meeting. Under these circumstances unless the hon. the Revenue Member moves that the other clauses that have been accepted by the House may become law, it will be open to any hon. Member to amend these clauses or to give notice of amendment of any further clauses. This clause may be carried to the next meeting subject to the understanding that the hon. the Revenue Member does not make a final motion but will reserve that motion for the next meeting on the 29th January 1923. In the meanwhile it will give us opportunity of bringing those two clauses in conformity with the wishes of the House. That is all I wish to suggest, Sir.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur: “It is true, Sir, that I have no intention at present to move that the Bill as amended by the House be passed into law at once. My simple reason for it lies in the fact that inasmuch as a few amendments have been passed

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Clause 27—cont.

by the House it will be only in the fitness of things that all these amendments as have been passed should be incorporated in their proper places and I be given an opportunity of examining the Bill once more with a view to determine whether any consequential amendments of other clauses in this Bill would become necessary as a result of the amendments which have been accepted by the House. When I had those intentions, it was farthest from my thoughts that I was going to allow this post-mortem process of taking it clause by clause once more at that meeting and subjecting it to the sharpness and precision of a knife. If hon. Members are not prepared to go ahead with clauses 15 and 21, I will at once move that they had better become part of the Bill. And if any hon. Member is not willing to have that done, it is open to him to oppose it and have the opposition carried. I have got the strongest objection to having a further discussion on every section and keep the door of further amendments to this Bill open until that day. If this procedure is going to be repeated on the 29th January when I am hoping to pass this Bill into law, amendments might be brought in and discussed and then I have got to repeat the same procedure and ask again for the postponement of the Bill to consider any further consequential alterations and for a third time perhaps the same procedure would be required to be continued and in that way there would be no finality reached in any legislation.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—“I think, with due deference to the observations of my hon. friend the Revenue Member, I may invite his attention to the rules. Standing Order No. 49 (2) reads

If any amendment be made, any member may object to the passing of the Bill at the same sitting; and such objection shall prevail, unless the President, in the exercise of his power to suspend this order, allows the Bill to pass.

“That is the portion to which I may invite the attention of the hon. the Revenue Member. If he makes a motion that the Bill be passed into law, then I shall object to it under this section. And if he does not make that motion now for a final passing of the Bill, then the final motion will be made on the 29th January so that the question of discussing further amendments would be complicated if he does not make the motion to-day.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“The fact is that I do not agree with the interpretation of my hon. friend in this particular instance though he is accurate in his interpretations generally. That rule only applies in cases where a motion of the sort is made, viz., that the Bill be passed into law. There is an objection raised from the House that it shall not be passed into law in that sitting. I say that the House has considered all the amendments tabled and in view of these amendments I have no intention to rush through the Bill for the reason that there may be consequential amendments. We know that legislation should be absolutely perfect for an unnecessary word here or there might distort the intentions of the legislators. I repeat that I am going to make the motion after considering all these things. And therefore the stage for quoting the rule has not arisen at all. It is only after the Bill is complete and it is only when that stage has been reached that I am going to say what I am going to say. It is true that I told my friend opposite that I had no intention of moving for the Bill being passed into law in this meeting. But so far as the consideration of the Bill is concerned, it is not yet completed.”

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Clause 15.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ Sir, in the course of the discussion of the amendment that I moved yesterday, a suggestion was made that, if possible, we might come to some understanding regarding it. That was the stage at which we agreed that we could keep off further consideration of clause 15. It is quite true that the hon. the Revenue Member is not called upon to move, at present, that the Bill need not be passed into law. But if I withdraw my amendment now and allow clause 15 as it is and later on make a motion for a further amendment, the Revenue Member will be at liberty to come forward with various objections. Therefore, if the hon. the Revenue Member will not make a motion now, I have no other alternative than to proceed with my amendment.

“ Sir, in speaking on my amendment of yesterday, I wish to point out that there were two objections against the amendment. One was that it would be inconsistent with the first portion of the clause. And I am surprised to find that my friend, Mr. Krishnan Nayar, went the length of saying that it would not only be inconsistent but also that it would reflect no credit on this House if it should be accepted in that form. Probably he was not aware of the fact that by accepting the first amendment we were actually making the position worse than before. Therefore, it is quite essential that while maintaining that position for the purpose of determining the liability of these three different persons regarding the maintenance or renewal of the survey marks, it is essential that, when we come to the operative portion of making provision for the recovery of the cost, we should fix it upon the landholder. I can point out to the House that there is absolutely no inconsistency in it. I can show any number of parallels where there are particular clauses to determine the rights of parties and altogether different clauses which provide for the remedies for the purpose of enforcing the rights created by the previous clauses. I go further and state that it is only when we do not make such a provision as is contemplated by the amendment I have moved, it will reflect upon the work done in the Council.

“ Another objection which, I remember, was raised yesterday was that the retention of the words ‘and apportion the cost of so doing’ would give rise to some anomaly. It was my friend, Mr. Ramachandra Rao, that raised that objection. But let me remind the House that the words ‘and apportion’ were in this clause even before the amendment was accepted by this House. Even though under clause 15, as originally drafted, the person from whom money was to be recovered was the registered holder, the words ‘and apportion’ remained in that clause. Therefore the words ‘and apportion’ were used not for the purpose of apportioning the responsibility as between these three different persons, but for the purpose of the apportionment of the cost as between the maintaining, renewing and repairing of the survey marks. Therefore, the presence of the words ‘and apportion’ need not give rise to any difficulty; and, taking the spirit of it, it can only mean the apportionment of the cost in respect of the three different works carried on. It is true that by the addition of the words ‘owner or occupier’ it has been possible to construe or misconstrue the words ‘and apportion’; and if there is any such difficulty, I believe that the object will be served by the words ‘and apportion’ being dropped out from the clause altogether. That can very easily be done by one of my friends separately moving it as a consequential

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Clause 15—cont.

amendment. The words ‘determine the cost’ are sufficiently comprehensive to include within their purview the question of the apportionment also, and the words ‘and apportion’ are absolutely superfluous and there is no necessity for retaining them at all in this clause. Therefore, Sir, I submit that it will be unfair on the part of the Government to oppose this amendment. The amendment is intended merely to make it obligatory on them to recover the cost as an arrear of land revenue only from the registered holder. Till the other amendment was passed, they accepted that position and did not demur to it, and they ought not to take advantage of the addition of the other two words which created additional liability on the owner or the occupier for the purpose of enforcing the remedy against those persons also. I propose that this amendment should go forward.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“ I wish at once to point out, Sir, that the difficulty in which the House finds itself involved to-day is one of its own creation. Government were not at all anxious to bring on the scene the individuals who had been dragged in yesterday. We made it sufficiently clear that the recovery should be only from the registered holder as indeed the original clause will show. Even when this amendment was moved, I, on behalf of Government, objected to it and said that the addition of those words would create difficulties for which there was no possible solution. We possess at present a register where we record the names of what we call the registered holders. We have no chance, no means and no opportunities of knowing who the real owner of that property is, who the real occupier of that property is, and, if occupier, with what title, or with what right, and whether he is liable to pay any incidental expenses to Government at all. All these difficulties I pressed, and pressed as hard as I could, but the House was determined to incorporate those words. After having incorporated them, they find that they have now involved themselves into difficulties out of which they want to extricate themselves, and I am sure, Sir, that the proposed solution will land them again into fresh difficulties.

“ However, it is now the intention of the amendment, although the liability in the first part of this clause attaches to three individuals, viz., the registered holder of Government land, the owner or the occupier, to recover the cost only from the registered holder and to leave the owner or the occupier seriously alone. Now, if the clause is left as it is, then there is another difficulty with which I am confronted. The words are ‘determine and apportion the cost of so doing and recover such cost as an arrear of land revenue.’ Now, when three distinct individuals are mentioned in the early part of the clause as being legally liable to Government for the payment of these expenses, and when in the body of the same clause it is distinctly stipulated that the cost must be determined and apportioned, one will naturally imagine that the apportionment refers to the three different individuals. But the latter portion of the clause says: ‘No, the apportionment does not relate to these three individuals at all; the recovery shall be made only from one of the three.’ If the recovery is to be made from one of the three only, why should legislation specify two others as being liable for a thing for which law does not attach any liability on them at all? When the other two are exempted from liability, why should they be brought on the same category as the registered holder and be placed on a similar par

[Sir Muhammad Habib-ul-lah Sahib] [22nd December 1922]

Clause 15—cont.

with him and included in the distinct provision that these three individuals are liable for the cost? I mean to say, Sir, that the more you are trying to tinker with this clause, the more difficulties it will land you in. If only my advice of yesterday had been taken by the House and the clause had been left severely alone, as it was in the original Bill, all these complications could have been avoided. I am, therefore, unable to understand, Sir, what exactly it is that I am asked to accept."

Diwan Bahadur M. KRISHNAN NAYAR :—" Will it be in order, Sir, if I move that the clause 15, as amended by the Select Committee, be restored and be passed?"

The hon. Mr. K. SRINIVASA AYYANGAR :—" We do not want to oppose it at all if you bring it forward."

Diwan Bahadur M. KRISHNAN NAYAR :—" I say that, because it seems to me that the clause, as it now stands, throws the responsibility for the maintenance of these stones on three different persons, viz., the holder as well as the owner and the occupier from any one of whom the amount can be recovered. To meet the wishes of the House generally, I shall move an amendment if I am permitted to do so."

The hon. the DEPUTY PRESIDENT :—" I allow it."

Diwan Bahadur M. KRISHNAN NAYAR :—" I formally move, Sir, that the clause 15 as it stood in the Bill, as amended by the Select Committee, be restored and passed and do form part of the Bill."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" My attitude towards this motion is this."

The hon. the DEPUTY PRESIDENT :—" Are you willing to allow Mr. Krishnan Nayar's motion?"

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I wish to explain my position. If the House is not going to raise any objection I have no objection to withdraw. But before knowing whether the House is going to take it up."

The hon. the DEPUTY PRESIDENT :—" Then I will put the motion to the House."

Mr. E. PERIYANAYAGAM :—" I wish to raise a point of order, viz., whether the Deputy President can preside when the President is here."

The hon. the DEPUTY PRESIDENT :—" He is outside the precincts of the House" (laughter).

Rao Bahadur K. GOPALAKRISHNAYYA :—" I wish to know whether the motion made by Mr. Krishnan Nayar is quite in order, when we have gone far ahead by way of considering clause 15. The question is whether we can go behind the consideration of that clause and now move that the whole clause as it is be taken into consideration."

The hon. the DEPUTY PRESIDENT :—" So it is that I take the permission of the House. The Government said that they had no objection and Mr. Krishnan Nayar has moved it."

Rao Bahadur K. GOPALAKRISHNAYYA :—" The Government will be very willing."

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Clause 15—cont.

Diwan Bahadur M. KRISHNAN NAYAR :—" It is against the Government."

The hon. the DEPUTY PRESIDENT :—" Then the best thing is to put Mr. Krishna Rao's amendment to the House."

Mr. Krishna Rao's amendment was then put and lost.

Diwan Bahadur M. KRISHNAN NAYAR :—" Now, I move, Sir, that clause 15, as it stands in the Bill and as it has been framed by the Select Committee, be accepted and allowed to stand part of the Bill."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I second it."

Rao Bahadur K. GOPALAKRISHNAYYA :—" Does my objection hold good, now, Sir?"

Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, you have given your ruling and now the motion is before the House. It is for the House to accept or reject it."

The hon. the DEPUTY PRESIDENT :—" I should like to have the help of the hon. the Law Member."

The hon. Mr. K. SRINIVASA AYYANGAR :—" It is a question of the order of the President. I thought the President had given his ruling. The House has no business to go back upon the ruling of the President."

The hon. the DEPUTY PRESIDENT :—" What I said was that I wished to take the permission of the House."

The motion of Diwan Bahadur M. Krishnan Nayar was then put and carried and clause 15 was allowed to stand part of the Bill.

Amendment No. 41.

Mr. B. MUNISWAMI NAYUDU :—" Sir, I wish to move amendment No. 41."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Mr. President, clause 15 of the Bill has been accepted by the Council. What Mr. Muniswami Nayudu wants to do is to add a sub-clause after clause 15 which has already been carried out. That is amendment No. 41 on the paper. I think he is perfectly in order and he can move it."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I wish to raise a point of order."

The hon. the DEPUTY PRESIDENT :—" You will kindly sit down."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Certainly I am entitled to be heard when I rise to a point of order. Clause 15 has been passed; the sanction of the Council has been taken, and it has become part of the Bill. After that I beg to submit that no amendment to that clause can be allowed."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" They are only additional sub-clauses."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Whether they are an addition or subtraction they will become part of the clause."

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Clause 15—cont.

Mr. C. V. VENKATARAMANA AYYANGAR :—The motion of Mr. Krishnan Nayar was that clause 15 do stand part of the Bill. That has been carried. Any amendment must have been brought as an amendment to Mr. Krishnan Nayar's amendment. That has not been done."

Mr. B. MUNISWAMI NAYUDU :—"I thought that the discussion was on the clause as it stood. My amendment is only an addition to the clause. If you will now allow me to move my amendment I will do so."

The hon. the DEPUTY PRESIDENT :—"I think he can move."

Mr. B. MUNISWAMI NAYUDU :—"I thank you for the permission given. I move :

41. (i) *Number the existing clause as sub-clause (1).*

New sub-clauses.

- (ii) *Add the following as sub-clause (2) :—*

'Before a survey officer or Collector maintains, renews or repairs any survey marks, he shall serve a notice in writing on the registered holder giving particulars of the survey marks in respect of which default has been committed and calling upon him to maintain, renew or repair the same within a time to be prescribed in such notice which shall be not less than 15 days from the date of service thereof.'

- (iii) *Add the following as sub-clause (3) :—*

'If the notice prescribed in sub-clause (2) cannot be served personally on the registered holder, a copy of the same shall be served also on the cultivator or other person interested in the land.'

"Clause 15 as now amended lays down an obligation on the registered holder to maintain and repair the survey marks. It also lays down that if he should default in doing so then the survey officer may, at the expense of the Government, have the repairs done, and collect the money subsequently from the registered holder. Sir, there has been a lot of discontent about the way in which this provision has been worked till now. For some time past, notice used to be given to the cultivator or the ryot and if they did not finish the repair, Government had the repairs done, sent the bill, and collected the amount. My objection to this is that this is a penal clause. Before he can be said to have committed the default, it must be clearly shown to him that he did not carry out the repairs when he was called upon to do so. If it were to depend upon the sweet will and pleasure of the karnam or the monigar, they will say 'I told him personally and he did not do it.' I also learn that it is futile to depend upon the revenue inspectors for, they cannot be expected to check the stones quarterly or annually. In any event, Sir, serious difficulty has been felt. They simply say that the stones were buried in the ground or that they repaired the stones and charge them at the rate of twelve annas each. Recently a question was asked as to the amount collected by such replacement or repairs of stones and the answer was that the amount aggregated to a lakh of rupees. If the revenue inspector says 'you should replace it', there is absolutely no chance to the ryot. Sometimes he is made aware of the fact that his stones were repaired only when the money is demanded. Then he has to contend that the stone was there and the statement that it was replaced is all wrong. In these circumstances, Sir, it is

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Clause 15—cont.

but fair that justice should be done to the persons concerned by the issue of notice before taking the extreme step of the Government doing the repairs themselves. This question formed the subject of a resolution in the pre-Reform days, and I am told that Mr. Siva Rao moved this resolution. There will be no chance of influencing the Government while making the rules, and I therefore submit that this amendment may be accepted by the House."

Mr. J. KUPPUSWAMI seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I wish to bring one or two important matters for the consideration of the House. In the first place let the House realize that a survey is conducted at an enormous expenditure out of the general tax-payers' money. Elaborate methods are adopted, sketches for each holding are made available, and the stones are fixed for the purpose of determining the boundaries.

"Stones are fixed for the purpose of marking the boundaries, and, after everything has been done at the general tax-payers' expense, the law rightly throws the responsibility upon the particular owner failing to maintain intact the results which have been achieved by the survey conducted at the general taxpayers' expense. It is an obligation, therefore, on the landlord, to maintain intact such of the marks as might have been laid on his field to fix the boundaries between his land and his neighbour's land. If he fails to do so, it is a breach of the duty cast on him by law. For every breach of duty cast on an individual by law there is a penalty. The penalty in this case is not a fine or imprisonment; it is restoring what has been destroyed through the negligence of the individual who ought to have taken care of his boundary marks. The Government in such a case do not recover from the party more than the actual cost of the stone that has been replanted or repaired and the cost of labour that might have been utilized for the purpose of re-planting or repairing that particular stone. There is, therefore, no sort of hardship involved in this case. If, on the other hand, the recommendation of the hon. mover is accepted, I ask the House to remember what the consequences will be. I am not sure whether the House knows how many stones have been planted in the Madras Presidency. We have got, what we call, a stone register in which we note down every stone that is planted as a result of the survey conducted in every part of the district. To-day, Sir, according to our survey register, we have got 268,638,000 stones to maintain. Those ryots or landlords on whose fields these stones have been planted do not invariably take that care which is essential for the preservation of these boundary marks, and when they fail to do that, we have to step in; for it should be remembered that any negligence on the part of the individual concerned might merely affect that individual; but if that individual is connived at by the Government and proper steps are not taken by them for the purpose of re-doing what has been once done, the consequence will be that a survey of the whole country will become necessary more often than it is at the present moment. For, if every mark and every boundary stone that has been laid on the ground as a result of a survey is going to be obliterated soon after it has been laid, it will not only be necessary to have a 30 years' survey as we have now in anticipation of resettlement, but it will also probably be necessary to have a quinquennial

[Sir Muhammad Habib-ul-lah Sahib] [22nd December 1922]

Clause 15—cont.

survey. Is that, I ask, a financial possibility? What is the amount of work that we do at the present moment? From the same register—what we call the stone register—we find that in the last year we had to renew and repair no less than 368,691 stones. Now, does the House realize that if this amendment is accepted, it will become necessary for Government to issue notices in no less than 3 to 4 lakhs of cases every year? And mark, Sir, the notices are expected to be in writing. The quantity of stationery involved, the writing work thereby necessitated, the printing that it will occasion, the amount of extra hands who will be needed to do the writing work in respect of 368,691 notices and probably the amount of postage that would be involved for despatching these notices to registered holders to their last-known addresses, all mean an unthinkable problem. Is it, I ask, the intention of the House that we should face this additional expenditure at this moment? Then it is stated, Sir, that after the abolition of the Land Records Department, which the hon. mover and I in common regret, the duty has now been cast on the ordinary Land Revenue Inspector who from his own standpoint can fudge things as he likes. But I say that even when the Land Records Department was in existence, whose rather unhappy burial we all regret, it was the same Revenue Inspector, and it was the same village headman, who were responsible for what we call the maintenance work; and the fact that the Land Records Department has been abolished, though its duty has now been transferred to the ordinary Land Revenue Department—and this in its turn naturally utilizes the services of the *karuam* or the *monigar*—does not alter the situation at all. For, the same element that was working under the old system is also the element now working under the present system. Unless and until, Sir, I am told or at any rate some proof is forthcoming to the effect that these 368,691 stones which are being repaired in the course of one year are all imaginary doings of the village officials, I, for one, cannot accept that assertion. It may be that here and there there may be an act of indiscretion on the part of somebody; but that does not condemn the system as a whole. It condemns the man and his action. If, therefore, I am going to be asked to accept this tall order which is proposed to be issued to me by means of this amendment, that I should serve a notice in writing on the registered holder giving particulars of the survey marks in respect of which default has been committed and call upon him 'to maintain, renew or repair the same within a time to be prescribed in such notice which shall be not less than 15 days from the date of service thereof', if I am asked to carry out this tall order which is contained in this amendment, I fear, Sir, the Council will have to be prepared to give me the necessary sinews of war to enable me to carry on its wishes in this direction; and I cannot, at the present moment, tell the House what exactly will be the total expenditure involved. For I have had no opportunity of working out accurately what additional establishment will be necessary in each village for doing this work. If the House passes this amendment I shall work out the whole thing and incorporate it in the next budget."

SAYYID MUHAMMAD PADSHA SAHIB Bahadur:—"Mr. President, Sir, I beg to oppose this amendment. I am sorry that I have to do so; because my opposition is based not on any consideration of the actual issues involved in this amendment but merely on a technical point. I submit, Sir, that the

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Clause 15—cont.

House will not do justice to itself if it carries the amendment. After all the various amendments on this clause were discussed, deliberated upon and disposed of by this House, all that labour was lost by the decision of the House to allow the original clause, as drafted by the Select Committee, to stand in the Bill. So, Sir, in my view, if this amendment is accepted, it will be showing a preferential treatment to it, while all the others have been swept away by the previous decision of the House. If we allow this amendment to go forward, we have also to take into consideration all the various amendments which have been already disposed of and there will thus be no end. On these grounds, I oppose the amendment now before the House."

Amendment No. 41 was put to vote and lost.

4-30 p.m. Rao Bahadur K. Gopalakrishnayya demanded a poll and the House divided as follows:—

Ayes.

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| 1. Rao Bahadur T. A. Ramalinga Chettiayar. | 14. Mr. K. Sarabha Reddi. |
| 2. Mr. K. Adinarayana Reddi. | 15. Mr. W. P. A. Soundarapandia Nadar. |
| 3. Rao Bahadur V. Appaswami Vandayar. | 16. Mr. K. Sitarama Reddi. |
| 4. Diwan Bahadur C. Arunachala Mudaliyar. | 17. Dr. P. Subbarayan. |
| 5. Rao Sahib S. Ellappa Chettiayar. | 18. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 6. Diwan Bahadur Sir P. Tyagaraya Chettiayar. | 19. Mr. C. V. Venkataramana Ayyangar. |
| 7. Mr. O. Tanikachala Chettiayar. | 20. Rao Bahadur C. V. S. Narasimha Raju. |
| 8. Mr. W. Vijayaraghava Mudaliyar. | 21. Mr. A. Ranganatha Mudaliyar. |
| 9. Rao Bahadur K. Gopalakrishnayya. | 22. Mr. R. Srinivasa Ayyangar. |
| 10. Mr. B. Muniswami Nayudu. | 23. Mr. M. Suryanarayana. |
| 11. Mr. A. T. Muttukumaraswami Chettiayar. | 24. Mr. S. Arpudaswami Udayar. |
| 12. Rao Bahadur C. Natesa Mudaliyar. | 25. Mr. K. Prabbakaran Tampian. |
| 13. Mr. V. P. Pakkiriswami Pillai. | 26. Khan Bahadur Muhammad Usman Sahib Bahadur. |

Noes.

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| 1. The hon. Sir Charles Todhunter. | 15. Diwan Bahadur T. N. Sivagnanam Pillai. |
| 2. " Khan Bahadur Sir Muhammad Habib-ul-lah Sahib Bahadur. | 16. Mr. S. Somasundaram Pillai. |
| 3. " Mr. K. Srinivasa Ayyangar. | 17. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 4. " the Raja of Panagal. | 18. Mr. S. Muttamanikkaohari. |
| 5. " Bai Bahadur K. Venkatarreddi Nayudu. | 19. Diwan Bahadur D. Seshagiri Rao Pantulu. |
| 6. " Rao Bahadur A. P. Patro. | 20. Rev. W. Weston. |
| 7. " Mr. A. R. Knapp. | 21. Sayyid Muhammad Padsha Sahib. |
| 8. Mr. F. J. Richards. | 22. Khan Sahib Muhammad Abdur Rahim Khan Sahib. |
| 9. Mr. B. G. Grieve. | 23. Khan Bahadur Muhammad Sadulla Badsha Sahib. |
| 10. Mr. E. Periyannayagam. | 24. Khan Sahib Munshi Muhammad Abdur Rahman Sahib. |
| 11. Mr. T. C. Tangavelu Pillai. | 25. Rao Bahadur M. C. Raja. |
| 12. Mr. A. Ramaswami Mudaliyar. | 26. Mr. L. C. Guruswami. |
| 13. S. R. Y. Ankineedu Prasad Bahadur. | |
| 14. Mr. M. Appalarasayya Nayudu. | |

The Deputy President (*from the Chair*) gave his casting vote for the amendment, and the amendment was carried.

Then clause 15 as amended was put, passed and added to the Bill.

Clause 21.

Amendment 62.

Mr. B. MUNISWAMI NAYUDU:—"I move, Sir,

62. After the words 'the collector may' in line 43, insert the following:—
'after giving notice to the tenant or proprietor in the manner provided in sub-sections (2) and (3) of section 15.'

[Mr. B. Muniswami Nayudu] [22nd December 1922]

Clause 21—cont.

"Sir, this amendment covers cases of proprietary estates also. I do not know how the proprietors can be compelled to pay the cost of survey without previous notice being given to them. This amendment attempts to give the proprietor and the tenant the same protection which the amendment now carried with your (Deputy President's) casting vote does. It is therefore necessary that before the survey officer comes and demands the charge, due notice should be given. With these words, I move the amendment."

Mr. J. KUPPUSWAMI seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I oppose the amendment. I have nothing further to add to what I have already stated. If the proprietors are prepared to shoulder the additional cost, I have no objection."

The amendment was put and carried.

Clause 21 as amended was put, passed and added to the Bill.

The Preamble.

The Preamble was then put and carried and added to the Bill.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, in view of the fact that a large number of amendments have been accepted by this House, and with a view to examine once more whether any further consequential amendments will be necessary, I do not move at this meeting that the Bill be passed into law, but I move that it be adjourned to 29th January 1923."

The hon. the RAJA of PANAGAL seconded it.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"This is exactly the course which has been suggested to my hon. friend two hours ago. It is now open to my hon. friend, the Revenue Member, and my other friends to bring in any amendments at the next meeting."

The motion for adjournment to 29th January was put and carried.

The House then adjourned to meet again at 11 a.m. on the 29th January 1923.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

[Appendix.

[22nd December 1922]

APPENDIX C.

[Vide page 1179 supra.]

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

We, the undersigned members of the Select Committee appointed to consider Bill No. 10 of 1922 (A Bill to provide for the reorganization of the Madras University), have the honour to submit the following report.

2. The Select Committee had four sittings on the 1st, 2nd, 7th and 8th December and finally met on the 9th idem to consider its report.

3. The Bill was published in the *Fort St. George Gazette* in English on 17th October 1922.

4. A representation from the Madras Teachers' Guild was placed before the members of the Select Committee and considered by them.

5. There was some discussion as to the definition of affiliated and constituent colleges. It was suggested that the limit of the university may be removed and constituent colleges recognized outside the limit. The committee by a very large majority felt that it would be violating one of the fundamental principles of the Bill if the suggestion were accepted. It was further suggested that provision may be made in the Bill recognizing certain colleges as the nuclei of future universities. The committee rejected the proposal as it would be invidious to make such a selection.

6. The committee decided following the precedents of modern universities both in Great Britain and India to have a pro-Chancellor and provided that the Minister of Education should be the pro-Chancellor ex officio. Section 10 of the Bill relating to the election of the Vice-Chancellor has been modified giving the power of appointment to the Chancellor from among five persons selected by the Senate, the pay being fixed by the Senate and not by the Chancellor.

7. The committee generally felt that the Senate could, with advantage, be a larger body and has increased the representation of both the academic and the non-academic elements therein.

8. With a view to remove the apprehension that mufassal interests may not receive adequate attention at the hands of the Senate, each district is allowed to send two representatives to the Senate.

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9. Consequent on the increase of the strength of the Senate, its representation on the Syndicate has been increased from six to eight. The number of representatives of the Academic Council and the Council of Affiliated Colleges on the Syndicate has been increased from two to three, while the provision as to electing two members by the principals of affiliated colleges has been dropped. An extra seat is provided for nomination by the Chancellor to safeguard the interests of communities not otherwise adequately represented.

10. The constitution and powers of the Academic Council which were provided in the schedule by the statutes have been brought into the Act as they were considered of sufficient importance to be fixed or altered only by the Legislature. The composition of the Academic Council was increased by the addition of a larger representation of the teaching element both from constituent and affiliated colleges as the committee felt that, unlike the Senate which was a governing and administrative body, the Academic Council should, as far as possible, be composed of academic persons representing various subjects of study.

11. The committee by a majority decided to delete the provision requiring the assent of the Chancellor to statutes passed by the Senate. The committee unanimously decided that ordinances need not be subject to the veto of the Chancellor but that a mere suspensory power till the ordinances were considered by the Senate, was sufficient.

12. The term 'regulations' has been introduced for describing the rules made by the Academic Council, and provisions similar to those relating to ordinances have been made regarding their enactment.

13. It was proposed that the provisions regarding the composition of the Council of Affiliated Colleges should be brought into the Act so as not to give freedom to the Senate to change the composition by statutes from time to time. The proposal was not acceptable to the committee. It was further suggested that provision may be made for the dissolution of the single Council of Affiliated Colleges by the Senate and the creation in its place of two or more councils for different groups of districts. It was urged in support of this suggestion that a single council was an unwieldy body and that the interests of the affiliated colleges in the north were not identical with those of the affiliated colleges of the south, and that further the formation of such different councils would facilitate the development of future universities. On the other hand, it was pointed out that the value of the recommendations of the Council of Affiliated Colleges would be lessened if there were several councils sending up perhaps different proposals to the Senate and to the Syndicate, and that there would

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be consequent loss of co-ordination of effort on the part of affiliated colleges and those interested in them. The committee negatived the proposal. It was next urged that there should be an Executive Committee of the Council to carry out the largely increased powers proposed to be given to the Council, and that a separate fund should be created for the Council of Affiliated Colleges to which should be credited the income from fees, endowments, grants and the contributions of the Local Government. In support of the proposition to set up an Executive Committee for the Council of Affiliated Colleges it was urged that the powers of the Council should be largely enhanced and should include the power to prescribe separate courses of study for the students of affiliated colleges and to conduct separate examinations. It was pointed out that the mufassal educationists that were consulted on the subject were entirely against the prescribing of separate courses of study or the holding of separate examinations for mufassal colleges. It was then urged that an immediate separation in these two matters was not contemplated but that provision may be made for the ultimate holding of separate examinations and prescribing of separate courses of study for these institutions and that power may be taken in the Act for the purpose. The committee felt, however, that even a permissive power like that would be misunderstood as aimed at lowering the status of affiliated colleges and consistently with the emphatic declaration that had been made in the Legislative Council that separate examinations and separate courses of study for constituent and affiliated colleges was not contemplated either in the present or in the immediate future, the committee did not accept the proposals. Consequent on this decision, the committee felt that there was no necessity to constitute an Executive Committee for the Council of Affiliated Colleges and that all practical purposes would be served by the provision for the formation of standing or other committees which was embodied in the Act.

14. It was further provided that, in addition to the present functions, the Council of Affiliated Colleges may make proposals to the Syndicate for the co-ordination of the teaching resources in suitable mufassal centres and the development of academic life with a view to the formation of new universities and generally to advise the Academic Council and the Syndicate regarding courses of study and examiners. It has also been provided that the Council may lay before the Government its proposals for the financial provision to be made for affiliated colleges and generally to advise the Government regarding the distribution of grants to affiliated colleges. The composition of the Council of Affiliated Colleges was slightly changed giving representation to the principals of second-grade colleges and to each one of the districts.

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15. Regarding the transitory provisions, the committee felt that the powers conferred on the Vice-Chancellor by the draft were rather excessive. The clause has been suitably amended requiring the Vice-Chancellor to constitute the several authorities of the University within a definite period and allowing the existing regulations to continue in force until the new authorities had framed their Statutes, Ordinances and Regulations.

16. A section has been added requiring the Senate to submit a report to the Local Government on the condition of affiliated colleges and on the question of creating other universities outside the limits after a period of five years from the date of the Act. This provision was made so as to cast a positive obligation on the Senate to review the position of affiliated colleges, their condition and circumstance at least after a period of five years.

17. The changes made by the Select Committee are printed in clarendon type throughout the Bill.

18. The committee do not consider that the Bill has been so altered as to require republication and does not therefore recommend its republication.

A. P. PATRO.
C. P. RAMASWAMI AYYAR.
W. MESTON.
M. RATNASWAMI.
O. TANIKACHALA CHETTI.
MUHAMMAD USMAN.
K. RAMUNNI MENON.
P. SUBBARAYAN.
T. A. RAMALINGA CHETTIYAR.
R. VENKATARATNAM.*
A. T. PALMER.
E. MONTEITH MACPHAIL.
R. G. GRIEVE.
A. RAMASWAMI MUDALIYAR.
S. ARPUDASWAMI UDAYAR.*
G. VANDANAM.
S. R. ANKINEDU PRASAD BAHADUR.
C. R. REDDI.
M. KRISHNAN NAYAR.
A. RANGANATHAM.*
C. V. S. NARASIMHARAJ.*
A. S. KRISHNA RAO.*
M. RAMACHANDRA RAO.*

* Subject to Minutes of dissent.

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MINUTES OF DISSENT.

I sign the report but do not approve of clause 10 (1) which makes the Hon'ble the Minister for Education ex officio Pro-Chancellor of the University. In my opinion, the Minister should not be subjected to the risk of finding himself in a position where he may be unable to secure support in the Council for a measure which he strongly approved of in the University. Also, I do not agree to clause 14, class III (1), which prescribes the principle of proportionate representation in the case of election by registered graduates only. The principle should be made applicable to all elections under the Act.

18th December 1922.

A. RANGANATHAM.

The Bill as amended in the Select Committee retains most of the features to which objection was taken when it was introduced into the Council and some of the alterations made in the Select Committee have made the new organization of the University even more unacceptable than it was under the Bill.

The scheme of University reform formulated by the Sadler Commission was designed to meet the peculiar conditions of the Presidency of Bengal. They discussed various methods for affording relief to the Calcutta University and amongst them was the creation of new Universities at various mufassal centres. The Commission came to the conclusion that 'there was no college in the mufassal that was as yet ripe to be transformed into a University.' They also found that the proposal for a University of Bengal for the areas outside the city of Calcutta was unanimously rejected by representative conferences who asserted their desire to maintain their connexion with the University of Calcutta. The Commission, after weighing every practicable alternative, came to the conclusion that 'the only immediate solution of the problem was to be found in some form of association between the mufassal colleges and the University of Calcutta' and for that purpose they proposed the establishment of a Mufassal Board which would leave to the mufassal colleges under its jurisdiction the maximum degree of freedom, while freeing the teaching University, as far as possible, from the entanglements of an affiliating system. The circumstances in this Presidency are entirely different. For several years public opinion in this province has favoured the formation of new Universities and the demand for them was put forward in the various conferences from time to time. The matter was brought up for discussion in the Legislative Council more than once and about a year ago the

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Government appointed a representative Committee to go into the question and the report of the Committee recommending the formation of a new University for the Andhra districts has been in the hands of the Government for several months. The Senate of the Madras University also suggested in October 1921 the formation of new Universities on linguistic lines and the immediate establishment of a new University for the Andhra districts.

Under these circumstances the natural line of reform was to make a clean cut and to reduce the present jurisdiction of the University of Madras as recommended by the Andhra University Committee. This would have avoided the complexity of organization embodied in the Bill. It is therefore unfortunate that the Bill still maintains the unwieldy territorial jurisdiction of the University and that a form of administration specially devised to meet public opinion in Bengal should have been adopted in the Bill in regard to the administration of the affiliated colleges notwithstanding the fact that opinion in this province has unanimously favoured the establishment of new Universities as the only sound measure of decentralization.

2. Even apart from this view the position assigned in the Bill to the council of the affiliated colleges is a very serious departure from the proposals made by the Sadler Commission for the Mufassal Board for the purpose of controlling and regulating the mufassal colleges. The scheme outlined by the Commission was intended to secure for the mufassal colleges, a certain degree of academic autonomy and adaptation of courses of study to their own resources and to the needs of their students under the aegis and supervision of the teaching University of Calcutta. The Commission suggested that the Mufassal Board should have some real independence and responsibility in shaping the courses normally pursued by the mufassal colleges, subject however to the review of the academic council, that it should have the power of conducting all examinations of the mufassal colleges, to recommend examiners for appointment by the Executive Council of the Senate and to propose arrangements, when desirable, for the use of the same papers used in the corresponding examinations of the teaching University and for the appointment of the same examiners, that the Board should have funds at its disposal, including the receipts from the examination fees and any grants made for this purpose by the Government. These funds are to be kept separate from the other funds of the teaching University and to be expended in the interests of the mufassal colleges. It was also the view of the Commission that there should be a different budget of receipts and expenditure and that the Mufassal Board should have an executive council to carry on its work. In fact, the Mufassal Board was to deal with the educational

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requirements of the colleges situated beyond the limits of Calcutta and the functions and the constitution of the Board were so devised as to secure a certain amount of association with the Teaching University of Calcutta while at the same time giving into the hands of the Board substantially the management and the control of the colleges in the mufassal. The constitution of the 'Council of Affiliated Colleges' under the present Bill can only be justified if some such functions are assigned to it. Under the present Bill the council will not perform any of these functions. The reason for this change has not been made to us clear but some reference has been made by our colleagues to a consultation with mufassal educationists on the subject. From the note furnished to us, it is clear that the conference consisted of a casual consultation with six principals of mufassal colleges who happened to be in Madras for another purpose. It is evident from the note that the issues were not placed before them clearly, that no resolutions were adopted, that there was no report of the Proceedings except the note of the Director of Public Instruction of what took place at the meeting. The note says that the principals suggested that the provision was necessary in the Bill for separate examinations and courses of study being instituted in the future if the trend of academic events showed that this was desirable. Our colleagues would not accept this unanimous expression of opinion on this matter. It is also clear from Father Carty's note appended to the Director's note that the proposals then discussed were seriously misunderstood. In these circumstances, we are not prepared to accept the statement that mufassal educationists were against the proposals referred to in paragraph 13 of the report in regard to the functions and powers of the council of affiliated colleges. In the Bill as originally published for public criticism some of these powers were proposed to be conferred on the council; provision was also made therein for the constitution of a fund to be administered by the council and for a separate annual budget and for the separation of these funds from the general funds of the University; and a further provision was also made for a separate executive committee for the council. This scheme of functions and powers has been abandoned and the Bill now assigns very subordinate duties to the council.

The council will have, under the Bill, no funds to administer and consequently no executive committee to look after its affairs. In fact, the council of the affiliated colleges will be a minor body in the organization of the University with advisory functions. The constitution of a council consisting of nearly 100 members representing mufassal colleges, the teaching profession, the district boards and municipalities, professors of universities, and various other members merely for rendering advice of the character mentioned in the Bill

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amongst them but also to prevent the development of any one of them at the expense of the other two. The Bill has made no provisions for an equitable distribution of funds and in view of what has transpired in the past and the very serious apprehensions entertained in this respect we consider that statutory provision for the constitution of a committee in which all the interests are represented should be made in the Bill to examine the needs of University education from time to time and to advise Government in the allocation of the grants in order to meet them. Unless some provision of this sort is made, we consider that the proposals in the Bill will be altogether unacceptable to those in the management of the mufassal colleges and that the yearly allotments for University education would be mostly distributed among the constituent colleges and the University. The Bill as amended by the Select Committee merely provides for the council making representations to the Government about the distribution of grants only to the affiliated colleges. There are no provisions in the Bill for ascertaining the relative needs of the University, the constituent colleges and the affiliated colleges and to make a suitable distribution of the available funds between all the institutions. The constituent colleges and the University, will look to their own interests and approach the Government direct for assistance. Apart from other reasons the concentration and co-ordination of resources in higher teaching and research which it is the object of the Bill to promote can never be carried out unless there is a co-ordinated plan in the distribution of funds for future development. A single authority to co-ordinate all these requests and able to view the problem as a whole and to advise the Government is very desirable. Our considered opinion, therefore, is that without a proper co-ordination of the financial resources of the Government for securing a proper distribution of public funds among the three classes of institutions, the establishment of a teaching and residential University is certain to divert the funds available for University education, more and more to the colleges in Madras and the establishment of new University centres in the mufassal would be seriously retarded, if not altogether prevented.

4. The provisions relating to the Senate as modified in the Select Committee are also unsatisfactory. The Senate under the proposals of the Select Committee would consist of about 180 or 200 persons. Of these 55 would represent local bodies, viz., the Madras Corporation, the district boards and the mufassal municipalities. There are precedents elsewhere in the charters of some of the Universities where municipal corporations contributing to the funds of the University are given the power of representation and a similar privilege may be accorded to the local bodies in this province but

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not without any contributions from them. The ex-officio and the nominated element in the Senate would be about 60 or 65 and this would be about one-third of the total strength of the Senate. There is no justification for this either. The Sadler Commission expressed the opinion that the nominated element in the Senate should occupy a subordinate position. The method of election by single transferable vote is adopted only in the election by registered graduates and not in the case of the other constituencies. No provision has been made in the Bill for the representation of bodies and associations promoting cultural work in this Presidency.

5. The provision made by the Select Committee for the appointment of a Pro-Chancellor is also unnecessary. Our colleagues are also of opinion that the Minister of Education should be the Pro-Chancellor of the University ex officio. The aim of University reform has been to free the Universities as much as possible from the control of Government and the appointment of the Minister of Education as the Pro-Chancellor is without precedent and is a fundamental departure from the principles of the Bill.

6. Under the Bill, as originally introduced, the Vice-Chancellor was to be elected by the Senate from among persons recommended by the Syndicate subject to the confirmation of the Chancellor. This provision has also been altered by our colleagues and the Chancellor has been empowered to appoint the Vice-Chancellor from among five persons recommended by the Senate. We see no justification for depriving the Senate of the power of appointing its own Vice-Chancellor and transferring this power to the Chancellor. There are other objectionable modifications in the constitution of the various authorities of the University to which we need not refer at any length, which are prejudicial to sound University administration and to the growth of an autonomous University.

7. Finally the professed object of this Bill is the establishment of a teaching University in the city of Madras and it has been stated that the affiliating functions of the University are only temporary. It is, therefore, necessary that this should be frankly recognized in the Bill by limiting these functions to a period of five years. This step will force attention to the subject of the early formation of new Universities. The Bill has not been referred to the Senate and we have not had the benefit of the considered opinion of the chief authority in University education in this Province. It has been brought forward for consideration without arriving at a decision on one of the most vital points of University reform, namely, the position of the intermediate colleges in the future organization of education in this Presidency. The reconstruction of the system of University organization embodied in the Bill is so far reaching in its

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scope and would so vitally affect the future of University education in this Province that we feel no doubt whatever that an early review of the position created by the provisions of the Bill after it becomes law would become necessary. We are also of opinion that the changes introduced in the Bill at the Select Committee stage are of sufficient importance to render its republication necessary.

M. RAMACHANDRA RAO.

18th December 1922.

C. V. S. NARASIMHARAJ.

The Bill provides for the creation of a teaching and residential University in Madras with constituent arts and professional colleges within a radius of ten miles and with affiliated colleges scattered over the entire length and breadth of the Madras Presidency, out of which are to spring up, in future, other local teaching and residential Universities. There can be no valid objection, no reasonable opposition, to the scheme of starting a teaching and residential University in Madras, provided suitable provisions are embodied in the Bill for translating into action, in the not distant future, the wish expressed in the third clause of the Preamble that 'it is desirable by the concentration and co-ordination of resources for higher teaching and research at suitable centres outside the limits of the University, to prepare for the institution of new Universities'. It is true the Bill, as amended by the Select Committee, empowers the Council of Affiliated Colleges to make 'proposals to the Syndicate for the co-ordination of the teaching resources in suitable mufassal centres and the development of academic life with a view to the formation of new Universities. But this does not go very far. No new Bill is required, no Council of Affiliated Colleges need be called into being for recommending co-ordination of the teaching resources which, under the present Act, can be readily effected by mutual agreement between the principals of first-grade colleges in any given centre. The real thing wanted, that which will, in the near future, lead to the institution of local Universities is the determination and selection by the Local Government in consultation with the Senate or the Syndicate and the Council of Affiliated Colleges of what are deemed suitable centres so that, simultaneously with the institution of the teaching and residential University in Madras, University centres in other parts, one at least for each principal linguistic area may be formed, enjoying, as the Calcutta Commission Report recommends, a certain degree of autonomy in the planning of their courses and the conduct of their examinations. These University centres will consist of colleges or groups of colleges

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providing facilities for higher specialized courses and research work and therefore occupying a rank or status equal to that of a constituent college of the University. The courses and examinations need not necessarily be different in the beginning. The different University centres may be given the option of having the same courses and examinations as the University or of specializing, under the tutelage of the present University, in certain courses not provided for by the University but better suited to local requirements and better adapted for the development of local resources. The university may, through the Council of Affiliated Colleges, issue, from time to time, such instructions as may be found necessary for maintaining the same high standard or level of efficiency as obtains in the constituent colleges.

The institution, therefore, of university centres, universities inchoate or potential Universities, as the Calcutta Commission's Report terms them, cannot be delayed. Provision should be made for them, and for the machinery which has to bring them into existence, simultaneously with the university, in the body of the new Bill. My reasons for suggesting this course are as follows:—

(1) The simultaneous institution of university centres will quicken and intensify culture and academic life in the mufassal and will, by fixing beforehand certain nuclei of future universities, rouse up, on the one hand, local patriotism and philanthropy to provide the necessary funds and means for future universities and, on the other, serve as pledges of the good-will of the university towards the mufassal.

(2) The present university is far too unwieldy, it is said, to promote intensive training or provide far greater efficiency in advanced courses or afford enlarged scope for specialization in higher research work. The new Bill does not mend matters by seeking to increase efficiency in Madras by means of university teaching and efficiency in the mufassal by a system of examinations.

Nor does it relieve the university of its unwieldiness. For the teaching university in Madras is required to give the very best kind of teaching it can provide within the ten-mile limit and at the same time supplement the teaching provided by the affiliated colleges. To these teaching functions are also added the functions of an examining body. These inconveniences are removed by the institution of university centres. They will increase efficiency in their respective areas and thereby contribute to the efficiency of the parent university. They will serve as effective barriers against the unification or centralization, as it were, of all courses, and of the subordination of all initiative, of all individual tastes and inclinations to the rigorous demands of one standardized system of examinations.

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(3) If purely educational considerations were kept in view, these centres should be welcomed as forming an intermediate stage. From the broad stage of a Presidency-wide university to the final stage of multiple local universities normal development requires an intermediate stage. This represents the stage at which university centres should be started, developed and improved until like ripe fruits they could separate themselves from the parent tree and grow into separate plants and trees having their own separate existence and life, or until like tutored children develop and attain the age and position when they could live by themselves and be really independent. This is the radical defect of the present Bill. It disregards the laws of nature. Should this plan of the intermediate stage be adopted, Madras will lose nothing. It will have its ten-mile limit. It will enjoy its place of precedence, its place of honour as the metropolis. It will still be the better provided seat, the headquarters of the university, the exclusive centre for a long time for engineering, law and medicine. The imposition of the ten-mile limit will not then give it the aggressive, exclusive and anti-mufassal character which it now assumes by law. The re-organization of the university on the lines here suggested, on the principle of a natural transition from the intermediate to the final stage, will permit of any one of the university centres becoming a distinct university without injury to the other parts of the university. But the re-organization effected by the Bill is a violent operation, the cutting off, as it were, of the head from the members.

The Council of Affiliated Colleges must be armed with powers, to become an effective instrument, in conjunction with the Local Government and in consultation with the Senate or the Syndicate, to select and develop these university centres. For this special purpose, and for the general purpose of safeguarding mufassal interests which slightly differ in the different linguistic areas, it is highly desirable that there should be two councils of Affiliated Colleges, one for the north and one for the south.

The following were the chief functions which the minority at the Select Committee wished to assign to these Councils:—

“(a) The Council shall have a fund to which shall be credited (1) the income from fees, endowments and grants if any, (2) contributions from the Local Government under the provisions of section 44 of the Bill in respect of institutions transferred to the Council, (3) Contributions from the Local Government for instituting professorships, readerships, lectureships and any other teaching posts and generally for the promotion of higher research and advancement and dissemination of knowledge in particular branches of learning.

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“(b) The Local Government shall also contribute annually to the fund a sum to meet the recurring expenditure of office establishments maintained by the Council and the travelling charges of the members of the Council.”

There were two other resolutions which the minority failed to pass through the Select Committee, viz.:—

“(a) After the commencement of this Act, the Senate shall appoint a commission to inspect the affiliated colleges and report to the Senate which of such colleges should be recognized as maintaining standards in teaching, equipment and general efficiency equal to the constituent colleges in the university and to frame regulations for the recognition from time to time of such colleges as potential university centres.

“(b) Such affiliated colleges as in the opinion of the Senate maintain the standards equal to those of the constituent colleges of the university shall be styled ‘university colleges’ and shall thereafter be entitled to all the privileges of the constituent colleges in the university till they are transferred to other universities.”

Putting all these amendments together, it will, I think, be readily conceded that the minority did not suggest any utopian scheme when they proposed to safeguard mufassal interests and to pave the way for the institution of future local universities by recommending what appears to be the most practical and natural method of maintaining and improving the standard of efficiency of the stronger mufassal colleges and of providing them with the means of developing into independent local universities. Any dislocation or interruption, however temporary, of existing facilities for advanced courses in the mufassal, must inevitably result in the stronger mufassal colleges falling behind, and becoming a drag on, the constituent colleges and the chances becoming more and more remote of the necessary conditions being created for the institution of local universities. The question becomes really one of *Now or Never*.

The proposal of two councils, one for the north and one for the south, is a step in the right direction. The disadvantages referred to in the Select Committee Report are not really so serious as to outweigh two chief advantages claimed for them. The first is the enthusiasm and earnestness which a council working in a linguistic area can bring to bear upon its work, the first hand knowledge and information which it will have of the *modus operandi* of the stronger mufassal colleges within the area, their equipment, staff, scope for development and for providing facilities for post-graduate studies and research work, their needs and requirements and the nature and amount of financial assistance needed for their fulfilling the conditions of constituent colleges of a future university. The second is the

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effectual appeal which it can make to popular sympathy. People living in a linguistic area will respond eagerly to a call made by educationists of their own area for the development of the stronger colleges situated therein, will take a natural pride in financing them, in the well-founded hope that one or two of them at least may develop into local universities providing the higher specialized courses which will suit the cultural demands of the area.

18th December 1922.

S. ARPUDASWAMI UDAYAR.

There are fifty-seven colleges affiliated to the University of Madras of which twelve are in or near the City of Madras and forty-five outside the City of Madras. The establishment of a teaching university with the ten-mile limit provided in the Bill, cannot but affect the position of the mufassal colleges. The modifications made by the Select Committee have not improved the position of the mufassal colleges to any substantial extent. There are no safeguards to ensure that the mufassal colleges would get financial assistance from the Government even to the present extent, though even such assistance would not be sufficient to enable those colleges to make adequate provision for higher teaching and research as contemplated in the Bill. It must be admitted that the mufassal colleges have hitherto received a sort of step-motherly treatment at the hands of the Government in the distribution of grants. In 1920-21 seven first-grade colleges in the mufassal were given a total grant of Rs. 61,718, whereas two colleges alone in the City of Madras received a total grant of Rs. 65,254. The number of pupils in the first-grade colleges is fairly divided, between the Madras City and the mufassal districts. It is true that in the first-grade colleges in the Madras City, the number of pupils from the mufassal districts is much larger than the number of those from the city. But that can't in any way affect the claim of the mufassal colleges to a more just and equitable treatment in the matter of the distribution of the grants. It is quite necessary to incorporate suitable provisions in the Bill to safeguard the interest of the affiliated colleges and to ensure that their needs will be satisfied to a reasonable extent and in a reasonable manner, before increased financial provision is made for the benefit of the constituent colleges.

2. The financial provisions made in clause 43 of the Bill are utterly inadequate to cope with the demands of the new teaching university. The success of the measure will depend on the grants placed at the disposal of the university for carrying out reforms in the present system of the university education. It is necessary

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to make more liberal provision for that purpose besides making grants for the salaries of the Vice-Chancellor, special university teachers and for the development of the laboratory, library, museums and workshops.

3. I do not consider it necessary to provide in the Bill for a paid Vice-Chancellor, due regard being had to the limited funds available for university education. It is provided that the Registrar will act as the Secretary of the Senate, the Syndicate, the Academic Council and the Council of Affiliated Colleges. He is or may be invested with all powers necessary for the administration of the affairs of the university. His position may be recognized in the Act itself and he may be provided with a decent salary. A further provision for the payment of salary to the Vice-Chancellor appears to be more a luxury than a necessity. The Bill as originally introduced provided that the Vice-Chancellor shall be elected by the Senate from among the persons recommended by the Syndicate, subject to the confirmation of the Chancellor. It was felt that there was no justification for restricting the choice of the Senate to the persons recommended by the Syndicate. The alteration effected by the Select Committee in the provision made for the appointment of the Vice-Chancellor has made the position worse than before. It deprives the Senate of the right to elect the Vice-Chancellor and confers the powers on the Chancellor, with the limitation that he shall appoint from among five persons recommended by the Senate. This is a serious curtailment of the power of the Senate in the matter of the appointment of its chief executive officer, the Vice-Chancellor.

4. One of the chief complaints against the present Madras University is that it has grown very unwieldy and that it cannot satisfactorily control university education, over the whole presidency covering such a very wide area. The first reform to be effected in the present system of university education is to reduce the size of the Madras University and to establish universities in other centres. The present Bill is not calculated to achieve that object, notwithstanding the alterations made by the Select Committee. The question of the establishment of the Andhra University has reached a stage, when any delay in the progress of the scheme cannot but produce serious dissatisfaction in the minds of the people of the Andhra districts. The Senate recommended the establishment of the Andhra University in the first instance. The Government accepted the principle and appointed a committee to investigate that question. The committee submitted its report and it is still under the consideration of the Government. A conference of some representatives of the Telugu-speaking districts was held last month

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and the type of the university was agreed upon. The location of the university would also have been agreed upon at that conference, but for the absence of representatives from the Chittoor and Ceded districts and it is sure to be settled at the next sitting of the conference. The provision contained in clause 51 of the Bill making it obligatory on the Senate to report at the end of five years on the desirability of establishing other universities cannot apply to schemes in an advanced stage of progress, like that relating to the Andhra University.

5. The Bill does not provide for an adequate representation of the registered graduates of the university who must form the main electorate in any scheme of University Reform. In the original Bill, provision was made for the election of 25 members by the registered graduates out of a total of about 120 members. In the Bill as revised by the Select Committee, provision is made for the election of only 30 members by the registered graduates, out of a total of about 220 members. It is necessary to increase the number of members to be elected by the registered graduates to at least 40. It is necessary that the university should be in close touch with the student population, so as to be able to make adequate provision for their requirements. All registered graduates of five years' standing must have the privilege of electing members to this university. There is no justification for providing that in the case of registered graduates, the election shall be according to the principle of proportionate representation by means of the single transferable vote, when no such provision has been made in the case of other elections.

18th December 1922.

A. S. KRISHNA RAO.

Could I have helped it, I should have avoided a minute of dissent. But the conditions under which a good portion of the work of the Select Committee had to be done makes a minute inevitable and obligatory. Almost at the very commencement it was declared by the hon. the Chairman and several other hon. Members that the hon. Council had accepted the principle of the Bill as regards the 'limit', and the Committee could not go back on it. Apart from this assumption, which some Members would not accept, the proceedings had not progressed far before it became plain that the Select Committee was, on one important matter, clearly divided into two sections (of course, unequal sections)—one comprising those who felt, and the other those who did not feel, grave apprehensions about the future of the mufassal colleges. Hence, most of the suggestions relating to those institutions had to run the gauntlet of the majority ;



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and in more instances than one, the chairman's casting vote (very naturally given in favour of the original proposal of the Bill) decided the issue. How pronounced this difference was, might be surmised from the fact that more (a good deal more) than one half of the main text of the Select Committee's report relates to matters affecting the mufassal colleges. Accordingly, it is to those matters, as set out in paragraphs 5 and 13 of the Select Committee's report, that this note will mainly restrict itself. Here I may state that I am in general agreement with the substance of sections 1, 2, 3 and 5 of the minute of dissent recorded by my hon. colleagues, Diwan Bahadur M. Ramachandra Rao Pantulu Garu and Rao Bahadur C. V. S. Narasimha Raju Garu.

2. Section 5 of the Select Committee's report states that two suggestions were made—one for the removal of the 'Limit of the University' and the other for the recognition of certain mufassal colleges as nuclei of future universities; and the report records that both the suggestions were rejected—the first for its violation of a fundamental principle of the Bill and the second for its invidious consequences. It is, however, submitted that the first suggestion did not propose the elimination of any 'limit' whatsoever. It desired that a really reasonable 'limit' based on, or assorted to, the other vital marks of distinction between a so-called 'Affiliated' and a so-called 'Constituent' college should be prescribed. A reference to definitions (a) and (b) under section 2 will show how all the authoritative stress of the legislature is laid on the accident of the geographical position of a college according as it is situated either within or without a certain limit, quite irrespective of the essential distinctions regarding the methods adopted, the standards maintained and the objects pursued; these altogether vital matters being left to be 'prescribed' later on by the authorities of the university. To be sure, this method is altogether arbitrary; and if any thing merits to be styled invidious, it is this method of determining a matter of great moment. The suggestion of the minority was that the distinction between a 'constituent' and an 'affiliated' college should primarily be based upon the capacity and the preparedness (or otherwise) of an institution to participate in the 'higher teaching' and 'research' work which the Bill proposes to develop and to respond to the endeavours after that 'academic life' and that 'corporate unity' which the Bill desires to foster. The so-called 'limit' should be determined as a concomitant to those substantial points of distinction; whereas the Bill starts by making an arbitrarily-fixed geographical limit, the initial and basal criterion of the classification; and this means that institutions are sorted according to the good luck which places one college within that 'limit' or

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the hard fate which places another college outside that 'limit'! Correct information and open mind being postulated, who can gainsay that there are some individual mufassal colleges and at least two mufassal centres which can satisfy the demands and shoulder the responsibilities of 'teaching' and of 'residence' for university purposes as effectively as most of the Madras Colleges? And yet they must be passed over, because they have the misfortune to be located outside the privileged pale! What principle is involved in this method, it is hard, indeed, to discover, unless pure convention or sheer convenience be styled a principle. The second suggestion referred to in the same section (section 5) of the Select Committee's report, aimed at harmonising the preamble with the contents of the Bill through a distinct provision being embodied in the Bill itself for the establishment of an agency whose purpose, from the very outset, would be to lead towards the realization of the second avowed object of the Bill, viz., to prepare for the institution of new universities. Nothing was more remote from the intention of this suggestion than to propose an off-hand enumeration of colleges to be recognized as nuclei of new universities: that were invidiousness itself. What was actually and expressly suggested was that a careful inspection, by a properly constituted body, should first be made of the mufassal first-grade colleges with reference to their present condition and future possibilities; and as a result of that inspection there should be drawn up a list, necessarily tentative, of institutions that could be aided, by both funds and guidance, to develop high academic standards and healthy corporate life and could thus become university centres. How else the avowed object of preparing for the institution of new universities could be steadily furthered, it is again difficult to see. All the same, the two proposals were rejected, as several others were, without much ado.

3. Some of the other proposals similarly disposed of are mentioned in paragraph 13 of the Select Committee's report. One of them was the proposal that the composition of the Council of Affiliated Colleges should be determined, even as its powers were defined, by the Act itself. If two virtually autonomous bodies like the Legislature and the Senate are to function, one for defining the powers and the second for determining the composition of one and the same body, obviously there is bound to be, with the duplication of the agencies, a complication and even an inarticulation of the details. The council in question, even with the stinted powers vouchsafed to it, will have very responsible duties to discharge towards mufassal colleges. The authority to define its powers rightly vests in the legislature; and for that very reason the legislature alone can judge correctly what the proper composition of that body should be. It may, by the way, be pointed out that the Council of Affiliated

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Colleges is the only 'authority' of the university which is thus bifurcated between two organs of legislation; every other 'authority' being placed, as to both its powers and its composition, wholly either under the Act or under the Statutes. Next, two other suggestions relating to the Council of Affiliated Colleges are mentioned in this paragraph (No. 13) of the Select Committee's report, namely, the setting up of an executive committee of that council and the creating of a separate fund for the mufassal colleges. The Select Committee's report states at some length the reasons which weighed with the majority for negating the proposal regarding an executive committee; while all that the report has to say about the other proposal regarding a separate fund is that it was urged by some members, but that the committee did not accept it. Probably the report regards them, and presumably the majority of the Select Committee also viewed them, as so interlinked that they should rise or sink together. But really they are two distinct proposals, one concerned with the mode and the other with the means of operation. Anyhow, at no stage of the proceedings of the Select Committee did the difference in aim and, therefore, in opinion between the two sections of the committee evince itself as being utterly irreconcilable as it did in connexion with the consideration of these two suggestions. A set of proposals, generally agreed to by at least four, if not by five and even six, members of the committee and enumerating a series of suggestions bearing upon the powers, functions, funds, composition, committees and other details appertaining to the Council of Affiliated Colleges, had been prepared and was presented to the committee. But the majority decided that the two questions, whether the council should be given an executive committee and whether the mufassal colleges should be granted a separate fund, must be voted on and settled before the other proposals regarding powers, function, etc., were gone into. Then it did not take the committee much time and deliberation to negative the two proposals. They were practically forejudged; and after that one need hardly describe the mutual understanding on which the rest of the discussion followed. However, it is submitted that the method adopted was far from the logical or natural. The need for an executive committee will depend obviously on the strength or composition of the general body and on the extent and variety of its powers and functions. By the Bill as revised by the Select Committee, the Council of Affiliated Colleges will consist of about eighty members, spread over the whole Presidency; and its functions and powers, however limited and subordinate, will be such as to require it to be in constant touch on the one hand with the mufassal colleges and on the other with the Syndicate and the Academic Council. Its functions are, to a considerable extent, akin, so far as mufassal

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colleges are concerned, to the functions of the two last-named 'authorities'. In view, therefore, of these two considerations, namely, of its composition and of its functions, it is submitted that, for prompt and efficient work, an executive committee is highly desirable, in fact indispensable. As regards a separate fund, its imperative necessity is emphatically urged by past experience. It is no exaggeration, I believe, to say that, for a long while during the years gone by, the Metropolitan and the mufassal colleges have been as the Biblical lean kine and fat kine. Consequently, wide-spread and intense is the fear that in the years to come, with the alluring charms of a so-called residential university, the Madras colleges will claim, and will be conceded, more than the proverbial lion's share of the funds, either for themselves or for that university of which they are the heir by primogeniture. Hence, a distinct provision ensuring to the mufassal colleges a just and adequate share in the university funds from all sources is due as a matter of equity and fair dealing. It will never do to treat the mufassal colleges as integral for financial purposes but excrescent for academic ends. The minority suggested that those colleges should receive, and have utilized for their benefit, a part (in proportion to the original contribution by their candidates) of the savings from the fee income, and that the apportionment of the other funds, as voted by the Legislative Council in the annual budget, should be made on the basis of the suggestions or recommendations of a committee, representative of the Syndicate, the Academic Council, the Council of Affiliated Colleges and the Local Government. Next, a word or two might be given to the suggestion proposing merely permissive or enabling powers regarding courses and examinations for mufassal colleges. It is submitted that the suggestion made was not altogether unlike the power given to the Academic Council by section 24 (j). The Select Committee's report refers to certain mufassal educationists consulted on the subject having been entirely opposed to the proposal. As I am not in possession of detailed information on this consultation, I shall not deny the statement. However, I shall submit that the statement admits of considerable modification. Our hon. colleague, Rao Bahadur C. V. S. Narasimha Raju Garu, presented a copy of the proceedings of a special meeting of the College Council of one of the leading colleges in the north, which included a resolution asking for mufassal colleges the power to hold their examinations. Further, the members who submitted the set of proposals above referred to mentioned that the Principal of a leading college in the south wanted such enabling or permissive powers to be given to the Council of Affiliated Colleges. As for the plea that an emphatic declaration was made in the Legislative Council about there being no separate courses and no separate examinations, it may be observed

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that herein lies the self-contradiction of the Bill, in that it treats the Madras and mufassal colleges as distinctly different classes in the matter of facilities, opportunities, methods and appliances, but, none the less, wrings them into an identical position as regards the courses prescribed and the examinations demanded. It is exactly here that the Bill deflects from the carefully considered line of action prescribed by the Calcutta University Commission's report, which expressly declares that mufassal colleges cannot 'keep step' with Calcutta colleges and that uniform curricula and examinations 'would be unfair to both sides'. Should it be urged, as it might justly be urged, that unlike the mufassal colleges of Bengal the mufassal colleges of this Presidency could cope with Madras colleges on equal terms as regards curricula and examinations, does not that admission discredit the division of Madras and mufassal colleges into two distinct classes—constituent and affiliated—on a purely geographical basis?

4. The other points on which I have to dissent may be barely enumerated thus:—

(i) I doubt whether there is real analogy on this point between the Madras University and those modern universities which are said to have a Pro-Chancellor. Is the Governor of a Province or a Presidency the ex officio Chancellor there? The acceptance of the Minister for Education as the ex officio Pro-Chancellor further complicates the matter. Is the hon. Minister to be the common Pro-Chancellor for the several universities which it is the hope or the ambition to establish in this Presidency?

(ii) To my mind it is more than a doubt whether it is natural or business like that the 'local bodies' should have so many as fifty-two representatives in the Senate.

(iii) It is clear to my mind that the assent of the Chancellor to the Statutes (only to the Statutes) is highly desirable. The Chancellor is an integral and important factor of the Senate, as he is also the head of the Government which has to co-operate with, and to finance, the activities of the Senate. His assent to the general principles and the main methods of the policy to be pursued enters into the transaction almost as a matter of right. I fear it will be too sweeping a swing of the pendulum from the pre-requisite of his assent even to petty details and passing exigencies at the one end to the deletion of that assent even from statutes defining the general policy at the other.

20th December 1922.

R. VENKATARATNAM.

[22nd December 1922]

[Note.—The alterations made by the Select Committee are printed in clarendon type.]

BILL No. 10 OF 1922.

A Bill to provide for the reorganisation of the Madras University.

(As amended by the Select Committee.)

Preamble.

WHEREAS it is expedient to reorganize the University of Madras with a view to establishing a teaching and residential University at Madras while enabling the University to continue to exercise due control over the quality of the teaching given by colleges which are to constitute the University of Madras or are affiliated to it;

AND WHEREAS it is desirable to foster the development of academic life and corporate unity as well in the colleges as in the University by so promoting co-operation among the colleges and between the University and the colleges as to utilize to the full the teaching resources available within the limits of the University;

AND WHEREAS it is desirable by the concentration and co-ordination of resources for higher teaching and research at suitable centres outside the limits of the University to prepare for the institution of new Universities;

AND WHEREAS the previous sanction of the Governor-General has been obtained for the passing of this Act; it is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

Short title and commencement.

1. (1) This Act may be called the Madras University Act, 1923.

(2) This section shall come into force at once. The rest of this Act shall come into force on such date or dates as the Local Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(a) '*Affiliated College*' means a college situated outside the limits of the University and affiliated to the University of Madras as constituted prior to the commencement of this Act or admitted to the privileges of affiliation with the University under conditions prescribed in this behalf.

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(b) '*Constituent College*' means a college maintained or recognized by the University in accordance with the provisions of this Act in which instruction is provided under prescribed conditions and which is situated within the limits of the University.

(c) '*First-grade College*' means a college which submits its students to examinations qualifying for degrees other than professional degrees.

(d) '*Hostel*' means a unit of residence for students of the University maintained or recognized by the University in accordance with the provisions of this Act.

(e) '*Limits of the University*' means the territory within a radius of ten miles from Fort St. George.

(f) '*Prescribed*' means prescribed by the Statutes, Ordinances or Regulations.

(g) '*Principal*' means the head of a constituent college or of an affiliated college.

(h) '*Registered graduates*' means graduates registered under the provisions of this Act or of the Indian Universities Act, 1904.

(i) '*Second-grade college*' means a college which prepares its students for the Intermediate Examination in Arts and Science and does not submit its students to the Degree Examinations.

(j) '*Teachers*' includes professors, readers and lecturers and such other persons giving instruction in constituent or affiliated colleges or hostels as may be recognized by the University to be teachers.

(k) '*Teachers of the University*' means persons appointed by the University to give instruction on its behalf.

(l) '*University*' means the University of Madras as reconstituted under this Act.

(m) '*University Professor*' means a Professor appointed to deliver lectures, to conduct classes, to engage in or direct and supervise research, or to do any other academical work that may be entrusted to him under the provisions of this Act.

CHAPTER II.—THE UNIVERSITY.

3. (1) The first Chancellor, Pro-Chancellor and Vice-Chancellor of the University and the first members of the Senate, the Syndicate, the Academic Council, and the Council of Affiliated Colleges and all persons who may hereafter become such officers or members so long as they

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continue to hold such office or membership are hereby constituted a body corporate by the name of the University of Madras.

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the name of the University of Madras.

Vacation of
Fellowships.

4. As from the date on which section 3 and this section are brought into operation the Chancellor shall cease to exercise his functions under any Act or Acts heretofore in force and the Vice-Chancellor and all Fellows and Honorary Fellows of the University of Madras as constituted and incorporated by any Act or Acts heretofore in force shall cease to be the Vice-Chancellor, Fellows and Honorary Fellows of the University, respectively.

University
open to all
classes and
creeds.

5. (1) No person shall be excluded from membership of any of the authorities of the University or from admission to any degree or course of study on the sole ground of sex, race, creed, or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to religious belief or profession in order to entitle him to be admitted thereto as a teacher or student or to hold any office therein or to graduate thereat or to enjoy or exercise any privileges thereof except where in respect of any particular benefaction accepted by the University such test is made a condition thereof.

Disqualifi-
cation for
member-
ship.

(2) No person shall be qualified for election or nomination as a member of any of the authorities of the University if he

(a) is at the date of election or nomination of unsound mind, deaf-mute or suffers from contagious leprosy, or

(b) is an uncertificated bankrupt or undischarged insolvent, or

(c) has been convicted by a court of law of an offence which involves moral delinquency.

In case of dispute or doubt, the Syndicate shall determine whether a person is disqualified under this sub-section and its decision shall be final.

Teaching of
the Univer-
sity.

6. (1) No attendance at any instruction other than that conducted or recognized by the University shall qualify for admission to an examination of the University.

(2) The authorities responsible for organizing such instruction shall be those prescribed therefor.

(3) The courses of study and curricula shall be those prescribed.

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7. (1) The Governor-General shall be the Visitor of the University.

(2) The Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment and of any institutions associated with the University and also of the teaching and other work conducted or done by the University and to cause an inquiry to be made in respect of any matter connected with the University. The Visitor shall in every case give notice to the University of his intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(3) The Visitor may address the Chancellor with reference to the results of such inspection or inquiry and the Chancellor shall communicate to the Senate and to the Syndicate the views of the Visitor and may, after ascertaining the opinion of the Senate and the Syndicate thereon, advise the University upon the action to be taken.

(4) The Syndicate shall report to the Chancellor for communication to the Visitor such action, if any, as it is proposed to take or has been taken upon the results of such inspection or inquiry. Such report shall be submitted with the opinion of the Senate thereon and within such time as the Chancellor may direct.

(5) Where the Senate or the Syndicate does not within a reasonable time take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Senate or the Syndicate, issue such directions as he may think fit and the Senate and the Syndicate shall comply with such directions.

8. There shall be a Chancellor, a Pro-Chancellor and a Vice-Chancellor of the University.

The Chancellor,
Pro-Chancellor
and Vice-Chancellor.

9. (1) The Chancellor of the University shall be the Governor of Madras. He shall by virtue of his office be the head of the University and the President of the Senate and shall, when present, preside at meetings of the Senate and at any convocation of the University.

The
Chancellor.

(2) The Chancellor shall exercise such powers as may be conferred on him under the provisions of this Act.

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(3) Where power is conferred upon the Chancellor to nominate persons to authorities, the Chancellor shall, to the extent necessary, nominate persons to represent communities or interests not otherwise adequately represented.

The Pro-Chancellor.

10. (1) The Pro-Chancellor of the University shall be the Minister administering the subject of education for the time being.

(2) In the absence of the Chancellor, or during the Chancellor's inability to act, the Pro-Chancellor shall exercise all the functions of the Chancellor.

The Vice-Chancellor.

11. (1) The Vice-Chancellor shall be a whole-time officer of the University and shall be appointed by the Chancellor from among five persons recommended by the Senate. He shall hold office for a term of three years and may be paid such salary as shall be prescribed.

(2) Where any temporary vacancy occurs in the office of Vice-Chancellor the Syndicate shall, as soon as possible, subject to the approval of the Chancellor, make the requisite arrangements for carrying on the duties of the Vice-Chancellor.

Powers and duties of the Vice-Chancellor.

12. (1) The Vice-Chancellor shall be the principal executive officer of the University and shall, in the absence of the Chancellor and Pro-Chancellor, preside at meetings of the Senate and at any convocation of the University. He shall be a member ex officio and Chairman of the Syndicate, of the Academic Council and of the Council of Affiliated Colleges and shall be entitled to be present at and to address at any meeting of any authority of the University but shall not be entitled to vote thereat unless he is a member of the authority concerned.

(2) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the Statutes, Ordinances and Regulations are faithfully observed and carried out and he may exercise all powers necessary for this purpose.

(3) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate, the Academic Council and the Council of Affiliated Colleges.

(4) (a) In any emergency which in the opinion of the Vice-Chancellor requires that immediate action should be taken, he may take such action and shall as soon as may be thereafter report his action to the officer or authority who or which would have ordinarily dealt with the matter.

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(b) When action taken by the Vice-Chancellor under this sub-section affects any person in the service of the University, such person shall be entitled to prefer an appeal to the Syndicate within thirty days from the date on which he has notice of such action.

(5) The Vice-Chancellor shall give effect to the orders of the Syndicate regarding the appointment, dismissal and suspension of the teachers of the University and its servants and shall exercise general control over the affairs of the University.

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed.

13. The following shall be the authorities of the University:—

Authorities of the University.

- (1) The Senate,
- (2) the Syndicate,
- (3) the Academic Council,
- (4) the Faculties,
- (5) the Boards of Studies,
- (6) the Council of Affiliated Colleges, and
- (7) such other authorities as may be declared by the Statutes to be authorities of the University.

CHAPTER III.—THE SENATE—POWERS AND DUTIES.

14. The Senate shall consist of the following persons, namely—

The Senate.

Class I.—Ex officio Members.

- (1) The Chancellor,
- (2) the Pro-Chancellor,
- (3) the Vice-Chancellor,
- (4) the Director of Public Instruction, Madras,
- (5) the Surgeon-General with the Government of Madras,
- (6) the Chief Engineer, Public Works Department,
- (7) the Advocate-General,
- (8) the Director of Industries,
- (9) the Director of Agriculture,
- (10) the principals of first-grade colleges,
- (11) the principals of constituent colleges other than Arts colleges,
- (12) the whole-time University Professors paid from University funds, and
- (13) members of the Syndicate who are not otherwise members of the Senate.

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Class II.—Life Members.

Such persons **not exceeding five** as may be appointed by the Chancellor to be life members on the ground that they have rendered eminent services to education.

All persons who **make a donation** of not less than Rs. 25,000 to or for the purposes of the University.

Class III.—Other Members.

(1) **Thirty** members elected by registered graduates from among themselves according to the principle of proportionate representation by means of the single transferable vote;

(2) **ten** members elected by the Academic Council and **ten** members elected by the Council of Affiliated Colleges;

(3) **twelve** members elected by the non-official members of the Legislative Council of Madras from among their own body;

(4) **five** persons elected by the principals of second-grade colleges and **three** persons elected by headmasters of secondary schools recognized by the Local Government;

(5) **three** members elected by the Corporation of Madras from among their own body;

(6) **two** members for each district, one elected by the members of the district board from among themselves, and the other by the municipal councillors of the municipalities in the district from among themselves;

(7) **two** members elected by the Madras Chamber of Commerce and **two** by the Southern India Chamber of Commerce;

(8) **two** members elected by the Madras Land holders' Association;

(9) every association making a donation of not less than Rs. 25,000 and every person making a donation of not less than Rs. 10,000 and every association or person making an annual contribution of not less than Rs. 5,000 to or for the purposes of the University shall be entitled to nominate one member to the Senate who shall be a member for five years or as long as the annual contribution continues, as the case may be;

(10) **associations or persons** being donors of sums of not less than Rs. 500 to or for the purposes of the University shall elect such number of **members** not exceeding ten as the Chancellor may fix;

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(11) **thirty** members nominated by the Chancellor of whom not less than **twenty** shall be **nominated** to secure the representation of communities not otherwise adequately represented.

Save as otherwise provided, members of the Senate other than ex officio members shall hold office for a period of three years; provided however that a member **nominated** or elected in his capacity as a member of a particular body or as the holder of a particular appointment shall hold office so long only within that period as he continues to be a member of that body or the holder of that appointment as the case may be.

15. The Senate shall be the supreme governing body of the University and shall have the power to review the action of the Syndicate, the Academic Council and the Council of Affiliated Colleges and shall exercise all the powers of the University not otherwise provided for and all powers requisite to give effect to the provisions of this Act. Powers and duties of the Senate.

16. The Senate shall have the following powers, namely— Powers of the Senate.

(1) to provide for instruction in such branches of learning as it may think fit and to make provision for research and for the advancement and dissemination of knowledge;

(2) to encourage co-operation and reciprocity among constituent colleges with a view to promoting academic life;

(3) to make such provision as will enable constituent colleges to undertake specialization of studies and to organize common laboratories, libraries and other equipment for research work;

(4) to institute professorships, readerships, lecturer-ships and any other teaching posts required by the University and to appoint persons to such professorships, readerships, lecturer-ships and posts;

(5) to institute and award fellowships, travelling fellowships, scholarships, endowments, exhibitions, bursaries, medals and prizes;

(6) to grant to, and confer degrees and other academic distinctions on, persons who—

(a) shall have pursued an approved course of study in a constituent or an affiliated college and shall have passed the prescribed examinations of the University, or

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(6) shall have carried on research under conditions prescribed;

(7) to confer honorary degrees or other distinctions on approved persons in the manner prescribed.

(8) to provide such lectures and instruction for students of affiliated colleges of the University as the University may determine and also to provide for lectures and instruction to persons not being students of the University and to grant diplomas to them;

(9) to affiliate to itself colleges outside the limits of the University and to allow Colleges affiliated to the University before the passing of this Act to continue to exercise the rights and privileges conferred on them by the affiliation and any further rights to be conferred by this Act until such time as they may be transferred to other Universities;

(10) to provide for the inspection of all colleges and hostels;

(11) to institute, maintain and manage constituent colleges, to recognize colleges not maintained by the University as constituent colleges and to withdraw recognition therefrom;

(12) to institute, maintain and manage hostels, to recognize hostels not maintained by the University and to withdraw recognition therefrom;

(13) to supervise and control the residence and discipline of the students of the University and to make arrangements for promoting their health and general welfare;

(14) to fix, demand and receive such fees as may be prescribed;

(15) to enter into any agreement with the Government or with a private management for assuming the management of any institution under it and for taking over its properties and liabilities and for any other purpose not repugnant to the provisions of this Act;

(16) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;

(17) to make Statutes and amend or repeal the same;

(18) to consider, modify or cancel Ordinances and Regulations;

(19) to consider and pass resolutions on the annual report, the annual accounts and the financial estimates;

(20) to delegate any of its powers to such authority or authorities as it may deem fit; and

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(21) generally to do all such other acts and things as may be necessary or desirable to further the objects of the University.

Nothing in this Act contained shall entitle the Senate to affiliate to the University any college situate within the limits of the University.

17. (1) The Senate shall meet once a year at a meeting to be called the annual meeting of the Senate on a date to be fixed by the Vice-Chancellor. The Senate may also meet at such other times as it may from time to time determine. Meetings of the Senate.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than 35 members of the Senate, convene a special meeting of the Senate.

CHAPTER IV.—THE SYNDICATE.

18. The Syndicate shall, in addition to the Vice-Chancellor, consist of the following persons, namely— The Syndicate.

Class I.—*Ex officio Member.*

The Director of Public Instruction, Madras.

Class II.—*Other Members.*

(1) Eight members elected by the Senate from among its members.

(2) Three members elected by the Academic Council from among its members.

(3) Three members elected by the Council of Affiliated Colleges from among its members.

(4) Three members nominated by the Chancellor.

Members other than ex officio members shall hold office for a period of three years, provided that a member nominated or elected in his capacity as a member of a particular body shall hold office so long only within that period, as he continues to be a member of that body.

19. The Syndicate—

(a) shall hold, control and administer the property and funds of the University;

(b) shall direct the form, custody and use of the common seal of the University;

(c) shall regulate and determine all matters concerning the University in accordance with this Act, the Statutes and the Ordinances, provided that no action

Powers and duties of the Syndicate.

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shall be taken by the Syndicate in respect of fees payable to examiners and the number, qualifications and the emoluments of teachers of the University, otherwise than after consideration of the recommendations of the Academic Council;

(d) shall frame the financial estimates of the University and submit the same to the Senate;

(e) shall administer all funds placed at the disposal of the University for specific purposes;

(f) shall, save as otherwise provided by this Act or the Statutes, appoint the teachers of the University and servants, shall fix their emoluments and may define their duties and the conditions of their service and may provide for the filling of temporary vacancies;

(g) shall have power to accept bequests, donations and transfers of any movable or immovable properties to the University on its behalf, provided that all such bequests, donations and transfers shall be reported to the Senate at its next meeting;

(h) shall arrange for and direct the inspection of all constituent colleges, hostels and affiliated colleges;

(i) shall appoint examiners after consideration of the recommendations of the Academic Council and the Council of affiliated colleges;

(j) shall publish the results of the University examinations; and

(k) shall exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act, the Statutes or the Ordinances.

Annual
report

20. The annual report of the University shall be prepared by the Syndicate and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes and shall be considered by the Senate at its next annual meeting. The Senate may pass resolutions thereon and communicate the same to the Syndicate which shall take action in accordance therewith. The Syndicate shall inform the Senate of the action taken by it. A copy of the report with a copy of the resolutions thereon, if any, of the Senate shall be submitted to the Local Government for information.

Annual
Accounts.

21. (1) The annual accounts of the University shall be prepared by the Syndicate and shall be submitted to such examination and audit as the Local Government may direct.

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(2) The accounts when audited shall be published by the Syndicate in the *Fort St. George Gazette* and copies thereof shall together with copies of the audit report be submitted to the Senate and the Local Government.

(3) The Syndicate shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(4) The annual accounts and the financial estimates shall be considered by the Senate at its annual meeting and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take action in accordance therewith.

CHAPTER V.—THE ACADEMIC COUNCIL, THE FACULTIES AND THE COUNCIL OF AFFILIATED COLLEGES.

22. The Academic Council shall be the academic authority of the University and shall, subject to the provisions of this Act and the Statutes, have the control and general regulation of teaching and examination within the University and be responsible for the maintenance of the standards thereof and shall exercise such other powers and perform such other duties as may be prescribed.

The
Academic
Council.

23. (i) The members of the Academic Council in addition to the Vice-Chancellor shall be—

The
Academic
Council.

Class I.—*Ex officio Members.*

- (1) The Director of Public Instruction, Madras;
- (2) the University Professors,
- (3) the Principals of first-grade colleges;
- (4) the Principals of professional colleges;
- (5) any member of the teaching staff of any college who may be appointed or recognized as a University Reader during his tenure of such office.

Class II.—*Other Members.*

(1) Five Principals of second-grade colleges elected by the Principals of second-grade colleges.

(2) Three members of the teaching staff of each of the constituent colleges to be elected by the members of the staff of the respective colleges.

(3) Five members elected by the Senate from its own body who are not engaged in teaching or members of the Syndicate.

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(4) Ten members of the Council of Affiliated Colleges elected by the said Council from among teachers in affiliated colleges.

(ii) The Academic Council as constituted under sub-clause (i) may co-opt as members teachers of the University not exceeding six.

(iii) Members other than ex officio members shall hold office for a period of three years provided that persons appointed or elected as representatives of any particular body shall hold office so long only within the said period as they continue to be members of that body.

24. Subject to the provisions of this Act the Academic Council shall have the following powers, namely,—

Powers of the Academic Council.

(a) to advise the Syndicate on all academic matters;

(b) to make proposals to the Syndicate for the institution of professorships, readerships, lecturerships, or other teaching posts and in regard to the duties and emoluments thereof;

(c) to make proposals for regulating the special courses of study or division of subjects in constituent and affiliated colleges;

(d) to make Regulations for and to award in accordance with such regulations medals and other rewards;

(e) to make Regulations for the encouragement of co-operation and reciprocity among constituent and affiliated colleges with a view to promoting academic life;

(f) to make Regulations regarding the admission of students to the University or prescribing examinations to be recognized as equivalent to the University examinations or the further qualifications mentioned in sub-section (i) of section 35 for admission to the degree courses of the University;

(g) to make Regulations relating to courses, examinations and the conditions on which students of affiliated colleges shall be admitted to examinations for the degrees of the University;

(h) to constitute from among its own members Faculties in Arts, Science, Law, Medicine, Engineering, Teaching, Commerce and Agriculture and such other subjects as may be prescribed;

(i) to recommend to the Syndicate the names of persons suitable for appointment as Examiners and Assistant Examiners;

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(j) to make recommendations to the Syndicate for the recognition of teachers qualified to give instruction in constituent and affiliated colleges and hostels;

(k) to control and manage the University library or libraries, to frame rules regarding its or their use and to appoint a library committee under the general control of the Academic Council to manage the affairs of the library;

(l) to formulate, modify or revise, subject to the control of the Senate, schemes for the constitution or reconstitution of departments of studies;

(m) to assign teachers to departments of studies;

(n) to promote research within the University and to call for reports on such research from the persons engaged thereon and to make recommendations to the Syndicate thereon; and

(o) to forward to the Syndicate or refer back the draft of any Regulation prepared by the Council of Affiliated Colleges relating to courses, examinations and the conditions on which students of such colleges may be admitted to examinations for the degrees of the University.

Provided that the Council of Affiliated Colleges shall be consulted in respect of matters referred to in clauses (c), (e), (g) and (j).

25. The University shall include Faculties of Arts, Science, Law, Medicine, Engineering, Teaching, Commerce and Agriculture and such other Faculties as may be prescribed. Each Faculty shall comprise such departments of teaching as may be prescribed by the Ordinances. The constitution and functions of the Faculties shall be prescribed by the Statutes. There shall be Boards of Studies attached to each department of teaching, the constitution and powers of which shall be prescribed by the Statutes.

26. The constitution of the Council of Affiliated Colleges and of such other authorities as may be declared by the Statutes to be authorities of the University shall be provided for in the manner prescribed.

Council of Affiliated Colleges.

27. (1) The Council of Affiliated Colleges shall have the following powers:—

Powers of the Council of Affiliated Colleges.

(a) to make proposals to the Syndicate or the Academic Council as the case may be to supplement the teaching provided by the affiliated colleges;

(b) to appoint such special or standing committees as it may consider desirable;

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(c) to advise the Syndicate and the Academic Council on any matter affecting affiliated colleges;

(d) to submit draft Regulations and Ordinances to the Academic Council or to the Syndicate as the case may be;

(e) to advise the Syndicate on the affiliation of any institution beyond the limits of the University;

(f) in consultation with the colleges concerned to prepare and lay before the Syndicate plans for the concentration and co-ordination of resources for higher teaching and research and for the promotion of University life at suitable centres outside the limits of the University so as to prepare for the institution of new Universities;

(g) to make proposals to the Local Government through the Syndicate as to the financial provision that should be made for the affiliated colleges and to advise it regarding the distribution of grants to such colleges;

(h) to recommend to the Syndicate the names of persons suitable for appointment as Examiners and Assistant Examiners; and

(i) to advise the Academic Council on all matters referred to in section 24, clauses (c), (e), (g) and (j).

(2) The Council of Affiliated Colleges shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

CHAPTER VI.—STATUTES, ORDINANCES and Regulations.

Statutes.

28. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, powers and duties of the authorities of the University;

(b) the conditions of affiliation with the University of affiliated colleges;

(c) the institution and maintenance of constituent colleges and hostels;

(d) the powers, duties and conditions of service of the Vice-Chancellor;

(e) the powers and duties of the officers of the University other than the visitor, Chancellor and Pro-Chancellor;

(f) the holding of convocations to confer degrees;

(g) the conferment of honorary degrees;

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(h) the institution and award of fellowships, travelling fellowships, scholarships, endowments, exhibitions, bursaries, medals and prizes;

(i) the classification and the mode of appointment of the teachers of the University;

(j) the institution of pension or provident fund for the benefit of the teachers of the University or its servants;

(k) the maintenance of a register of registered graduates;

(l) the discipline of students; and

(m) all matters which by this Act may be prescribed by the Statutes.

29. (1) The first Statutes shall be those set out in Schedule I. Statutes
how made.

(2) The Statutes may be amended or repealed or added to by Statutes made by the Senate in the manner hereinafter provided.

(3) The Senate may of its own motion take into consideration the draft of any Statute; provided that in any such case before a Statute is passed affecting the powers or duties of any officer or authority, the opinion of the Syndicate and a report from the person or authority concerned shall have been taken into consideration by the Senate.

(4) The Syndicate may propose to the Senate the draft of any Statute. Such draft may be considered by the Senate at its next succeeding meeting. The Senate may approve such draft and pass the Statute or may reject it or return it to the Syndicate for reconsideration either in whole or in part together with any amendments which the Senate may suggest. After any draft so returned has been further considered by the Syndicate together with any amendments suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon and the Senate may then deal with the draft in any manner it thinks fit.

(5) Where any Statute has been passed by the Senate or a draft of a Statute has been rejected by the Senate it shall be submitted to the Chancellor who may refer the Statute or draft back to the Senate for further consideration.

(6) The Syndicate shall not propose the draft of any Statute or of any amendment to a Statute—

(a) affecting the status, powers or constitution of any authority of the University until such authority has

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been given an opportunity of expressing an opinion upon the proposal; any opinion so expressed shall be in writing and shall be considered by the Senate and shall be submitted to the Chancellor; or

(b) affecting the conditions of affiliation of affiliated colleges, with the University except after consultation with the Academic Council and the Council of Affiliated Colleges.

Ordinances.

30. Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students to the University and the levy of fees in colleges maintained by the University;

(b) the conditions under which students may be admitted to the degree or diploma courses and to the examinations of the University and may be eligible for degrees and diplomas;

(c) the conditions of residence of the students of the University and the levy of fees for residence in hostels maintained by the University;

(d) the recognition of constituent colleges and hostels not maintained by the University;

(e) the number, qualifications and emoluments of teachers of the University;

(f) the fees to be charged for courses of teaching given by teachers of the University, for tutorial and supplementary instruction given by the University, for admission to the examinations, degrees and diplomas of the University and for the registration of graduates;

(g) the conditions subject to which persons who may hereafter be permanently employed may be recognized as qualified to give instruction in constituent colleges and hostels;

(h) the appointment and duties of examiners;

(i) the conduct of examinations; and

(j) all matters which by this Act or by the Statutes may be provided for by the Ordinances.

Ordinances
how made.

31. (1) Save as otherwise provided in this section, Ordinances shall be made by the Syndicate:

Provided that the Syndicate shall consult the Academic Council in making Ordinances—

(a) affecting the appointment and duties of examiners or the conduct or standard of examinations or any course of study; or

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(b) affecting the conditions of residence of students.

(2) All Ordinances made by the Syndicate shall have effect from such date as it may direct, but every Ordinance so made shall be submitted as soon as may be to the Chancellor and the Senate and shall be considered by the Senate at its next succeeding meeting. The Senate shall have power by a resolution passed by a majority of not less than two-thirds of the members present at such meeting to cancel or modify any such Ordinance.

(3) The Chancellor may direct that the operation of any Ordinance shall be suspended until such time as the Senate has had an opportunity of considering the same.

32. The Academic Council may make Regulations consistent with this Act and the Statutes to carry out the duties assigned to it thereunder. Regulations how made.

All such Regulations shall have effect from such date as the Academic Council may direct; but every Regulation so made shall be submitted as soon as may be to the Senate who shall consider it at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or modify any such Regulation.

CHAPTER VII—ADMISSION AND RESIDENCE OF STUDENTS.

33. Every student of the University shall reside in a hostel or under such other conditions as may be prescribed Residences and hostels.

34. (1) Colleges and hostels maintained by the University shall be such as may be prescribed. Colleges and hostels.

(2) Colleges and hostels other than those maintained by the University shall be such as may be recognized by the Senate on such general or special conditions as may be prescribed.

(3) The Senate shall have power to suspend or withdraw the recognition of any college or hostel which may not be conducted in accordance with the conditions prescribed. Provided that no such action shall be taken without affording the management of such college or hostel an opportunity of making such representation as it may deem fit.

35. (1) Students shall not be eligible for admission to a course of study for a degree unless they have passed the Intermediate Examination in Arts and Science of Madras Admission to the University courses.

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or an examination recognized by the **Syndicate** as equivalent thereto and possess such further qualifications, if any, as may be prescribed.

(2) Every candidate for a **University examination** shall unless exempted from the provisions of this subsection by a special order of the **Syndicate** made on the recommendation of the **Academic Council** be enrolled as a member of a constituent college or of an affiliated college. Any such exemption may be made subject to such conditions as the **Syndicate** may think fit.

(3) Students exempted from the provisions of subsection (2) and students admitted in accordance with the conditions prescribed to courses of study other than courses of study for a degree shall be non-collegiate students of the **University**.

Control of
entrance
examination
to the
University.

36. Notwithstanding anything contained in section 35, at any time after the passing of this Act if the **Local Government** is satisfied that other adequate arrangements have been made for the supervision and control of institutions preparing candidates for the entrance examination to the **University**, the **Local Government** may by notification direct that the said **University** shall cease to exercise any control over the recognition of such institutions and from the date of such notification the **University** shall cease to exercise such control.

CHAPTER VIII—GENERAL.

Filling of
casual
vacancies.

37. All casual vacancies among the members (other than ex officio members) of any authority or other body of the **University** shall be filled as soon as conveniently may be by the person or body who appointed, elected or co-opted the members whose place has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Proceedings
of the
University
and bodies not
invalidated
by vacancies.

38. No act or proceeding of any authority or other body of the **University** shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members or the invalidity of the election of any of the members.

Removal
from
membership
of the
University.

39. The **Senate** may, on the recommendation of not less than two-thirds of the members of the **Syndicate**, remove the name of any person from the register of graduates and remove any person from membership of any authority of

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the **University** if he has been convicted by a Court of Law of what in the opinion of the **Senate** is a serious offence involving moral delinquency or if he has been guilty of scandalous conduct and for the same reasons may withdraw any degree or diploma conferred or granted by the **University**.

The **Senate** may also remove any person from the membership of any authority of the **University** if he becomes of unsound mind or deaf mute or suffers from contagious leprosy or has applied to be adjudicated or has been adjudicated a bankrupt or insolvent.

40. If any question arises whether any person has been duly elected or nominated as or is entitled to be a member of any authority of the **University**, the question shall be referred to the **Chancellor** whose decision thereon shall be final.

Disputes as
to constitution
of **University**
authority or
bodies.

41. Where any authority of the **University** is empowered to appoint committees, such committees shall, unless there be some special provision to the contrary, consist of members of the authority concerned and of such other persons, if any, as the authority in each case may think fit.

Constitution
of committees.

42. (1) Save as otherwise provided, every salaried officer and teacher of the **University** shall be appointed under a written contract.

Conditions of
service.

The contract shall be lodged with the **Registrar** of the **University** and a copy thereof shall be furnished to the officer or teacher concerned.

(2) Any member of the public services in India whom it is proposed to appoint to a post in the **University** shall, subject to the approval of such appointment by the **Government**, have the option

(i) of having his services lent to the **University** for a specific period and remaining liable to recall to **Government** service at the discretion of the **Government** at the end of that period, or

(ii) of resigning **Government** service on entering the service of the **University**: Provided, however, that nothing in this section shall prohibit the employment of a member of the public services as a part-time servant of the **University** with the approval of the **Government**.

CHAPTER IX—UNIVERSITY FUNDS.

43. The **University** shall have a fund to which shall be credited

Funds of the
University.

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(1) its income from fees, endowments and grants, if any; and

(2) any contribution by the Local Government.

The Local Government shall contribute annually towards the said fund

(a) a sum equal to the amount of contribution by the Local Government in the financial year prior to the coming into force of this Act towards the recurring expenditure of the University; and

(b) a sum on such conditions as the Local Government may impose towards the salary, if any, of the Vice-Chancellor, the development of laboratory, library, museums and workshops and the salaries of such teachers of the University as are appointed for higher research and advancement and dissemination of knowledge in particular branches of learning.

Transfer of Government Institutions to the University.

44. The Local Government may at any time after the passing of this Act transfer to the University the control and management of any of its institutions on such terms and conditions as it may deem proper. In the case of such transfer, the Local Government shall make a contribution annually of a sum equivalent to the average annual net expenditure from Provincial Funds on the institution during the three years immediately preceding the year of transfer.

CHAPTER X—TRANSITORY PROVISIONS.

Completion of course for students in colleges affiliated to the Madras University under previous Act.

45. Notwithstanding anything contained in this Act or the Ordinances, any student of a college affiliated to the University of Madras established under Act XXVII of 1857, who was studying for any examination of the said University, shall be permitted to complete his course in preparation therefor and the University shall hold for such students examinations in accordance with the curricula of studies of that University for such period as may be prescribed.

Appointment of First Vice-Chancellor.

46. Notwithstanding anything contained in sub-section (1) of section 11, within three months after the passing of this Act the first Vice-Chancellor shall be appointed by the Chancellor on a salary to be fixed by him for a period not exceeding three years and on such other conditions as he thinks fit.

Transitory powers of the Vice-Chancellor.

47. (1) It shall be the duty of the Vice-Chancellor to make arrangements for constituting the Senate, the Syndicate, the Academic Council and the Council of Affiliated Colleges within six months after the date of

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his appointment or such longer period not exceeding one year as the Local Government may by notification direct.

(2) The Vice-Chancellor shall with the assistance of an advisory committee nominated by the Chancellor draw up any rules that may be necessary for regulating the method of election to those authorities subject to the provisions of the Act and the approval of the Chancellor.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the Local Government may by notification direct.

(4) The Regulations of the University of Madras in force at the time of the coming into operation of sections 3 and 4 of this Act shall, so far as they may be applicable, continue to be in force until they are replaced by the Statutes, Ordinances and Regulations to be framed under this Act.

(5) It shall be the duty of the Vice-Chancellor to draft such Statutes, Ordinances and Regulations as may be necessary and submit them to the respective authorities competent to deal with them for their disposal. Such Statutes, Ordinances and Regulations when framed shall be published in the Fort St. George Gazette.

48. The Vice-Chancellor shall have power—

- (1) to appoint such advisory committees as he may think fit, and
- (2) to appoint such clerical and menial staff as may be necessary subject to the sanction of the Chancellor.

First appointments of University staff.

CHAPTER XI—MISCELLANEOUS.

49. All property, all rights of whatever kind used, enjoyed, or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by, or for, the University of Madras as constituted under the Indian Universities Act, 1904, as well as all liabilities legally subsisting against the said University shall pass to the University as constituted under this Act.

Passing of property and rights to the University as reconstituted.

50. Where a pension or provident fund has been instituted by the Senate for the benefit of the officers, teachers or servants of the University, the Local Government may declare that the provisions of the Provident Fund Act, 1897, shall apply to such fund as if the University were a local authority and the fund a Government Provident Fund.

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Report on
affiliated
colleges.

51. The Senate shall at the end of five years from the passing of this Act submit a report to the Local Government on the condition of affiliated colleges and on the desirability or otherwise of establishing other Universities outside the limits of the University. The Local Government shall lay the report before the Legislative Council and shall take such action on it as it deems fit.

Repeal of
certain
enactments.

52. As from the date on which sections 3 and 4 are brought into operation the enactments specified in Schedule II shall be repealed to the extent specified in the fourth column thereof.

SCHEDULE I.

The first Statutes of the University.

(See section 29.)

Definitions

I. In these Statutes unless there is anything repugnant in the subject or context—

(a) The 'Act' means the Madras University Act, 1923, and 'section' means a section of the Act and 'clause' or 'sub-clause' means a clause or sub-clause of this Schedule; and

(b) 'Officers', 'Authorities', 'Professors', 'Readers', 'Lecturers', 'Teachers', 'Servants', and 'Registered Graduates' mean respectively, Officers, Authorities, Professors, Readers, Lecturers, Teachers, Servants and Registered Graduates of the University.

Powers of the
Syndicate.

II. Subject to the provisions of the Act, the Syndicate shall have the following powers, namely,—

(a) to institute at its discretion such professorships, readerships, lecturerships or other teaching posts as may be proposed by the Academic Council;

(b) to abolish or suspend after report from the Academic Council thereon any professorship, readership, lecturership, or other teaching post;

(c) to provide or purchase lands, buildings, premises, furniture, laboratory apparatus, equipment and other means needed for carrying on the work of the University;

(d) to invest any moneys belonging to the University including any unapplied income in any of the securities described in section 20 of the Indian Trusts Act, 1882, with the power to vary such investments or to place on fixed deposit in any Bank approved in this behalf by the

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Local Government, any portion of such moneys not required for current expenditure; and

(e) to manage constituent colleges and hostels.

III. The Registrar shall act as the Secretary of the The Registrar Senate, the Syndicate, the Academic Council, and the Council of Affiliated Colleges; he shall, subject to the control of the Syndicate, manage the property and investments of the University. He shall be responsible for the preparation of the financial estimates and the annual accounts. Subject to the powers of the Syndicate, he shall be responsible for seeing that all moneys are expended on the purposes for which they are granted or allotted.

All contracts shall be signed by the Registrar on behalf of the University. He shall exercise such other powers and perform such duties as may be prescribed.

IV. (1) The Council of Affiliated Colleges shall consist in addition to the Vice-Chancellor of the following:—

(i) the principals of affiliated first-grade colleges;

(ii) five principals of second-grade colleges elected by the principals of such colleges;

(iii) one member for each district elected by the members of the District Board and the municipalities of that district;

(iv) representatives of the teachers of affiliated first-grade colleges, one being elected by the teachers of each of the colleges;

(v) ten persons nominated by the Chancellor; and

(vi) not more than ten teachers of the University to be appointed by the Academic Council.

(2) Members other than ex officio members shall hold office for a period of three years, provided that persons appointed or elected as representatives of any particular body shall hold office so long only within the said period as they continue to be members of that body.

V. (a) Every constituent college or hostel not maintained by the University shall be managed by a regularly constituted governing body appointed by the person or body maintaining the college or hostel the constitution of which shall be periodically reported to and approved of by the Syndicate. Colleges and hostels.

(b) The appointment of teachers and superintending staff of every constituent college or hostel shall be made by the governing body, or by any authority to whom such body may have delegated the power and all such appointments shall be subject to the approval of the Syndicate.

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(c) Every student not residing in a hostel shall be attached to a constituent college or hostel for tutorial help and disciplinary supervision and for such other purposes as may be prescribed by the Ordinances.

Honorary
degrees.

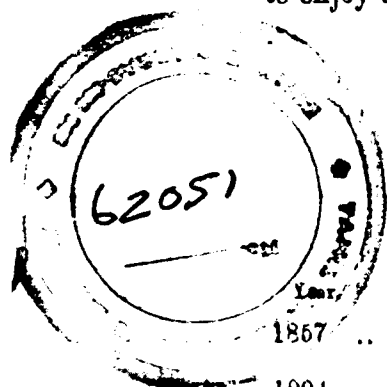
VI. The Syndicate may, either of its own motion or on the recommendation of the Academic Council, make proposals to the Senate for the conferment of honorary degrees and shall, after the Senate assents thereto, submit such proposals to the Chancellor for confirmation. Provided that in case of urgency the Chancellor may act on the recommendation of the Syndicate only.

VII. All arrangements for the conduct of examinations shall be made by the Syndicate.

VIII. There shall be instituted for the benefit of the officers, teachers and servants of the University such pension or provident fund as the Senate may deem fit.

IX. All graduates of the University or of the University of Madras as constituted immediately prior to the commencement of this Act, of seven years' standing or upwards, shall on payment of such fees as may be prescribed be entitled to have their names enrolled in the register of registered graduates and upon such enrolment to enjoy all the privileges of registration.

868
598
1265



SCHEDULE II.

Enactments Repealed. 12/12/22

(See section 52.)

Year.	Number.	Short title.	Extent of repeal.
1857 ..	XXVII	The Madras University Act, 1857.	So much as is unrepealed.
1904 ...	VIII	The Indian Universities Act, 1904.	In sub-section (1) of section 6, the word 'Madras'. In sub-section (a) of section 12, the word 'Madras'.

In the first schedule the heading, 'The University of Madras', and the entries under that heading.

